

March 28, 2022

VIA ELECTRONIC DELIVERY

Christian Olteanu
Office of Zoning and Development
55 Trinity Ave, Suite 3350
Atlanta, GA 30303

Re: SAP Application for Buckhead Plaza, Phase III

Dear Christian:

We are representing Buckhead Plaza Land Trust, the Owner and Applicant for the attached SAP application amendment and request to amend SAP-11-005 for the approval of Phase III of Buckhead Plaza in accordance with the existing PD-OC zoning and conditions approved in 2003 Z-02-02 and Z-02-03 (see attached 2003 Zoning Approval and 2003 PD-OC Site Plan).

The proposed development in this SAP is in accordance with the approved PD-OC zoning conditions and the uses and square footage available for development for Phase III (see attached exhibit entitled "Zoning Summary"). In order to determine the allowed density and uses available for development, we utilized the approved 2011 SAP Plan as our "starting point." The 2011 SAP Plan indicates that 445,317 square feet was constructed in Phase I and that Phase II consisted of 271,168 square feet (Zoning Summary, pages 1-4). This left a balance of 560,865 square feet available for development in Phase III. In addition, Phase I and II consisted of Buildings F, R1, D, C1 and C2, leaving Buildings A, B1, B2, E1, E2 and P1 available for development. (Zoning Summary, page 4).

In accordance with the approved 2011 SAP, Buildings B1, B2, E1 and E2 were approved for Residential uses, Buildings R1 and G were approved for commercial uses and Building A was approved for Residential or Office uses. The total square footage allocated to these buildings in accordance with the 2003 PD-OC Site Plan total 609,291 square feet (Zoning Summary, page 5). However, as discussed above, the 2011 SAP Site Plan indicates a balance left for development in Phase III of 560,865 square feet. Therefore, it appears a previous Phase was overbuilt. As a result, the attached SAP amendment request reduces the square footage of Building A by the amount of the discrepancy and allocates the remaining square footage to the proposed buildings.

The attached SAP also proposes consolidating the uses allowed – residential, hotel, office, and retail - into three buildings, instead of the six (6) buildings proposed in the 2003 PD-OC Site Plan, in the same or similar locations (Zoning Summary, page 5). Although the Applicant proposes

THE GALLOWAY LAW GROUP, LLC

Christian Olteanu
March 28, 2022
Page 2 of 2

reducing the number of buildings, it is not proposing to increase the height above the 225 feet allowed, or to violate the transitional height plane agreed to as part of the 2003 zoning (Zoning Summary, page 6). And finally, the Applicant will create a new streetscape along the northern frontage of Phase III and provide vehicular and pedestrian connectivity with existing buildings.

If you have any questions, please do not hesitate to call me.

Sincerely,

THE GALLOWAY LAW GROUP, LLC



Laurel A. David
[via electronic signature]

Enclosures



City Council
Atlanta, Georgia

02-0-0358

A SUBSTITUTE ORDINANCE
BY: ZONING COMMITTEE

Z-02-03/Z-84-52

AN ORDINANCE TO AMEND ORDINANCE Z-84-52,
ADOPTED BY CITY COUNCIL AUGUST 6, 1984 AND
APPROVED BY THE MAYOR AUGUST 8, 1984, REZONING
FROM THE C-3 (COMMERCIAL-RESIDENTIAL) DISTRICT
TO THE PD-OC (PLANNED DEVELOPMENT-OFFICE
COMMERCIAL) DISTRICT, PROPERTY LOCATED AT
3060 PEACHTREE ROAD, N.W., FOR THE PURPOSE
OF APPROVING A REVISED SITE PLAN AND CHANGE
OF CONDITIONS.

OWNER: BUCKHEAD PLAZA LAND TRUST
APPLICANT: REALTY DEVELOPMENT CORPORATION
BY: NATHAN V. HENDRICKS III, ESQ., ATTORNEY
NPU-B COUNCIL DISTRICT 8

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That all currently approved site plans and other conditions governing the development of the property located at **3060 Peachtree Road, N.W.**, more particularly described by the attached legal description identified as Exhibit A, are hereby deleted in their entirety.

SECTION 2. That the development of the property described in Section 1 above shall be governed by the applicable conditions contained in the attached letter identified as Exhibit B, from William F. Kennedy to John Bell, Zoning Administrator, consisting of ten (10) pages, dated January 8, 2003 and marked received by the Bureau of Planning January 8, 2003.

SECTION 3. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

A true copy,

Rhonda Daughin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

FEB 03, 2003
FEB 11, 2003

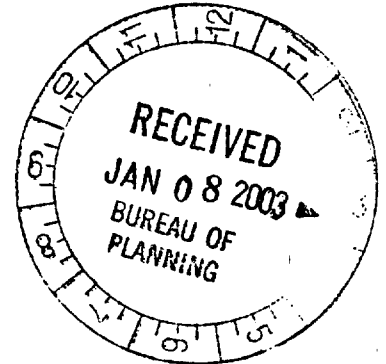


William F. Kennedy

Telephone 404-504-9814
Fax 404-231-5097

1324 The Princeton Building
4403 Northside Parkway, N.W.
Atlanta, Georgia 30327

January 8, 2003



Mr. John Bell, Zoning Administrator
City of Atlanta Bureau of Planning
Suite 3350 City Hall
55 Trinity Avenue, SW
Atlanta, Georgia 30335

Re: Z-02-03/Z-84-52
Buckhead Plaza
West Paces Ferry Road and Peachtree Road

Z-02-03/Z-84-52
Exhibit B
page 1 of 10

Dear Mr. Bell:

Neighborhood Planning Unit "B" voted at their regular meeting on January 7, 2003, to approve the subject application based on the eight-page set of conditions that I have attached to this letter. We have the support of the Peachtree Heights West Civic Association as well as the support of NPU-B.

On Monday, January 6, 2003, we filed with your office the site plan, the elevation, and the two renderings that accompany this application and that are recited in the attached conditions. I am filing as an attachment to the conditions the perspective of the proposed hotel that is referenced as Attachment A on page 8 of the conditions.

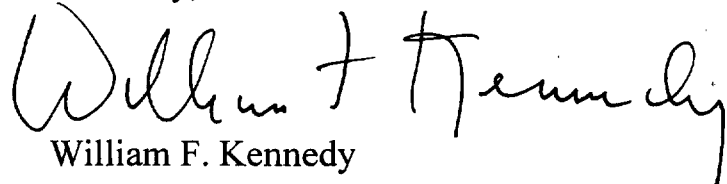
In addition Steve Middendorf, the landscape architect for the project from The Preston Partnership, will file today with your office the plan entitled "West Paces Ferry Road and Western Buffer Zone Tree Planting Plan". Mr. Edward Daugherty who represents Peachtree Heights West Civic Association has approved this plan. The plan has also been reviewed and



approved by Frank Mobley, Chief Arborist, pursuant to your direction to us on Monday.

Thank you, Nyna Gentry, and the other members of your staff for the time and attention you have given our team in this application over the past year that it has been under consideration. We hope to have your recommendation of approval for this important mixed-use project that we believe will move the center of Buckhead toward becoming the high quality live-work environment that is envisioned in the Comprehensive Development Plan. Please call me if there are questions regarding our application.

Sincerely,


William F. Kennedy

Copy to

Chairperson and All Members of the Zoning Review Board
Ms. Nyna Gentry, Bureau of Planning
Ms. Waldtraut Lavroff, Moderator, NPU-B
Ms. Cathy Muzzy, Chair, Zoning Committee, NPU-B
Ms. Sally Silver, Chair, Dev. and Tpn. Comm., NPU-B
Mr. Robert Parker, Esq., Peachtree Heights West Civic Association
Mr. Ron Rogers, Esq., Peachtree Heights West Civic Association
Mr. Edward L. Daugherty, Peachtree Heights West Civic Association
Mr. Robert L. Zoeckler, Esq.
Mr. Kent S. Levenson, EaslanCapital
Mr. Marc S. Pollack, Realty Development Corporation
Mr. Jimmy Baugnon, Realty Development Corporation
Mr. Bill Hall, Realty Development Corporation
Mr. Nathan V. Hendricks, III, Esq.
Mr. Bob Preston, The Preston Partnership
Mr. Steve Middendorf, The Preston Partnership
Mr. Carl E. Westmoreland, Jr., Esq.

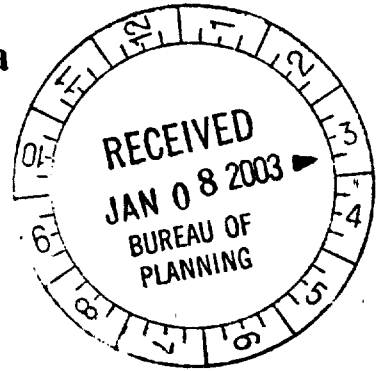
2-02-03 / 2-84-52

Exhibit B

Page 2 of 10



Zoning Conditions for Buckhead Plaza
Applicable to
Z-02-02/Z-84-52
and
Z-02-03/Z-84-52
January 7, 2003



1. Landscaping will be provided as indicated on the applicable site plans, landscape plans and written conditions as hereinafter defined for each of the above zoning applications. Balconies, roof gardens, and similar non-ground level spaces shall not be included in calculating minimum landscape requirements. Pervious paving material will be utilized where feasible. Pervious joints shall be provided between all pavers on grade. Buffer areas and protected trees shall be marked using temporary chain link construction fencing no less than four feet in height prior to and maintained during the period of construction. All erosion control measures shall be installed outside any undisturbed buffer.
2. The applicant will become a member of the Buckhead Area Transportation Management Association (BATMA) prior to the issuance of a certificate of occupancy for the first building in the development and will pay its pro rata contribution to the Buckhead Community Improvement District to fund BATMA (that percentage of the BCID contribution which goes to BATMA) at such time as BATMA shuttle service is provided to the property, even if the property is not within the Buckhead Community Improvement District, unless the property is at that time located within another Community Improvement District. Prior to shuttle service being provided by an off-site entity such as BATMA, the applicant will provide or participate with other property owners to provide a shuttle service between the Buckhead Plaza development and the Buckhead MARTA station, beginning at such time as a minimum of 12 persons in the first occupied building sign up to use such service in the morning and afternoon peak hours.
3. The applicant will utilize its best efforts to assist the neighborhood in obtaining a left turn lane or other traffic improvement measures for northbound traffic on Peachtree Road, turning west on Pharr Road.
4. The applicant shall provide the maximum of either (a) 25 bicycle parking spaces or (b) the number of bicycle parking spaces required by the City of Atlanta based on the number of automobile parking spaces, whichever number is greater. The number of bicycle parking spaces installed shall meet the City's minimum requirements during each phase of the development. These spaces shall be located as close as practicable to the buildings while, in the developer's sole discretion, maintaining the architectural integrity of the buildings and their landscaping and hardscaping schemes.

Z-02-03/Z-84-52
Exhibit B
page 3 of 10



Tour buses and limousines will be prohibited from parking on the drive between the Buckhead Plaza development and Pharr Road, subject to the easement rights of various parties in such drive.

6. Walkways and other connective measures will be designed to connect and unify the development with existing and planned walkways within the overall Buckhead Plaza PD-OC district to facilitate pedestrian movement and internal vehicle movements and parking as indicated on the site plan.
7. At such times as access to sidewalks which are located along the Peachtree Road frontage are temporarily closed due to construction of this development, the applicant shall comply with Atlanta City Codes regarding sidewalk closure, including, in particular, the signage requirements of Section 138-65 and 138-67.
8. All sanitary sewage from the property will be directed or pumped directly into the Peachtree Outfall Sewer line on the Peachtree Road frontage of the property. The applicant shall not transfer sanitary sewage to another sewer basin unless the requirements of the First Amended Consent Decree (Section VIII.B.8-Capacity Certification Program) to assure adequate sewer capacity are satisfied and signed off by the Commissioner of Public Works or appropriate commissioner.
9. All stormwater detention facilities shall be located below grade.
10. No building permit (other than a permit limited to grubbing, grading, the installation of new or changes in modifications to existing site infrastructure, including alteration of existing interior roadways) shall be issued permitting the construction of any buildings without written assurance from the City of Atlanta's Commissioner of Public Works that sewer capacity is available and reserved for the site, or will be available to and reserved for the site prior to the completion of construction. Under no circumstances will a Certificate of Occupancy or temporary Certificate of Occupancy issue unless sewer capacity is confirmed to be available and reserved for the site in writing by said Commissioner.
11. All dumpsters and service facilities shall be screened and shall be located as set forth on the additional conditions and/or site plan.
12. All exterior lighting shall be designed, shielded and constructed so as to prevent light spill onto adjoining residential areas.
13. No exterior loudspeakers or amplified music or sound systems of any kind shall be used in the development with the exception that one restaurant located in the first floor of the building facing Peachtree Road may have external speakers for music facing Peachtree Road, if and when such restaurant has outdoor tables to provide background music of a type typically found in restaurants in similar developments. The volume of any such music shall be consistent with the volume at which the music is transmitted in the interior of the restaurant.

2-02-03/2-84-52
Exhibit B
page 4 of 10



All restaurants shall be required to install grease traps or some other device approved by the City and Fulton County that substantially mitigates the discharge of untreated grease into the public sewer system. The grease traps or other approved devices must be adequately maintained and inspections regularly scheduled.

15. Authorized uses are limited to those set forth on the Site Plan as further limited by these conditions. Said uses shall be located only where indicated on said plan. There shall be no adult entertainment uses. Restaurant uses shall not include fast-food establishments, except that two (2) such establishments shall be authorized provided they meet each of the following criteria:

- (i) Are located adjacent to other retail uses and not in a stand-alone or out-parcel building;
- (ii) Do not exceed 2000 square feet of total interior heated space; and
- (iii) Close by 12:00 a.m. each day.

For the purposes hereof, a fast-food establishment shall be an operation which is typically found as a stand-alone restaurant with drive-through windows such as McDonalds, Burger King, Wendy's or Arby's and shall not include coffee shops, delicatessens or bakeries. Drive-throughs, except those for financial institutions, are specifically prohibited. Except as otherwise specifically provided herein, no establishments shall be allowed which hold a license for alcohol consumption on the premises except eating and drinking establishments. The primary purpose of any said eating and drinking establishment shall be for food consumption and each said establishment shall derive at least 50% of its total annual gross food and beverage sales from the sale of prepared meals or food. Notwithstanding these prohibitions, two (2) establishments not meeting these eating and drinking establishment requirements shall be authorized provided they meet each of the following criteria:

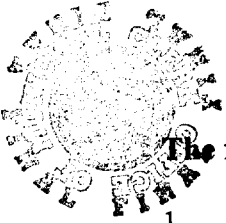
- (i) Face Peachtree Road or the plaza between the applicant's development and the One Buckhead Plaza office building or are located within and operated as an integral part of a hotel;
- (ii) Are properly licensed as and meet every requirement for a nightclub with the City of Atlanta as defined in Code Section 10-1 of the City's Alcoholic Beverages Code;
- (iii) Have no more than 2000 square feet of total interior heated space excluding any outdoor seating area, whether covered or uncovered, which outdoor seating area shall not exceed 750 square feet; and
- (iv) Have music provided only within the interior of the premises and only by acoustical instruments such as a piano.



The provisions of this paragraph 15 shall apply separately to each of the zoning cases covered by these conditions.

16. The development shall comply with existing City of Atlanta ordinances with regard to hours of construction and noise limitations. During construction, all construction vehicles will be parked on-site and not on the surrounding public streets. Also, during the period of construction, the developer will notify the presidents of each of the SPI-9 neighborhoods, the president of the Peachtree Heights West Civic Association, the president of Habersham Estates Condominium Association, the property manager of One Buckhead Plaza, and the Chair of the Zoning Committee of NPU-B of a contact name and telephone number which will be answered or on which messages may be left 24 hours a day, 7 days a week regarding problems with the construction.
17. The applicant shall draft, have introduced and support appropriate legislation that will require that all transportation impact fees generated from this development will be used to study and/or mitigate traffic in the area surrounding the development.
18. The applicant will request that an ordinance be introduced to change the City of Atlanta Comprehensive Development Plan designation of the property from High Density Commercial to Mixed Use (maximum FAR of 3.0), consistent with applicant's proposed development.
19. These conditions of zoning shall be binding upon all successors and assigns of the applicant. The subdivision, sale, or partition of all or any part of this property shall not alter the obligation of all owners of the property to comply with these conditions of zoning.
20. The applicant will not request any administrative site plan amendment which seeks to change any of the conditions contained herein without first giving notice of such request to the president of each of the SPI-9 neighborhoods, the president of the Peachtree Heights West Civic Association, the president of Habersham Estates Condominium Association, the property manager of One Buckhead Plaza, and the Chair of the Zoning Committee of NPU-B. However, the applicant will have the right to request administrative changes in the site plan without such notification so long as such changes are required to comply with technical permitting requirements of the City of Atlanta and do not: (a) increase the height in stories or square footage of any building or the number of parking spaces; (b) change any of the uses or location of said uses specified on the site plan; (c) decrease any exterior setback or the amount of landscaped area; (d) materially reduce public access or public spaces; or (e) otherwise materially alter these conditions.
21. All of these narrative conditions will be attached to the final site plan filed with the City of Atlanta.

2-02-03 / 2-84-52
Exhibit B
page 6 of 10



The following additional conditions shall apply only to Z-02-02/Z-84-52:

1. The property shall be developed in accordance with: (a) the site plan entitled "Buckhead Plaza Mixed-Use Development Scheme 'A'" prepared by the Preston Partnership, LLC and Corcoran Nelson Nardone Associates, Inc. dated August 20, 2002, revised October 23, 2002; the "Landscape Plan Scheme 'A'" prepared by the Preston Partnership, LLC, revised October 23, 2002; and the Plaza Level Scheme A Site Plan" prepared by Corcoran Nelson Nardone Associates, Inc. dated October 10, 2002, or (b) the site plan entitled "Buckhead Plaza Mixed-Use Development Scheme 'B'" prepared by the Preston Partnership, LLC and Corcoran Nelson Nardone Associates, Inc. dated August 20, 2002, revised October 14, 2002; the "Landscape Plan Scheme 'B'" prepared by the Preston Partnership, LLC, dated October 14, 2002.
2. The buildings' architectural style and materials shall be substantially similar to the rendering by The Preston Partnership, LLC and Corcoran Nelson Nardone Associates, Inc. dated August 20, 2002.
3. The parking deck northern façade shall have architectural style, materials and layout that are substantially similar to the rendering entitled "Plaza Elevation Scheme 'A-2'" by Corcoran Nelson Nardone Associates, Inc., dated October 10, 2002, whether the site is developed under Scheme A or Scheme B.
4. Building sizes and uses shall be as follows:
 - (1) Office Building:
 - (a) Seven (7) stories in height (\pm 124 feet).
 - (b) Ground floor containing 27,822 gross square feet of retail including restaurants.
 - (c) Floors two through seven containing 165,046 gross square feet of office use.
 - (2) Residential Building:
 - (a) Nineteen (19) stories in height (\pm 216 feet).
 - (b) 270 residential units.
 - (c) 288,000 gross square feet.
 - (3) Parking Deck:
 - (a) Eight (8) levels with six (6) above grade.



- (b) 13,640 gross square feet of retail space and 1,061 parking spaces under Scheme A or 7,000 gross square feet of retail with rights to build an additional 5,968 gross square feet of retail and 994 parking spaces under Scheme B.

5. The combined residential/non-residential FAR of the development will not exceed 2.61.
6. Prior to issuance of the first building permit for development of the applicant's property, the applicant shall pay the sum of \$40,000.00 into an account to be established by the Buckhead Action Committee to be used for a study to suggest traffic mitigation measures, and, to the extent of any excess funds, to fund such mitigation measures, on streets within the residential communities most directly impacted by applicant's development.

The following additional conditions shall apply only to Z-02-03/Z-84-52:

1. The property shall be developed in accordance with the site plan entitled "West Paces Ferry Rd. Mixed Use Project", prepared by The Preston Partnership, LLC, dated January 3, 2003, and marked received by the Bureau of Planning on January 6, 2003.
2. As depicted on the site plan referred to in 1. above, a linear landscape area of sufficient depth and quality to support mature trees shall be installed along the entire western boundary of the property at a width ranging from 20 feet to 30 feet, with a minimum width of not less than twenty feet, measured from the top of the existing retaining wall. Landscaping shall be installed in accordance with the Landscape Plan entitled "West Paces Ferry Road and Western Buffer Zone Tree Planting Plan", prepared by The Preston Partnership, dated January 7, 2003, and marked received by the Bureau of Planning on January 8, 2003. The intent of this Landscape Plan is to assure the replication of the plant materials and density of planting that now exist along the westernmost edge of the site. Said landscape area shall be planted with mature trees of evergreen and deciduous species. The number, location, and diameter at breast height of plant material shall be as is set forth in the Landscape Plan referred to in this Section 2. The 8 foot tall masonry screen wall specified on the site plan within the Western Buffer Zone shall be installed by the applicant during or prior to installation of the landscape materials at the discretion of the Peachtree Heights West Civic Association. Any trees removed along the West Paces Ferry Road street frontage will be replaced with willow oaks of a caliper of not less than six inches as is shown on the Landscape Plan, except for those trees at entry points that are designated on the Landscape Plan as a different species.
3. The buildings' architectural style, materials and layout shall be substantially similar to the renderings by The Preston Partnership, entitled "Rendering from west along W. Paces Ferry Rd." and "Rendering from east along W. Paces Ferry Rd.", both of which are dated January 3, 2003, and marked received by the Bureau of Planning on January 6, 2003. The western façade shall have architectural style, materials and layout that are substantially similar to the elevation by The Preston Partnership, entitled "West facing

RCS# 4434
2/03/03
3:03 PM

Atlanta City Council

Regular Session

MULTIPLE

02-O-0359/Z-02-02
02-O-0358/Z-02-03
ADOPT ON SUB

YEAS: 10
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 6
EXCUSED: 0
ABSENT 0

| | | | |
|------------|--------------|------------|-------------|
| Y Smith | NV Archibong | Y Moore | NV Mitchell |
| NV Starnes | Y Fauver | Y Martin | Y Norwood |
| Y Young | Y Shook | NV Maddox | Y Willis |
| Y Winslow | Y Muller | NV Boazman | NV Woolard |

MULTIPLE

02-0-0358
(Do Not Write Above This Line)

AN ORDINANCE Z-02-03/Z-84-52
BY: ZONING COMMITTEE

AN ORDINANCE TO AMEND ORDINANCE Z-84-52, ADOPTED BY CITY COUNCIL AUGUST 6, 1984 AND APPROVED BY THE MAYOR AUGUST 8, 1984, REZONING FROM THE C-3 (COMMERCIAL-RESIDENTIAL) DISTRICT TO THE PD-OC (PLANNED DEVELOPMENT-OFFICE COMMERCIAL) DISTRICT, PROPERTY LOCATED AT 3060 PEACHTREE ROAD, N.W., FOR THE PURPOSE OF APPROVING A REVISED SITE PLAN AND CHANGE OF CONDITIONS.

OWNER: BUCKHEAD PLAZA LAND TRUST CORPORATION
APPLICANT: REALTY DEVELOPMENT

BY: NATHAN V. HENDRICKS III, ESQ., ATTORNEY

NPU-B COUNCIL DISTRICT 8

ADOPTED BY

FEB 0 3 2003

COUNCIL

Substitute

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER

Date Referred 3/4/02

Referred To: Zoning

First Reading

Committee 2022.10
Date Feb. 27 2002
Chair Debra M. Stebbins

| | |
|--------------------------------|--------------------------------|
| Committee ZONING | Committee |
| Date JAN. 29 2003 | Date |
| Chair Mary Ann Wood | Chair |
| Actions Nathan Hendricks | Actions |
| Fav, Adv, Held (see rev. side) | Fav, Adv, Held (see rev. side) |
| Other | Other |
| Members Nathan Hendricks | Members |
| Refer To | Refer To |

| | |
|--------------------------------|--------------------------------|
| Committee | Committee |
| Date | Date |
| Chair | Chair |
| Actions | Actions |
| Fav, Adv, Held (see rev. side) | Fav, Adv, Held (see rev. side) |
| Other | Other |
| Members | Members |
| Refer To | Refer To |

COUNCIL ACTION

- 2nd Reading
- 1st & 2nd Readings
- 3rd Reading
- Consent Vote
- V Vote
- RC Vote

CERTIFIED

CERTIFIED
FEB 3 2003
Chair G. Moore
COUNCIL PRESIDENT PROTREM

CERTIFIED
FEB 0 3 2003

Ronald Douglas Johnson
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED
FEB 11 2003
MAYOR

LARGE ATTACHMENT:

DOCUMENT(S),

MANUAL(S)

OR

MAP(S)

NOT COPIED,

PULL ORIGINAL

FOR COPY OR TO VIEW



City Council
Atlanta, Georgia

02-0-0359

A SUBSTITUTE ORDINANCE
BY: ZONING COMMITTEE

Z-02-02/Z-84-52

AN ORDINANCE TO AMEND ORDINANCE Z-84-52, ADOPTED BY CITY COUNCIL AUGUST 6, 1984 AND APPROVED BY THE MAYOR AUGUST 8, 1984, REZONING FROM THE C-3 (COMMERCIAL-RESIDENTIAL) DISTRICT TO THE PD-OC (PLANNED DEVELOPMENT-OFFICE COMMERCIAL) DISTRICT, PROPERTY LOCATED AT **3060 PEACHTREE ROAD, N.W.**, FOR THE PURPOSE OF APPROVING A REVISED SITE PLAN AND CHANGE OF CONDITIONS.

OWNER: BUCKHEAD PLAZA LAND TRUST
APPLICANT: STAFFORD PLAZA LLC AND TCRA PROPERTIES
BY: CARL E. WESTMORELAND, ESQ., ATTORNEY
NPU-B COUNCIL DISTRICT 8

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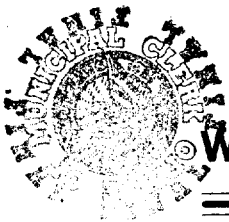
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A true copy,

Rhonda Daughin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

FEB 03, 2003
FEB 11, 2003

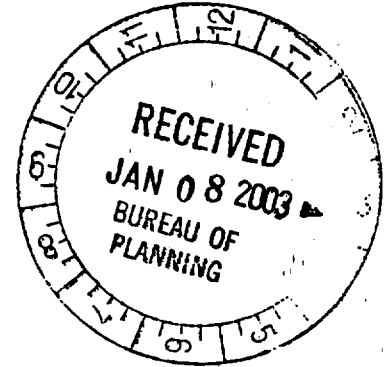


William F. Kennedy

Telephone 404-504-9814
Fax 404-231-5097

1324 The Princeton Building
4403 Northside Parkway, N.W.
Atlanta, Georgia 30327

January 8, 2003



Mr. John Bell, Zoning Administrator
City of Atlanta Bureau of Planning
Suite 3350 City Hall
55 Trinity Avenue, SW
Atlanta, Georgia 30335

Re: Z-02-03/Z-84-52
Buckhead Plaza
West Paces Ferry Road and Peachtree Road

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Z-02-02/Z-84-52
Exhibit B
page 1 of 10



approved by Frank Mobley, Chief Arborist, pursuant to your direction to us on Monday.

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Sincerely,

William F. Kennedy
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Copy to

- Chairperson and All Members of the Zoning Review Board
- Ms. Nyna Gentry, Bureau of Planning
- Ms. Waldtraut Lavroff, Moderator, NPU-B
- Ms. Cathy Muzzy, Chair, Zoning Committee, NPU-B
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- Mr. Carl E. Westmoreland, Jr., Esq.

Z-02-02/2-84-52

Exhibit B

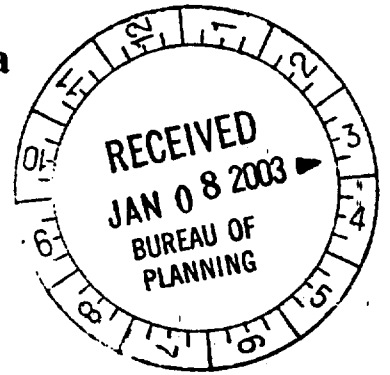
Page 2 of 10

Zoning Conditions for Buckhead Plaza

Applicable to
Z-02-02/Z-84-52

and

Z-02-03/Z-84-52
January 7, 2003

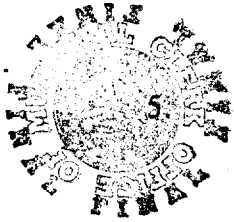


1. Landscaping will be provided as indicated on the applicable site plans, landscape plans and written conditions as hereinafter defined for each of the above zoning applications. Balconies, roof gardens, and similar non-ground level spaces shall not be included in calculating minimum landscape requirements. Pervious paving material will be utilized where feasible. Pervious joints shall be provided between all pavers on grade. Buffer areas and protected trees shall be marked using temporary chain link construction fencing no less than four feet in height prior to and maintained during the period of construction. All erosion control measures shall be installed outside any undisturbed buffer.
2. The applicant will become a member of the Buckhead Area Transportation Management Association (BATMA) prior to the issuance of a certificate of occupancy for the first building in the development and will pay its pro rata contribution to the Buckhead Community Improvement District to fund BATMA (that percentage of the BCID contribution which goes to BATMA) at such time as BATMA shuttle service is provided to the property, even if the property is not within the Buckhead Community Improvement District, unless the property is at that time located within another Community Improvement District. Prior to shuttle service being provided by an off-site entity such as BATMA, the applicant will provide or participate with other property owners to provide a shuttle service between the Buckhead Plaza development and the Buckhead MARTA station, beginning at such time as a minimum of 12 persons in the first occupied building sign up to use such service in the morning and afternoon peak hours.
3. The applicant will utilize its best efforts to assist the neighborhood in obtaining a left turn lane or other traffic improvement measures for northbound traffic on Peachtree Road, turning west on Pharr Road.
4. The applicant shall provide the maximum of either (a) 25 bicycle parking spaces or (b) the number of bicycle parking spaces required by the City of Atlanta based on the number of automobile parking spaces, whichever number is greater. The number of bicycle parking spaces installed shall meet the City's minimum requirements during each phase of the development. These spaces shall be located as close as practicable to the buildings while, in the developer's sole discretion, maintaining the architectural integrity of the buildings and their landscaping and hardscaping schemes.

Z-02-02 / Z-84-52

Exhibit B

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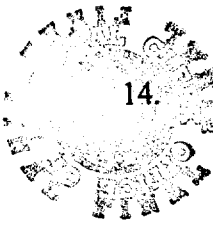
Tour buses and limousines will be prohibited from parking on the drive between the Buckhead Plaza development and Pharr Road, subject to the easement rights of various parties in such drive.

6. Walkways and other connective measures will be designed to connect and unify the development with existing and planned walkways within the overall Buckhead Plaza PD-OC district to facilitate pedestrian movement and internal vehicle movements and parking as indicated on the site plan.
7. At such times as access to sidewalks which are located along the Peachtree Road frontage are temporarily closed due to construction of this development, the applicant shall comply with Atlanta City Codes regarding sidewalk closure, including, in particular, the signage requirements of Section 138-65 and 138-67.
8. All sanitary sewage from the property will be directed or pumped directly into the Peachtree Outfall Sewer line on the Peachtree Road frontage of the property. The applicant shall not transfer sanitary sewage to another sewer basin unless the requirements of the First Amended Consent Decree (Section VIII.B.8-Capacity Certification Program) to assure adequate sewer capacity are satisfied and signed off by the Commissioner of Public Works or appropriate commissioner.
9. All stormwater detention facilities shall be located below grade.
10. No building permit (other than a permit limited to grubbing, grading, the installation of new or changes in modifications to existing site infrastructure, including alteration of existing interior roadways) shall be issued permitting the construction of any buildings without written assurance from the City of Atlanta's Commissioner of Public Works that sewer capacity is available and reserved for the site, or will be available to and reserved for the site prior to the completion of construction. Under no circumstances will a Certificate of Occupancy or temporary Certificate of Occupancy issue unless sewer capacity is confirmed to be available and reserved for the site in writing by said Commissioner.
11. All dumpsters and service facilities shall be screened and shall be located as set forth on the additional conditions and/or site plan.
12. All exterior lighting shall be designed, shielded and constructed so as to prevent light spill onto adjoining residential areas.
13. No exterior loudspeakers or amplified music or sound systems of any kind shall be used in the development with the exception that one restaurant located in the first floor of the building facing Peachtree Road may have external speakers for music facing Peachtree Road, if and when such restaurant has outdoor tables to provide background music of a type typically found in restaurants in similar developments. The volume of any such music shall be consistent with the volume at which the music is transmitted in the interior of the restaurant.

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14. All restaurants shall be required to install grease traps or some other device approved by the City and Fulton County that substantially mitigates the discharge of untreated grease into the public sewer system. The grease traps or other approved devices must be adequately maintained and inspections regularly scheduled.

15. Authorized uses are limited to those set forth on the Site Plan as further limited by these conditions. Said uses shall be located only, where indicated on said plan. There shall be no adult entertainment uses. Restaurant uses shall not include fast-food establishments, except that two (2) such establishments shall be authorized provided they meet each of the following criteria:

- (i) Are located adjacent to other retail uses and not in a stand-alone or out-parcel building;
- (ii) Do not exceed 2000 square feet of total interior heated space; and
- (iii) Close by 12:00 a.m. each day.

For the purposes hereof, a fast-food establishment shall be an operation which is typically found as a stand-alone restaurant with drive-through windows such as McDonalds, Burger King, Wendy's or Arby's and shall not include coffee shops, delicatessens or bakeries. Drive-throughs, except those for financial institutions, are specifically prohibited. Except as otherwise specifically provided herein, no establishments shall be allowed which hold a license for alcohol consumption on the premises except eating and drinking establishments. The primary purpose of any said eating and drinking establishment shall be for food consumption and each said establishment shall derive at least 50% of its total annual gross food and beverage sales from the sale of prepared meals or food. Notwithstanding these prohibitions, two (2) establishments not meeting these eating and drinking establishment requirements shall be authorized provided they meet each of the following criteria:

- (i) Face Peachtree Road or the plaza between the applicant's development and the One Buckhead Plaza office building or are located within and operated as an integral part of a hotel;
- (ii) Are properly licensed as and meet every requirement for a nightclub with the City of Atlanta as defined in Code Section 10-1 of the City's Alcoholic Beverages Code;
- (iii) Have no more than 2000 square feet of total interior heated space excluding any outdoor seating area, whether covered or uncovered, which outdoor seating area shall not exceed 750 square feet; and
- (iv) Have music provided only within the interior of the premises and only by acoustical instruments such as a piano.

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Exhibit B

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The provisions of this paragraph 15 shall apply separately to each of the zoning cases covered by these conditions.

16.

The development shall comply with existing City of Atlanta ordinances with regard to hours of construction and noise limitations. During construction, all construction vehicles will be parked on-site and not on the surrounding public streets. Also, during the period of construction, the developer will notify the presidents of each of the SPI-9 neighborhoods, the president of the Peachtree Heights West Civic Association, the president of Habersham Estates Condominium Association, the property manager of One Buckhead Plaza, and the Chair of the Zoning Committee of NPU-B of a contact name and telephone number which will be answered or on which messages may be left 24 hours a day, 7 days a week regarding problems with the construction.

17.

The applicant shall draft, have introduced and support appropriate legislation that will require that all transportation impact fees generated from this development will be used to study and/or mitigate traffic in the area surrounding the development.

18.

The applicant will request that an ordinance be introduced to change the City of Atlanta Comprehensive Development Plan designation of the property from High Density Commercial to Mixed Use (maximum FAR of 3.0), consistent with applicant's proposed development.

19.

These conditions of zoning shall be binding upon all successors and assigns of the applicant. The subdivision, sale, or partition of all or any part of this property shall not alter the obligation of all owners of the property to comply with these conditions of zoning.

20.

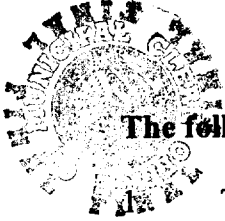
The applicant will not request any administrative site plan amendment which seeks to change any of the conditions contained herein without first giving notice of such request to the president of each of the SPI-9 neighborhoods, the president of the Peachtree Heights West Civic Association, the president of Habersham Estates Condominium Association, the property manager of One Buckhead Plaza, and the Chair of the Zoning Committee of NPU-B. However, the applicant will have the right to request administrative changes in the site plan without such notification so long as such changes are required to comply with technical permitting requirements of the City of Atlanta and do not: (a) increase the height in stories or square footage of any building or the number of parking spaces; (b) change any of the uses or location of said uses specified on the site plan; (c) decrease any exterior setback or the amount of landscaped area; (d) materially reduce public access or public spaces; or (e) otherwise materially alter these conditions.

21.

All of these narrative conditions will be attached to the final site plan filed with the City of Atlanta.

2-02-02 / 2-84-52

Exhibit B



The following additional conditions shall apply only to Z-02-02/Z-84-52:

The property shall be developed in accordance with: (a) the site plan entitled "Buckhead Plaza Mixed-Use Development Scheme 'A'" prepared by the Preston Partnership, LLC and Corcoran Nelson Nardone Associates, Inc. dated August 20, 2002, revised October 23, 2002; the "Landscape Plan Scheme 'A'" prepared by the Preston Partnership, LLC, revised October 23, 2002; and the Plaza Level Scheme A Site Plan" prepared by Corcoran Nelson Nardone Associates, Inc. dated October 10, 2002, or (b) the site plan entitled "Buckhead Plaza Mixed-Use Development Scheme 'B'" prepared by the Preston Partnership, LLC and Corcoran Nelson Nardone Associates, Inc. dated August 20, 2002, revised October 14, 2002; the "Landscape Plan Scheme 'B'" prepared by the Preston Partnership, LLC, dated October 14, 2002.

2. The buildings' architectural style and materials shall be substantially similar to the rendering by The Preston Partnership, LLC and Corcoran Nelson Nardone Associates, Inc. dated August 20, 2002.
3. The parking deck northern façade shall have architectural style, materials and layout that are substantially similar to the rendering entitled "Plaza Elevation Scheme 'A-2'" by Corcoran Nelson Nardone Associates, Inc., dated October 10, 2002, whether the site is developed under Scheme A or Scheme B.
4. Building sizes and uses shall be as follows:
 - (1) Office Building:
 - (a) Seven (7) stories in height (\pm 124 feet).
 - (b) Ground floor containing 27,822 gross square feet of retail including restaurants.
 - (c) Floors two through seven containing 165,046 gross square feet of office use.
 - (2) Residential Building:
 - (a) Nineteen (19) stories in height (\pm 216 feet).
 - (b) 270 residential units.
 - (c) 288,000 gross square feet.
 - (3) Parking Deck:
 - (a) Eight (8) levels with six (6) above grade.

Z-02-02/Z-84-52
Exhibit B
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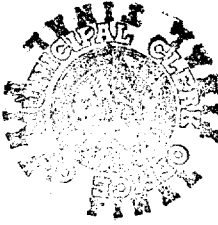


- (b) 13,640 gross square feet of retail space and 1,061 parking spaces under Scheme A or 7,000 gross square feet of retail with rights to build an additional 5,968 gross square feet of retail and 994 parking spaces under Scheme B.

5. The combined residential/non-residential FAR of the development will not exceed 2.61.
6. Prior to issuance of the first building permit for development of the applicant's property, the applicant shall pay the sum of \$40,000.00 into an account to be established by the Buckhead Action Committee to be used for a study to suggest traffic mitigation measures, and, to the extent of any excess funds, to fund such mitigation measures, on streets within the residential communities most directly impacted by applicant's development.

The following additional conditions shall apply only to Z-02-03/Z-84-52:

1. The property shall be developed in accordance with the site plan entitled "West Paces Ferry Rd. Mixed Use Project", prepared by The Preston Partnership, LLC, dated January 3, 2003, and marked received by the Bureau of Planning on January 6, 2003.
2. As depicted on the site plan referred to in 1. above, a linear landscape area of sufficient depth and quality to support mature trees shall be installed along the entire western boundary of the property at a width ranging from 20 feet to 30 feet, with a minimum width of not less than twenty feet, measured from the top of the existing retaining wall. Landscaping shall be installed in accordance with the Landscape Plan entitled "West Paces Ferry Road and Western Buffer Zone Tree Planting Plan", prepared by The Preston Partnership, dated January 7, 2003, and marked received by the Bureau of Planning on January 8, 2003. The intent of this Landscape Plan is to assure the replication of the plant materials and density of planting that now exist along the westernmost edge of the site. Said landscape area shall be planted with mature trees of evergreen and deciduous species. The number, location, and diameter at breast height of plant material shall be as is set forth in the Landscape Plan referred to in this Section 2. The 8 foot tall masonry screen wall specified on the site plan within the Western Buffer Zone shall be installed by the applicant during or prior to installation of the landscape materials at the discretion of the Peachtree Heights West Civic Association. Any trees removed along the West Paces Ferry Road street frontage will be replaced with willow oaks of a caliper of not less than six inches as is shown on the Landscape Plan, except for those trees at entry points that are designated on the Landscape Plan as a different species.
3. The buildings' architectural style, materials and layout shall be substantially similar to the renderings by The Preston Partnership, entitled "Rendering from west along W. Paces Ferry Rd." and "Rendering from east along W. Paces Ferry Rd.", both of which are dated January 3, 2003, and marked received by the Bureau of Planning on January 6, 2003. The western façade shall have architectural style, materials and layout that are substantially similar to the elevation by The Preston Partnership, entitled "West facing



building elevation", dated January 3, 2003, and marked received by the Bureau of Planning on January 6, 2003. Applicant further agrees that all architectural and landscape architectural design elements of the Planned Development will be sympathetic in form, color, and texture with that of the existing One Buckhead Plaza. Applicant will establish an advisory design review committee that will include the NPU-B Zoning Committee Chair and President of Peachtree Heights West Civic Association, or their designees, and shall be notified of and provided an opportunity to participate in and make recommendations regarding development of the final building designs and façade materials.

4. Buckhead Plaza principal uses shall be as specified on the site plan and all applicable conditions. Commercial uses may include retail uses, grocery store, and restaurants, subject to all applicable conditions. Development permission for each use shall not exceed the intensities and maximum height that are shown on the site plan.
5. All deliveries, garbage collection, and other loading activities ("loading zone activities") shall be conducted inside the loading zone areas specified on the site plan, which areas shall be constructed utilizing materials designed to muffle noise and which areas shall contain doors that shall remain closed during all loading zone activities so as to eliminate noise associated with these activities. No loading zone activities whatsoever for the loading zones along the western boundary of the site shall occur between the hours of 8:00 p.m. and 8:00 a.m.
6. Applicant will provide an operable access-controlled pedestrian gate from the subject property into the Habersham Estates property, provided that the applicant shall assume no liability for the use and operation of the pedestrian gate and the Habersham Estates condominium association shall indemnify the applicant from and against injury. Applicant will install a crosswalk across the access road from the pedestrian gate to the sidewalk. Applicant further agrees that it will grant an easement to the Pharr Court North Condominium Association at their request, upon their indemnification of the applicant from and against injury, and from and against damage to the existing retaining wall, so that they can construct their own pedestrian entry into Buckhead Plaza.
7. The combined residential/non-residential FAR of the development shall not exceed 2.96.
8. Top decks of parking facilities will have tree planters and trellises with appropriate plant materials to improve the view from the adjoining buildings.
9. Applicant agrees that during and after construction, no devices used for landscape maintenance or the cleaning of drives or parking decks shall be allowed to operate past 8:00 p.m., or before 8:00 a.m. on weekdays and before 10:00 a.m. on Saturdays and Sundays.
10. All dumpsters and trash compactors shall be located either within the interior loading dock area of the grocery store or within the enclosed service area of the parking deck.

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2-02-02/2-84-52
Exhibit B
page 9 of 10



General Condition Number 13 above notwithstanding, the hotel and housing operators are permitted to have amplified music in the pool deck and pool area in order to provide background music of a type typically found in pool areas in similar developments. The volume of any such music shall be consistent with the volume at which the music is transmitted in the interior of the hotel bar and restaurant.

12. Four housing units in the development on the property will be set aside for public safety (police and fire) personnel at a rate that is 80 percent of the market rate for the units. The availability of these units shall be announced through the Chief of the Atlanta Police Department and the Chief of the Atlanta Fire Department and shall then be available on a first-come, first-serve basis to public safety personnel. Any unit not rented by public safety personnel within three months of such announcement may be released for rental to the general public at normal market rates.
13. Prior to issuance of the first building permit for development of the applicant's property, the applicant shall pay the sum of \$60,000.00 into an account to be established by the Buckhead Action Committee to be used for a study to suggest traffic mitigation measures, and, to the extent of any excess funds, to fund such mitigation measures, on streets within the residential communities most directly impacted by applicant's development.
14. The pedestrian access area at the northeast corner of the site (adjoining Chops) will be designed to assure ease of pedestrian access to Chops, One Buckhead Plaza, the hotel, and the new buildings to the west. An elevator will be installed to facilitate ingress/egress to Chops and One Buckhead Plaza, and the applicant will work with the owner of One Buckhead Plaza to facilitate the pedestrian interconnectivity within the site.
15. The hotel operated in Building F shown on the site plan shall be a luxury class hotel having an architectural style, materials and layout substantially similar to that shown in the rendering prepared by Rabun, Hogan, Ota, Rasche, Architects, entitled "Perspective View, Buckhead Plaza Hotel, Atlanta, Georgia, 12.05.02, attached hereto and marked Attachment A, or if a five-star hotel, having an architecture, materials and layout of the same aesthetic quality as shown in such attached rendering.

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Exhibit B

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RCS# 4434
2/03/03
3:03 PM

Atlanta City Council

Regular Session

MULTIPLE

02-O-0359/Z-02-02
02-O-0358/Z-02-03
ADOPT ON SUB

YEAS: 10
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 6
EXCUSED: 0
ABSENT 0

| | | | |
|------------|--------------|------------|-------------|
| Y Smith | NV Archibong | Y Moore | NV Mitchell |
| NV Starnes | Y Fauver | Y Martin | Y Norwood |
| Y Young | Y Shook | NV Maddox | Y Willis |
| Y Winslow | Y Muller | NV Boazman | NV Woolard |

MULTIPLE

02-0-0359
 (Do Not Write Above This Line)

AN ORDINANCE Z-02-02/Z-84-52
 BY: ZONING COMMITTEE

AN ORDINANCE TO AMEND ORDINANCE Z-84-52, ADOPTED BY CITY COUNCIL AUGUST 6, 1984 AND APPROVED BY THE MAYOR AUGUST 8, 1984, REZONING FROM THE C-3 (COMMERCIAL-RESIDENTIAL) DISTRICT TO THE PD-OC (PLANNED DEVELOPMENT-OFFICE COMMERCIAL) DISTRICT, PROPERTY LOCATED AT **3060 PEACHTREE ROAD, N.W.**, FOR THE PURPOSE OF APPROVING A REVISED SITE PLAN AND CHANGE OF CONDITIONS.
 OWNER: BUCKHEAD PLAZA LAND TRUST
 APPLICANT: STAFFORD PLAZA LLC AND TCRA PROPERTIES
 BY: CARL E. WESTMORELAND, ESQ., ATTORNEY
 NPU-B COUNCIL DISTRICT 8

ADOPTED BY
FEB 0 3 2003
COUNCIL

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER

Date Referred 3/4/02
 Referred To: ZRA & zoning

Committee Zoning
 Date FEB. 27 2003
 Chair Debra M. Shaw

Committee Zoning
 Date JAN. 29, 2003
 V-Chair Alan J. ...
 Action: in substance
 Fav, Adv, Held (see rev. side)
 Other
 Members
 Refer To

Committee
 Date
 Chair
 Action: Fav, Adv, Held (see rev. side)
 Other
 Members
 Refer To

COUNCIL ACTION
 2nd
 1st & 2nd
 3rd
 Readings
 Consent
 V Vote
 RC Vote

CERTIFIED
CERTIFIED
 FEB 3 2003
Debra M. Shaw
 COUNCIL PRESIDENT PROTEM

CERTIFIED
CERTIFIED
 FEB 0 3 2003
Debra M. Shaw
 MUNICIPAL CLERK

MAYOR'S ACTION
APPROVED
 FEB 11 2003
 MAYOR

LARGE ATTACHMENT:

DOCUMENT(S),

MANUAL(S)

OR

MAP(S)

NOT COPIED,

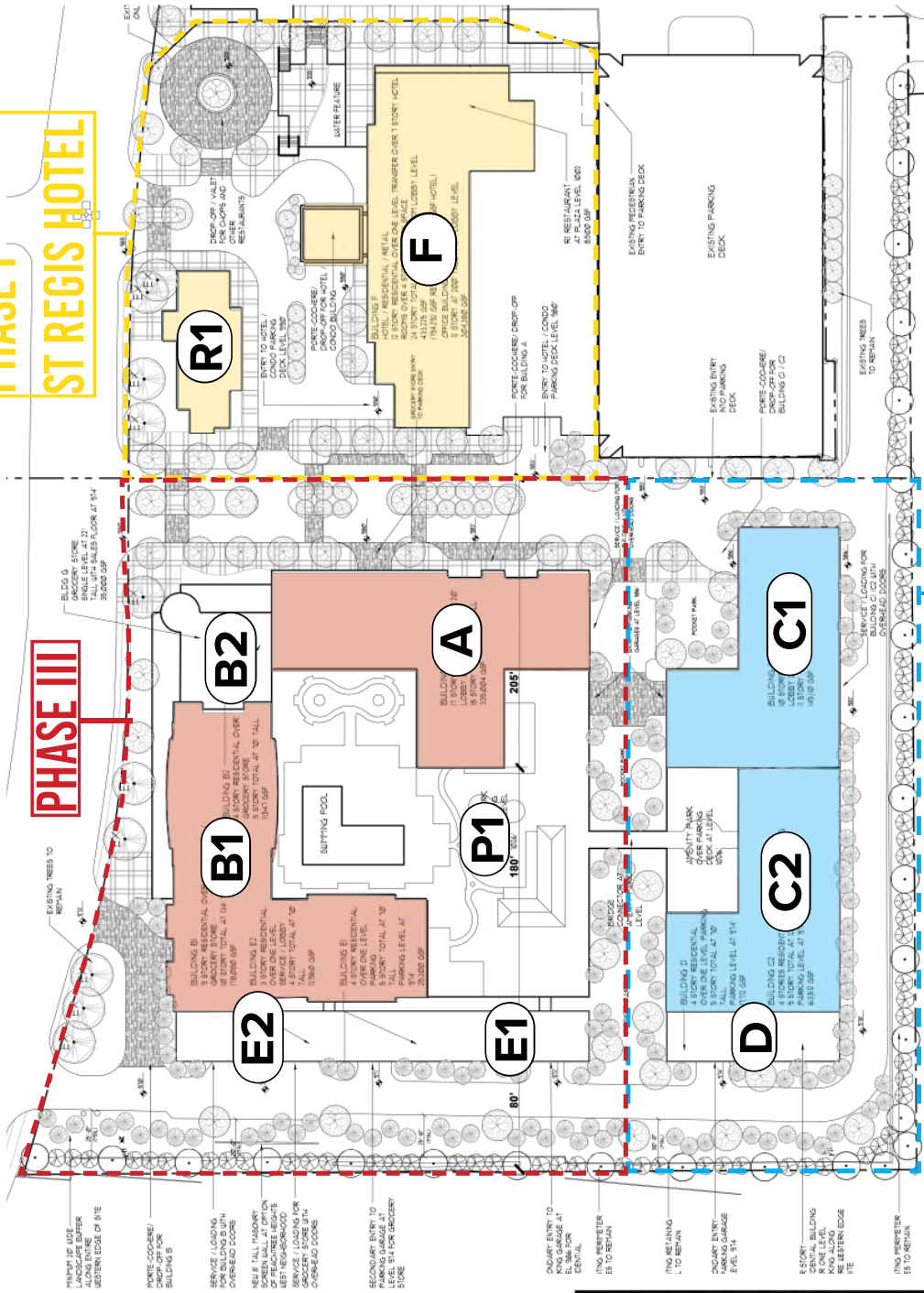
PULL ORIGINAL

FOR COPY OR TO VIEW

PHASE I
ST REGIS HOTEL

PHASE III

PHASE II



ZONING USE BREAKDOWN

| BLDG. | TYPE | BUILDING HEIGHT* | TOTAL SQ. FT. |
|-------|---|------------------|------------------|
| A | RESIDENTIAL OVER OFFICE/SERVICE | 225' | 335,004 |
| B1 | RESIDENTIAL OVER OFFICE/SERVICE/GROCERY STORE | 134' | 178,080 |
| B2 | RESIDENTIAL OVER OFFICE/SERVICE | 70' | 11,547 |
| C1 | RESIDENTIAL OVER OFFICE/SERVICE/PARKING | 145' | 145,110 |
| C2 | RESIDENTIAL OVER PARKING | 120' | 63,512 |
| D | RESIDENTIAL OVER PARKING | 70' | 17,212 |
| E1 | RESIDENTIAL OVER PARKING | 70' | 23,200 |
| E2 | RESIDENTIAL OVER SERVICE/LOBBY | 70' | 12,960 |
| F | HOTEL/RESIDENTIAL/RETAIL (W/OFFICE OPTION) | 300' | 433,225 |
| R1 | RESTAURANT | N/A | 8,500 |
| R2 | RESTAURANT | 48' | 11,500 |
| G | GROCERY STORE | N/A | 35,000 |
| P1 | PARKING/AMENITY | 52' | |
| | | 62' | |
| | TOTAL | | 1,277,350 |

*EXCLUDES DECORATIVE ROOF TREATMENT PER CITY OF ATLANTA CODE

APPROVED PD-OC MASTERPLAN - 2003 REZONING, Z-02-02 & Z-02-03



PHASE I SITE DATA - ST. REGIS - ALREADY BUILT

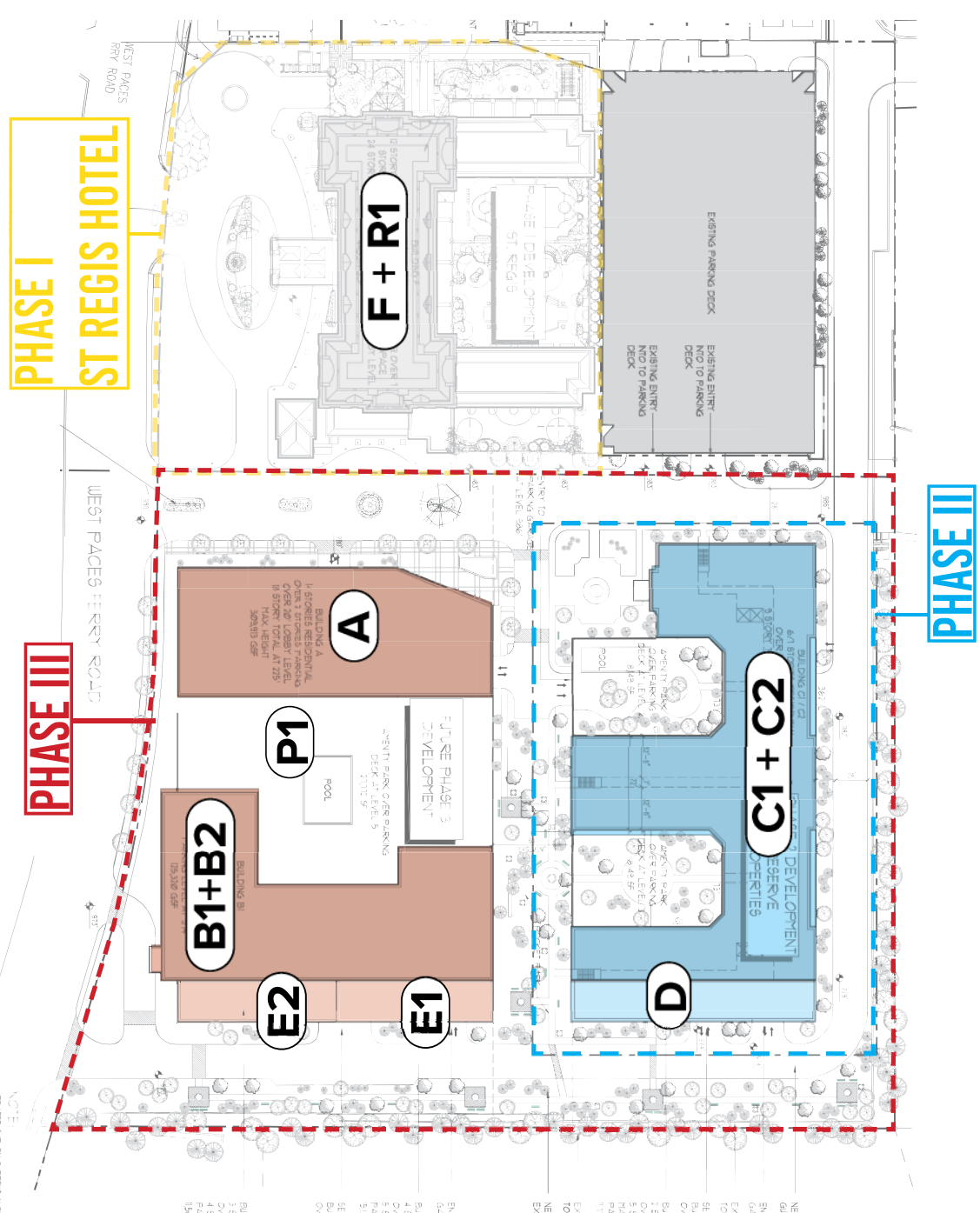
| | | |
|---|------------|-----------------|
| GROSS LAND AREA: | 129,842 | SF (2.98 ACRES) |
| BUILDING AREA PROVIDED: | 445,311 | SF (3.43 FAR) |
| INCLUDES 8,500 SF RESTAURANT, CONDOMINIUMS & HOTEL | | |
| TOTAL OPEN SPACE RATIO (UOSR) REQUIRED: (0.561 X G.L.A.) | 73,610.41 | SF |
| TOTAL OPEN SPACE PROVIDED: | 93,588 | SF |
| TOTAL OPEN SPACE EXCESS: | 19,967.59 | SF |
| USABLE OPEN SPACE RATIO (UOSR) REQUIRED: (0.458 X G.L.A.) | 49,467.64 | SF |
| USABLE OPEN SPACE PROVIDED: | 470,764 | SF |
| USABLE OPEN SPACE EXCESS: | 117,963.36 | SF |
| GREEN SPACE REQUIRED (15% G.L.A.): | 19,476.30 | SF |
| GREEN SPACE PROVIDED: | 21,143 | SF |
| GREEN SPACE EXCESS: | 8,266.70 | SF |

BUILDING(S):
 24 STORIES TOTAL
 12 STORIES RESIDENTIAL OVER 1 LEVEL TRANSFER SLAB OVER 15 STORIES HOTEL OVER 4 STORIES
 AMENITY SPACE OVER UNDERGROUND PARKING
 445,311 SF TOTAL GROSS AREA
 INCLUDES 8,500 SF RESTAURANT (RI)

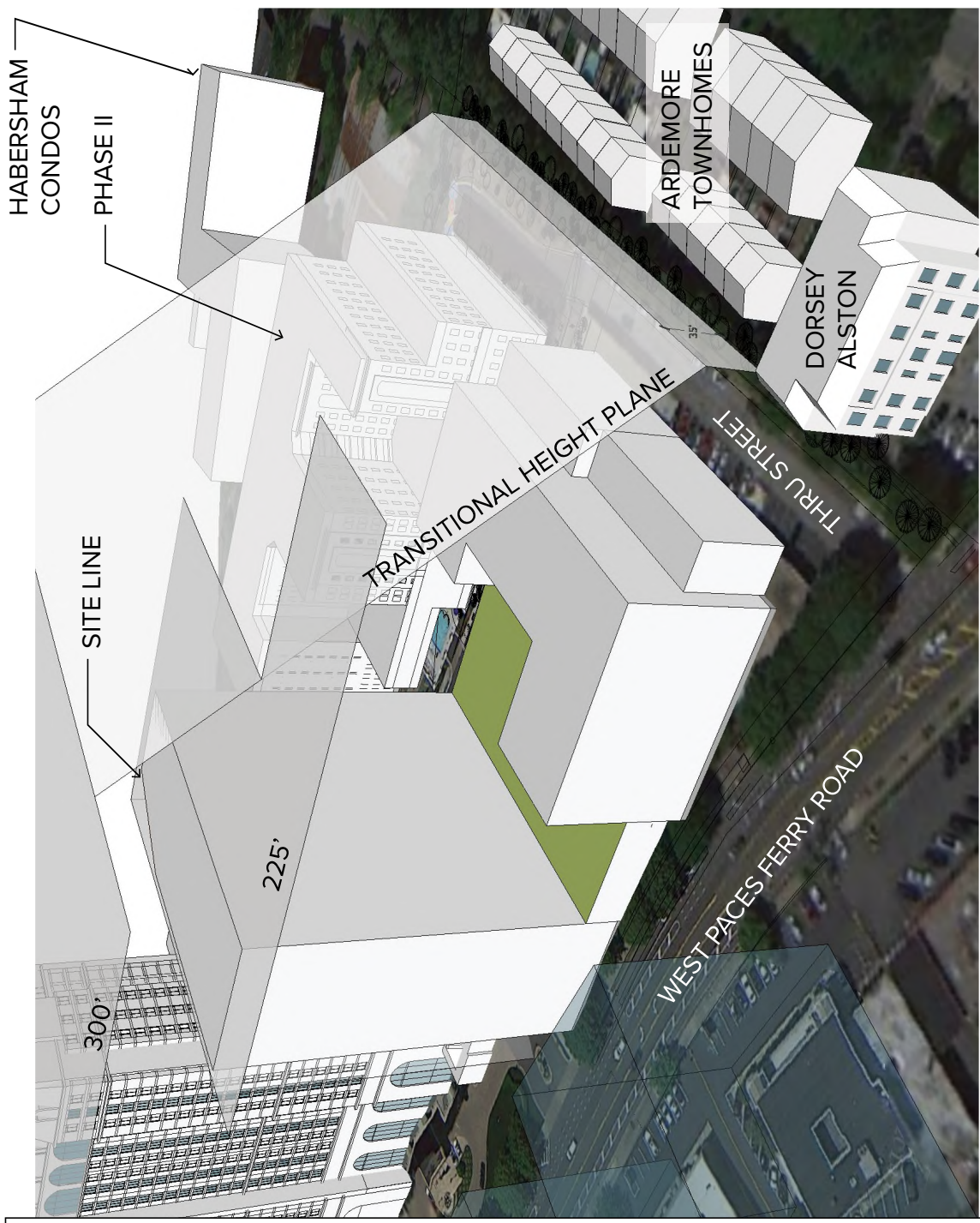
PHASE 2 SITE DATA - PRESERVE PROPERTIES

| | | |
|--|---------|-----------------|
| GROSS LAND AREA: | 104,495 | SF (2.40 ACRES) |
| BUILDING AREA PROVIDED: | 271,168 | SF (2.60 FAR) |
| TOTAL OPEN SPACE RATIO (UOSR) REQUIRED: (0.561 X G.L.A.) | 59,249 | SF |
| TOTAL OPEN SPACE PROVIDED: | 14,828 | SF |
| TOTAL OPEN SPACE EXCESS: | 15,609 | SF |
| USABLE OPEN SPACE RATIO (UOSR) REQUIRED: (0.20 X G.L.A.) | 20,899 | SF |
| USABLE OPEN SPACE PROVIDED: | 43,611 | SF |
| USABLE OPEN SPACE EXCESS: | 22,718 | SF |
| 50% PUBLIC USABLE OPEN SPACE REQUIRED: | 10,450 | SF |
| PUBLIC USABLE OPEN SPACE PROVIDED: | 16,160 | SF |
| GREEN SPACE REQUIRED (15% G.L.A.): | 15,675 | SF |
| GREEN SPACE PROVIDED: | 22,378 | SF |
| GREEN SPACE EXCESS: | 6,703 | SF |

BUILDINGS C1/C2 & D:
 9 STORIES TOTAL
 64,151 STORIES RESIDENTIAL OVER
 2 & 3 LEVELS OF PARKING
 10,000 SF LOBBY, LEASING & AMENITIES
 266,663 SF GROSS RESIDENTIAL AREA
 (210 UNITS AT 950 SF AVERAGE HEATED AREA)
 276,663 SF TOTAL GROSS BUILDING AREA



PHASE I & II - SITE PLAN 2011 SAP (SAP-11-005)



PHASE I SITE DATA - ST. REGIS - ALREADY BUILT

| | | | |
|--|------------|----|--------------|
| GROSS LAND AREA: | 129,842 | SF | (2.98 ACRES) |
| BUILDING AREA PROVIDED: (INCLUDES 8,500 SF RESTAURANT, CONDOMINIUMS & HOTEL) | 445,311 | SF | (3.43 FAR) |
| TOTAL OPEN SPACE RATIO (106R) REQUIRED: (0.561 X G.L.A.) | 73,610.41 | SF | |
| TOTAL OPEN SPACE PROVIDED: | 93,588 | SF | |
| TOTAL OPEN SPACE EXCESS: | 19,961.59 | SF | |
| USABLE OPEN SPACE RATIO (106R) REQUIRED: (0.458 X G.L.A.) | 49,461.64 | SF | |
| USABLE OPEN SPACE PROVIDED: | 470,164 | SF | |
| USABLE OPEN SPACE EXCESS: | 112,962.36 | SF | |
| GREEN SPACE REQUIRED (15% G.L.A.): | 19,416.30 | SF | |
| GREEN SPACE PROVIDED: | 21,143 | SF | |
| GREEN SPACE EXCESS: | 8,266.70 | SF | |

BUILDING(S):
 24 STORIES TOTAL
 12 STORIES RESIDENTIAL OVER 1 LEVEL TRANSFER
 SLAB OVER 1 STORIES HOTEL OVER 4 STORIES
 AMENITY SPACE OVER UNDERGROUND PARKING
 445,311 SF TOTAL GROSS AREA
 INCLUDES 8,500 SF RESTAURANT (RI)

PHASE 2 SITE DATA - PRESERVE PROPERTIES

| | | | |
|--|---------|----|--------------|
| GROSS LAND AREA: | 104,495 | SF | (2.40 ACRES) |
| BUILDING AREA PROVIDED: | 271,168 | SF | (2.60 FAR) |
| TOTAL OPEN SPACE RATIO (106R) REQUIRED: (0.561 X G.L.A.) | 59,249 | SF | |
| TOTAL OPEN SPACE PROVIDED: | 14,828 | SF | |
| TOTAL OPEN SPACE EXCESS: | 15,609 | SF | |
| USABLE OPEN SPACE RATIO (106R) REQUIRED: (0.270 X G.L.A.) | 29,899 | SF | |
| USABLE OPEN SPACE PROVIDED: | 43,611 | SF | |
| USABLE OPEN SPACE EXCESS: | 22,118 | SF | |
| 50% PUBLIC USABLE OPEN SPACE REQUIRED: | 10,450 | SF | |
| PUBLIC USABLE OPEN SPACE PROVIDED: | 16,160 | SF | |
| GREEN SPACE REQUIRED (15% G.L.A.): | 15,675 | SF | |
| GREEN SPACE PROVIDED: | 22,378 | SF | |
| GREEN SPACE EXCESS: | 6,703 | SF | |

BUILDINGS C1C2 & D:
 9 STORIES TOTAL
 64 1 STORIES RESIDENTIAL OVER
 2 & 3 LEVELS OF PARKING
 10,000 SF LOBBY/ LEASING & AMENITIES
 266,663 SF GROSS RESIDENTIAL AREA
 (120 UNITS AT 950 SF AVERAGE HEATED AREA)
 216,663 SF TOTAL GROSS BUILDING AREA

PHASE I & II - SITE PLAN 2011 SAP (SAP-11-005)

TOTAL AREA ALLOWED - PER 2011 SAP

OVERALL SITE DATA - PHASE I + PHASE II + PHASE III

NOTE: PREVIOUS PDOC ZONING STATES THAT THE COMMERCIAL LAND AREA FOR PHASE I (ST. REG16) IS FAR 3.49 AND THE RESIDENTIAL LAND AREA FOR PHASE II & III IS FAR 2.62 WITH A COMBINED TOTAL SITE AREA FOR PHASES I, II & III OF 2.96 FAR.

NOTE ON PDOC ALSO STATES THAT THE MAX. FAR ALLOWED IS 32.

GROSS LAND AREA:

| | | |
|------------------|----------------|------------------------|
| PHASE I | 129,842 | SF (2.98 ACRES) |
| PHASE II | 104,495 | SF (2.40 ACRES) |
| PHASE III | 191,142 | SF (4.53 ACRES) |
| TOTAL: | 431,479 | SF (9.91 ACRES) |

GROSS BUILDING AREA:

| | | |
|--|----------------|----------------------|
| PHASE I (ACTUAL BUILDING) | 445,311 | SF (3.43 FAR) |
| PHASE II (PROPOSED BUILDING) | 211,168 | SF (2.60 FAR) |
| PHASE III (MAX. ALLOWABLE BUILDING) | 560,865 | SF (2.84 FAR) |
| TOTAL MAX. (PER PDOC SITE PLAN): | 1,217,350 | SF (2.96 FAR) |

USE BREAKDOWN - PER 2011 SAP

RESIDENTIAL/OFFICE/HOTEL/RETAIL

BUILDING A:
BUILDING R1
BUILDING G
(180' MAX HT)

18 STORIES TOTAL / 14 STORIES **RESIDENTIAL** OR
OFFICE OVER 2 STORIES PARKING OVER 20' LOBBY
LEVEL
309,913 SF GROSS TOWER AREA (BLDG. A)
+ 6,000 SF LOBBY
+ 11,000 SF LOURISE **RESIDENTIAL** OR **OFFICE**
+ 35,000 SF **RETAIL / GROCERY** (BLDG. G)
+ 11,500 SF **RESTAURANT** (BLDG. R1)
373,413 SF TOTAL

BUILDINGS B1, B2:

10 STORIES TOTAL / 5 STORIES **RESIDENTIAL**
OVER 3 STORIES PARKING OVER 20' LOBBY LEVEL
125,320 SF GROSS TOWER AREA
+20,000 SF LOURISE **RESIDENTIAL**
+10,000 SF LOBBY
155,320 SF TOTAL

BUILDING E1

5 STORY TOTAL / 4 STORIES **RESIDENTIAL**
OVER 1 LEVEL PARKING
15,132 SF GROSS

BUILDING E2:

4 STORY TOTAL / 3 STORIES **RESIDENTIAL**
OVER 1 LEVEL PARKING
11,505 SF GROSS

PHASE III AREA SUMMARIES

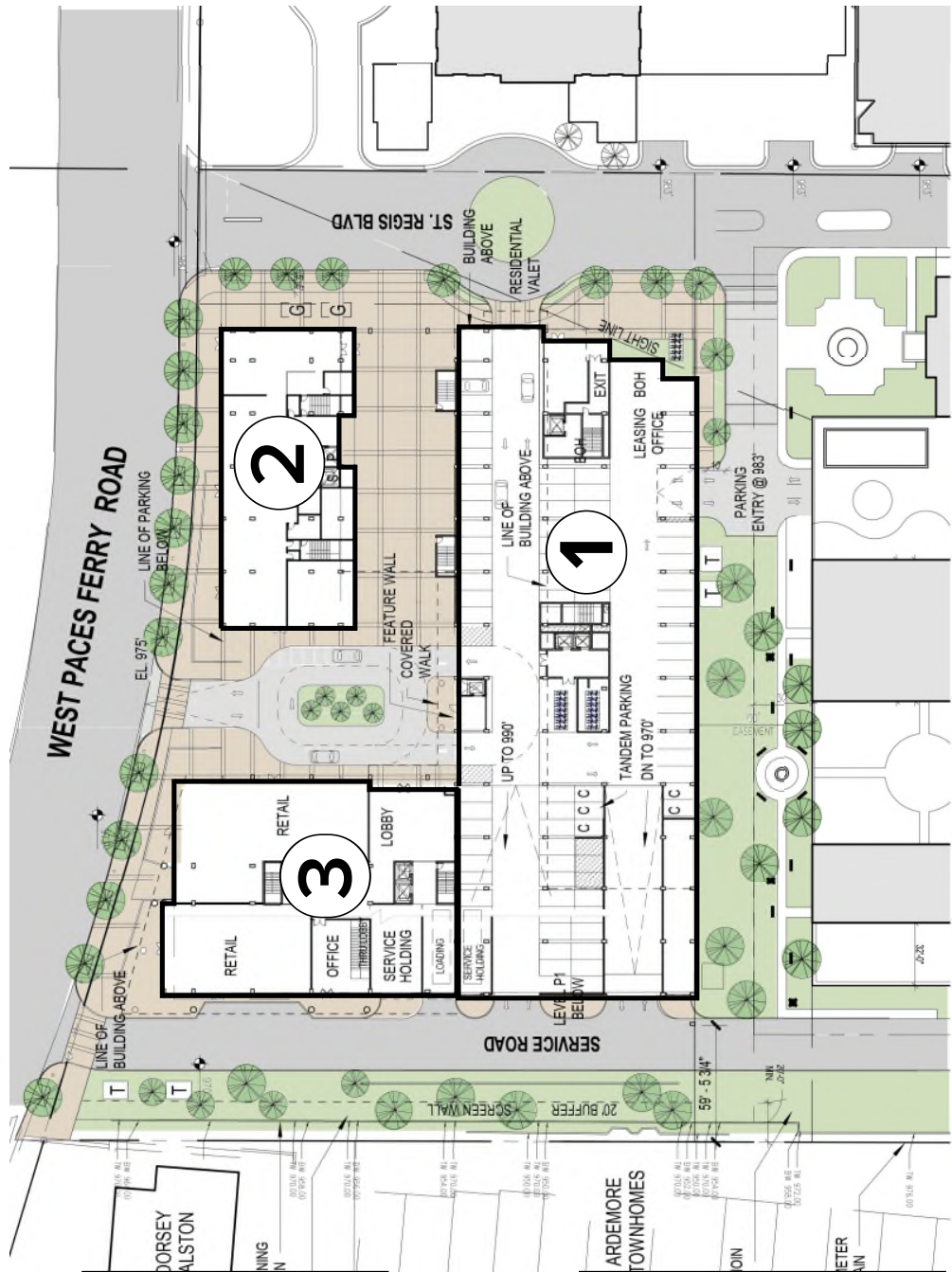
BUILDING A WAS APPROVED FOR 335,004 SF BUT PREVIOUS SAP PLANS SHOW OTHER BUILDINGS WERE OVERBUILT. 560,864 SF - 227,787 RESIDENTIAL AND 46,500 COMMERCIAL LEAVE 286,578 SF AVAILABLE. BUILDING A IS APPROVED FOR RESIDENTIAL AND/OR OFFICE

TOTAL PHASE III 560,865 SF

| BUILDING NO. | TYPE | APPROVED PER 2003 SITE PLAN | SF LEFTOVER BY 2011 SAP SITE PLAN | ALLOCATED TO RESIDENTIAL PER THIS SAP | SF ALLOCATED TO HOTEL/RETAIL/OFFICE PER THIS SAP |
|---------------|-------------------------------------|-----------------------------|-----------------------------------|---------------------------------------|--|
| A | RES OVER OFFICE/SERVICE | 335,004 SF | 286,578 SF | 137,282 SF | 149,296 SF |
| B1 | RES OVER OFFICE/SERVICE/ GROCERY | 178,080 SF | 178,080 SF | 178,080 SF | |
| B2 | RES OVER GROCERY | 11,547 SF | 11,547 SF | 11,547 SF | |
| E1 | RES OVER PARKING | 25,200 SF | 25,200 SF | 25,200 SF | |
| E2 | RES OVER SERVICE/LOBBY | 12,960 SF | 12,960 SF | 12,960 SF | |
| G | GROCERY | 35,000 SF | 35,000 SF | | 35,000 SF |
| R2 | RESTAURANT | 11,500 SF | 11,500 SF | | 11,500 SF |
| TOTALS | | 609,291 SF | 560,865 SF | 365,069 SF | 195,796 SF |

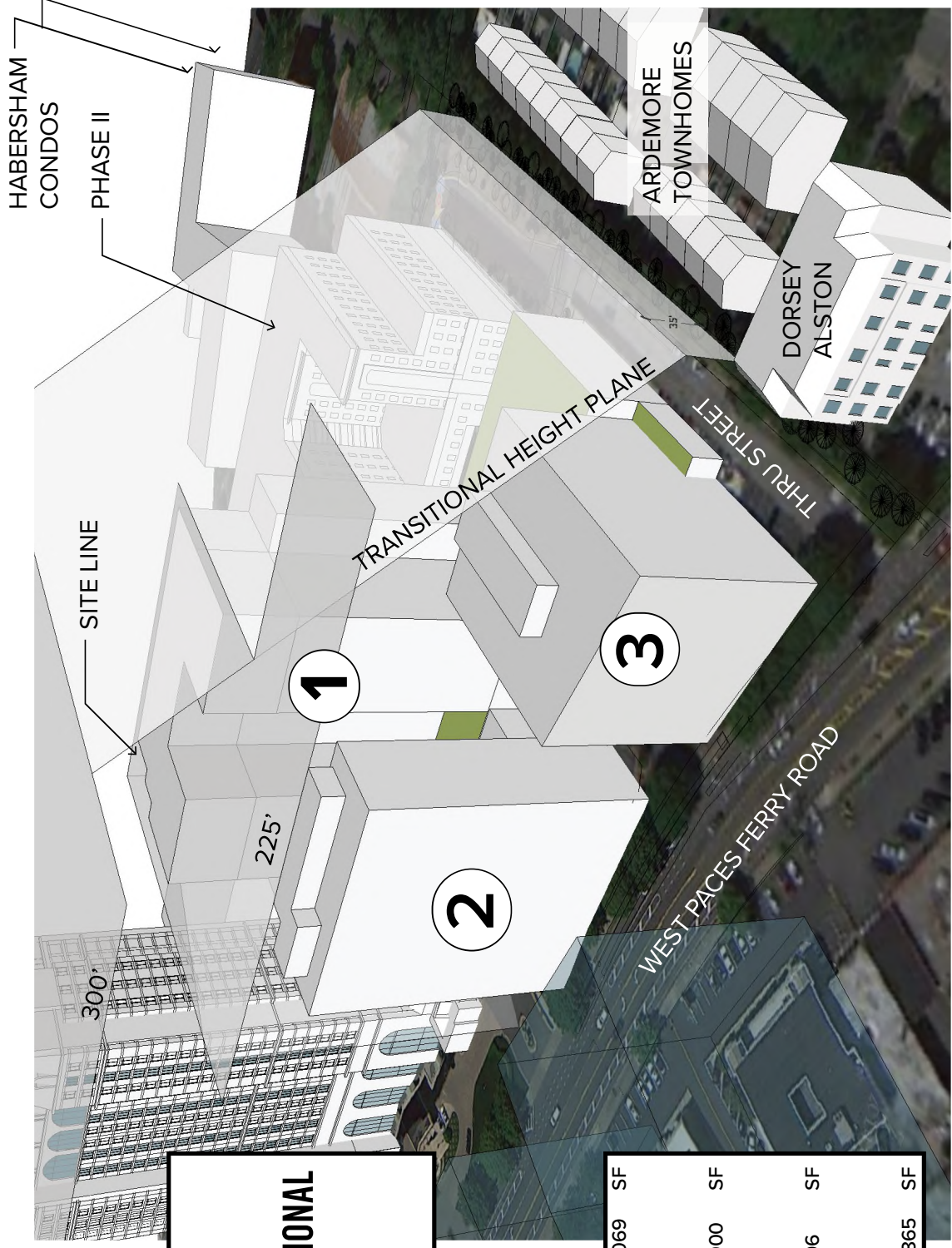
PHASE III - AREA BREAKDOWN

PHASE III
RESIDENTIAL / COMMERCIAL
225' MAX HEIGHT W/ TRANSITIONAL
HEIGHT PLANE
560,865 SF MAX FAR



SF ALLOCATIONS PER THIS SAP

| | | |
|--|----------------|-----------|
| BUILDING 1: RESIDENTIAL / RETAIL 225' MAX HEIGHT | 344,069 | SF |
| BUILDING 2: HOTEL / RETAIL / RESIDENTIAL 225' MAX HEIGHT | 143,000 | SF |
| BUILDING 3: OFFICE / RETAIL / RESIDENTIAL 225' MAX HEIGHT | 73,796 | SF |
| TOTAL GROSS BUILDING AREA: | 560,865 | SF |



PHASE III
RESIDENTIAL / COMMERCIAL
225' MAX HEIGHT W/ TRANSITIONAL
HEIGHT PLANE
560,865 SF MAX FAR

SF ALLOCATIONS PER THIS SAP

| | | |
|---|---------|----|
| BUILDING 1: RESIDENTIAL / RETAIL 225' MAX HEIGHT | 344,069 | SF |
| BUILDING 2: HOTEL / RETAIL / RESIDENTIAL 225' MAX HEIGHT | 143,000 | SF |
| BUILDING 3: OFFICE / RETAIL / RESIDENTIAL 225' MAX HEIGHT | 73,796 | SF |
| TOTAL GROSS BUILDING AREA: | 560,865 | SF |

PHASE III - PROPOSED MASSING



APPLICATION FOR A SPECIAL ADMINISTRATIVE PERMIT (SAP)

For SPI, Beltline, LW, MR, MRC, NC, I-Mix Zoning Districts & Unified Development Plans File No.: _____
City of Atlanta, Office of Zoning and Development (404-330-6145)

APPLICANT (name) Buckhead Plaza Land Trust

ADDRESS c/o William Woodson Galloway, The Galloway Law Group, LLC, 4062 Peachtree Rd Suite A330, Atlanta GA 30319

PHONE NO. 404-965-3669 EMAIL laurel@glawgp.com

PROPERTY LANDOWNER Buckhead Plaza Land Trust

ADDRESS 9040 Roswell Rd., Suite 120, Atlanta, GA 30350

PHONE NO. 404-965-3669 EMAIL laurel@glawgp.com

ADDRESS OF PROPERTY 102 WEST PACES FERRY RD NW

Land District 17 Land Lot 99 Council District 8 NPU B

Is property within the BeltLine Overlay District? Yes No Zoning Classification PD-OC (in SPI-9)

Is Inclusionary Zoning applicable to this project? Yes No Is this a Unified Development Plan? Yes No

DATE STAMP
RECEIVED BY
OFFICE OF ZONING
AND DEVELOPMENT

Submittal Checklist (See detailed checklist on page 2):

- Project Summary:** Provide cover letter describing new construction, alterations, repairs or other changes to the exterior of existing structures and/or the site. Requests for administrative variations must be accompanied by a written justification for each.
- Property Survey:** Submit one (1) copy. Lot consolidation, re-platting or subdivision may be required prior to approval of SAP.
- Site Plan (released for construction and sealed) and Building Elevations:**
 - a. **Initial Submission:** One(1) site plan & One (1) set of elevations.
 - b. **Other information:** Copies of applicable Rezoning Legislation, Special Use Permit and any letters for Variance or Special Exception. Note: additional plans or documents may be required at the discretion of the Office of Zoning and Development.
- Property Owner Authorization:** Submit required notarized owner consent per attached form (page 4).
- Notice to Applicant:** Submit attached form with signature and date (page 10).
- Development Controls Specification Form:** Provide the applicable information (pages 7 - 9).

Fees (non-refundable): Payable to the "City of Atlanta" in the form of cash, credit card, personal or cashier check, or money order.

- Exterior demo, outdoor dining new/expansion, or non-expansion: \$250.
- Developments < 50,000 sq.ft. of floor area: \$500.
- Developments 50,000 to 250,000 sq.ft. of floor area: \$1,000.
- Developments ≥ 250,000 sq.ft. of floor area: \$1,500.

I HEREBY AUTHORIZE CITY STAFF TO INSPECT PREMISES OF ABOVE DESCRIBED PROPERTY. I HEREBY DEPOSE THAT ALL STATEMENTS HEREIN ATTACHED & SUBMITTED ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Date _____ Signature of Applicant George Berkow, Co-Trustee

Additional Submittal Requirements (as applicable):

- **Inclusionary Zoning:** All new or conversion multifamily residential rental projects with 10 or more units in the Beltline Overlay District OR Westside neighborhoods of English Avenue, Vine City, Ashview Heights, or AUC must complete and submit the Inclusionary Zoning Certification Form with their application. Review and complete pages 11-12 of this SAP for certification forms.
- **Beltline, NC-2, NC-6, NC-10, NC-11, NC-12, & NC-14 Districts:** Applicant must send a copy of the filed SAP application to the NPU contact. Afterwards, complete the Notarized Affidavit of NPU Notification form (page 6), and provide a copy of U.S. Postal Service Certificate of Mailing. The NPU has up to 21 days to review the SAP and forward comments to the City.
- **Pre-application Conference with Zoning and Development Staff (prior to SAP submittal):** Required only for SPIs: 1, 9, 12, 15, 17, 18, 20, 21, 22 and *recommended* for all other districts. To request this meeting, contact Christian Olteanu at 404-330-6961 or colteanu@atlantaga.gov.
- **Development Review Committee (DRC):** Projects in the Beltline & SPIs 1, 9, 12, 15, 16, 17 districts may require DRC review (See page 3).
- **Development of Regional Impact (DRI) Study:** Mixed-use developments with at least 700,000 s.f. or residential with at least 700 residential units may require a DRI approval by GRTA and ARC. For full thresholds and rules contact GRTA and/or ARC.
 - **Initial submission:** DRI Form 1 with the SAP application. Zoning and Development staff will then submit information to GRTA and ARC.
- **Watershed Management (DWM) Requirements (Section 74-504(a)):** Consultation meeting with DWM is **REQUIRED** for any site disturbance to determine applicable storm water work. Call 404-330-6249 or visit: www.atlantawatershed.org/greeninfrastructure
- **Unified Development Plans:** Applicable to all zoning districts except R-1 to R-5, RLC, PD, & historic bldgs/districts (Section 16-28.030)

The City Code provides that Zoning and Development Director shall review each request for an SAP within 30 days of a filing of a **completed*** application. (Atlanta Code Chapter 16, Section 16-25). * **Note: NPU/DRC notification and review, as applicable, are required to complete the SAP application.**

(FOR OFFICE OF ZONING AND DEVELOPMENT OFFICE USE ONLY)

The above request for a Special Administrative Permit (SAP) was approved or denied on _____
See attached **Special Administrative Permit Approval Form(s)** for detailed approval information.

Signed for Director, Office of Zoning & Development

Staff Reviewer - Print Name



City of Atlanta Office of Zoning & Development
SPECIAL ADMINISTRATIVE PERMIT (SAP) APPLICATION
Submission Checklist

The following checklist is designed to assist those in preparing required materials for SPI, Beltline Overlay, NC, LW, MRC, and MR districts. **Items omitted will delay applicant's review process.** The following items are required as part of a complete application for a Special Administrative Permit. NPU Notification and DRC review, as applicable, are required as a part of a completed SAP application. **Please note: * FINAL APPROVED SAP PLANS ARE REQUIRED WITH THE PERMIT APPLICATION SUBMITTAL TO THE OFFICE OF BUILDINGS.**

1. **SAP Application Form and Property Landowner Authorization Form:** completed with notarized signatures.
2. **Notice to Applicant Form:** with signature and date.
3. **Project Summary:** Provide cover letter clearly describing all new construction, alterations, repairs or other changes to the exterior appearance of existing structures or site. **Any administrative variations ARE REQUIRED to be accompanied by a written justification for each variation requested.**
4. **Property Survey:** One (1) copy of survey (for new single-family and duplex construction, show existing footprints of principal structures on adjoining lots fronting the same street).
5. **Site Plan (drawn to scale, released and sealed for construction) of proposed improvements showing items listed below*.** **Initial Submission:** One (1) copy for initial staff review.
Final Submission (after staff review): One (1) copy.
 - a) Date, north arrow, and graphic scale.
 - b) Adjacent streets, with street names, property lines and dimensions, and easements.
 - c) **Existing conditions to remain:** identify all overhead utility poles, transformers, above ground storm water detention areas and inlets.
 - d) **Proposed new installations:** Identify the number, type and location of new street lights, transformers, AC units and other similar mechanical/accessory equipment at or above grade. Identify such items in the public right-of-way which final approval by Department of Public Works or GDOT is required.
 - e) Specify location and widths for all Sidewalks (street furniture and clear zones) and Supplemental Zones.
 - f) Ground floor layout plan with building and tenant entrances also shown
 - g) Street-front ground floor façade fenestration – vertical/horizontal window dimensions and % of façade length
 - h) Outdoor dining – seating plan, dimensions, and % of business establishment floor area
 - i) Height of structures (including fences/walls)
 - j) Parking, driveway and curb cut layout and dimensions (auto, truck loading, & bicycle/moped)
 - k) Location of parking deck light fixtures. Also indicate amount of foot-candles, and type of light fixture
 - l) Landscape plan: Planting locations including street trees (with tree species and calipers indicated), parking lot and other on-site landscaped areas (with the dimensions and percentage of lot calculated).
 - m) Provide Developmental Control Specification Form (pages 6-8) information on the site plan.
 - Zoning Classification, Net Lot Area & Gross Land Area, Floor Area Ratio (FAR), square footage of structures & individual uses, etc.
6. **Roofplan** when counted towards open space requirements.
7. **Elevations of building facades:** One (1) copy for initial staff review. **Final Submission: One (1) copy.**
8. **Section drawing(s)** as needed showing required sidewalks, supplemental zones (with retaining walls), and building façade & finished floor-level dimensioned within 5 feet above the adjacent sidewalk-level.
9. **DRI conditions of approval, rezoning legislation, variance or special exception letters** printed on site plan.
10. **Transportation Management Plan/Association Membership (where applicable)** required based on the zoning district. See specific zoning regulations for confirmation.
11. **Beltline Overlay District, NC-2, NC-6, NC-10, NC-11, NC-12, and NC-14 properties:**
 - Mail a copy of the **submitted SAP application & drawings stamped received by the Office of Zoning and Development** to the NPU contact person.
 - Submit a copy of **U.S. Postal Service Certificate of Mailing** and **Notarized Affidavit of NPU Notification** (page 5) as soon as possible to complete the application submission and begin the SAP review period.
12. **Photographs (buildings/site):** Show existing conditions for alterations to existing building facades and/or site modifications.
13. **Shared Off-site Parking:** Requests for approval of off-site parking submit materials on Shared Off-site Parking checklist.
14. **Other information necessary for the SAP as requested by staff.**

City of Atlanta Office of Zoning & Development
**SPECIAL ADMINISTRATIVE PERMIT (SAP) APPLICATION
DEVELOPMENT/DESIGN REVIEW COMMITTEES (DRC)**

****CHECK FOR APPLICABILITY** Beltline Overlay and Special Public Interest (SPI) Districts**

File # _____

Development / Design Review Committees (DRC) have been established as an advisory group for the purpose of providing to the Director of the Office of Zoning and Development formal recommendations/comments on Special Administrative Permit (SAP) applications within the Beltline Overlay and particular SPI zoning districts. Applicants are required to make a presentation of their project to the applicable DRC committee. DRC review is required as part of a completed SAP application.

Each DRC shall consist of committee members representing the corresponding district stakeholders including: property owner(s), business owner(s) or resident(s), and applicable neighborhood organization(s), among others.

The DRC convenes monthly (or as needed) to comment on SAP applications within a particular district. Each DRC shall provide recommendations to the Office of Zoning and Development Staff and the applicant within 7 business days, unless the applicant is requested to return to the applicable DRC and/or present to respective neighborhood organization(s), or

DRC Committees (established by City Council Resolution)

- SPI-1 Downtown (2007)
- SPI-9 Buckhead Village (2010)
- SPI-12 Buckhead/Lenox Stations (2012)
- SPI-15 Lindbergh (2001)
- SPI-16 Midtown (2001)
- SPI-17 Piedmont Avenue (2001)
- Beltline Overlay (2015)

Meeting Dates and Locations

Downtown SPI-1

Meetings held the 4th Thursday morning monthly
Central Atlanta Progress, 84 Walton Street NW, Suite 500
Contact Fredalyn Frasier: Ffrasier@atlantadowntown.com
(404) 307-4286

Midtown SPI-16 & Piedmont Avenue SPI-17

Meetings held the 2nd Tuesday evening monthly
Midtown Alliance, 999 Peachtree Street NE, Suite 730
Contact Karl Smith-Davids: Karl@MidtownATL.com
(404) 443-6249

Buckhead Village SPI -9 & Buckhead/Lenox SPI-12

Meeting held 1st Wednesday afternoon monthly
BATMA, 3340 Peachtree Road NE
Tower Place Bld. 100, Suite 1515
Contact Denise Starling: Denise@batma.org
(404) 842-2680

Beltline Overlay

Meeting held the 3rd Wednesday evening monthly
Atlanta Beltline Inc.
100 Peachtree Street NW, Suite 2300
Contact Lynnette Reid: LReid@atlbeltline.org
(404) 477-3551

Lindbergh SPI-15: Meetings coordinated by City of Atlanta Zoning and Development Staff: (404) 330-6145.

Application Submittal and Review Process

- 1) Pre-application meeting with Office of Zoning and Development staff. To arrange pre-application meeting, contact Christian Olteanu at 404-330-6961 or colteanu@atlantaga.gov.
- 2) Notify the applicable DRC contact (as listed above) to arrange placement on the next scheduled DRC meeting agenda.

DRC Submittal Requirements

- 1) Written summary of proposed scope of work (include applicable project information such as total square footage, # and breakout of residential units, and square footage of each commercial use, building height, parking and loading provided, etc.).
- 2) Identification of all administrative variations requested and written justification for each requested.
- 3) PDF Digital drawings (to-scale) of site plans and building elevations as applicable to the scope of work.
- 4) Photographs of the existing property.
- 5) Contact DRC representative to e-mail project information (prior to meeting) and confirm DRC meeting date and time.
- 6) At the DRC meeting:
 - a. Provide hardcopies of cover letter and drawings (in 11"x17" size) for distribution to each committee member.
 - b. Provide drawings on boards for project presentation to committee members or digital PowerPoint presentation (coordinate with DRC representative on the latter).

Committee Review Responsibilities

- 1) Make recommendations on project concerning zoning requirements and administrative variations requested.
- 2) Make other design recommendations for consideration concerning an application. Note: these other recommendations are not code requirements.



City of Atlanta Office of Zoning & Development
SPECIAL ADMINISTRATIVE PERMIT (SAP) APPLICATION
Notarized Authorization by Property Land Owner

File # _____

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

TYPE OF APPLICATION: **Special Administrative Permit**

I, Buckhead Plaza Land Trust SWEAR THAT I AM THE **LANDOWNER**
 owner(s) name

OF THE PROPERTY LOCATED AT: 102 WEST PACES FERRY RD NW

AS SHOWN IN THE RECORDS OF Fulton COUNTY, GEORGIA WHICH IS
 THE SUBJECT MATTER OF THE ATTACHED APPLICATION. I AUTHORIZE THE PERSON NAMED
 BELOW TO ACT AS THE APPLICANT IN THE PURSUIT OF THIS APPLICATION.

NAME OF APPLICANT (PRINT CLEARLY):

Buckhead Plaza Land Trust

ADDRESS: c/o William Woodson Galloway, The Galloway Law Group, LLC,
4062 Peachtree Rd Suite A330, Atlanta GA 30319

TELEPHONE: 404-965-3669 EMAIL: laurel@glawgp.com

George Berkow Co-Trustee
 Signature of Property Landowner

George Berkow Co-Trustee
 Print Name of Property Landowner

Trustee, Buckhead Plaza Land Trust

Personally Appeared
 Before Me

George Berkow

Who Swears That The
 Information Contained
 In this Authorization
 Is True and Correct
 To The Best of His or Her
 Knowledge and Belief.

[Signature]
 Signature of Notary Public

2/23/2022
 Date





City of Atlanta Office of Zoning & Development
SPECIAL ADMINISTRATIVE PERMIT (SAP) APPLICATION
Notice to Applicant

File # _____

The applicant hereby acknowledges notification that in the process of design review in connection with the issuance of a **Special Administrative Permit (SAP)**, the City of Atlanta Office of Zoning & Development (OZD) will only review such documents as are deemed necessary for the approval of a project concept in compliance with the district regulations set forth in the City of Atlanta Zoning Code. Such documents may include, without limitation, the elevations of the structures proposed and site plans specifying the arrangement of such structures and other features of the project, but generally will not include a full set of construction drawings. This level of review is for the purpose of determining compliance with those sections of the Zoning Code applying to the district where the project is located or to be located and to allow the applicant the flexibility to receive approval for a project concept without the requirement that a full set of construction drawings, that would otherwise be necessary to obtain a building permit, be prepared, presented and reviewed.

It is the applicant's duty to ensure that all drawings or plans, that may be required for further permitting of the actual construction of the project, will result in a finished project that complies with the elevations, site plan and other plans on which the SAP was granted. The applicant is further notified that neither the Office of Buildings nor any of the other City of Atlanta agencies that review any other part of the overall project plans for compliance to building codes, zoning codes, the tree preservation, the riparian buffers ordinance, land disturbance regulations, drainage and sewer capacity or any other regulations in effect at the time of plan review have the authority to approve any changes to the exterior appearance of structures or site plans in a SAP.

It is the responsibility of the applicant to ensure that any changes required, requested, or allowed by any other City agency or any other agency reviewing the plans during any part of the building permit process will not alter the exterior appearance of any structure or cause the relocation, rearrangement and/or reorientation of any feature of the site plan. Therefore, it is important for the applicant to be aware that even changes which may be in compliance with other codes, including without limitation, an increase to the height of the structure, whether resulting from changes to the foundation plan or the grading plan of the site, alterations to the interior layout of the structure that affect the location or size of exterior doors or windows, or changes to the method of construction for any floor of a structure or the roof of any structure, may affect the exterior appearance in a manner which could cause the finished structure to be out of compliance with the elevations approved by the OZD.

The applicant is further put on notice that the location of any feature specified on the site plan is not to be changed from that location which is specified on the site plan approved by the OZD. This includes, without limitation, any such changes that might affect the setbacks of any structure, the orientation of structures or features on the lot, including, without limitation, accessory buildings, the location and size of driveways, walkways, fences, parking pads, parking spaces, loading zones and service areas. It shall be the responsibility of the applicant to ensure that any changes required by any agency reviewing plans for the project remain consistent with the site plan and elevations approved by the OZD

It shall be the responsibility of the applicant, not the OZD, to monitor any plan changes during the permitting of the project to be sure that such changes do not affect the elevations and site plan approved by the OZD at the time of issuance of the SAP.

It is also the responsibility of the applicant to ensure that any changes made on site during the construction of the project, regardless of whether such changes are approved by a City building inspector, or representative of another City agency as being in compliance with the building codes or other applicable codes, do not result in a change to the exterior appearance of a structure or in a change to the site plan. The City of Atlanta Zoning Ordinance provides a process under which changes to the elevations and site plan in a SAP may be approved, however such approval is not guaranteed and the applicant is hereby notified that such changes are based on the application of the district regulations and not on the fact that a hardship, financial or otherwise may result if such permission is not given. The duty to adequately monitor the construction of the project to ensure compliance to the approved SAP and or any other City permit shall at all times be on the applicant, who assumes all risk of loss, financial or otherwise, from enforcement actions that result from the failure to comply with the SAP or any other City permit.

The applicant acknowledges that relief from any stop work order or other enforcement action, whether resulting from action taken by the OZD staff, the Office of Buildings staff or by the staff of any other City agency, must be appealed within the time and in the manner provided by the City Code. The applicant further acknowledges that the decision to apply to the OZD for permission to alter the approved plans is not an appeal of a stop work order or other enforcement action. The applicant acknowledges that it is solely within their own discretion to choose a process to resolve any dispute arising from the interpretation of any ordinance, the issuance of a stop work order or any other enforcement action and that the resolution of any such matter shall be made in compliance with the City Code and other applicable laws. The applicant further acknowledges that no written or oral representation of any City officer, employee, agent or elected official can waive or modify the City Code.

George Berkaw Co-Trustee George Berkaw Co-Trustee _____
 Applicant Printed Name Applicant Signature Date



City of Atlanta Office of Zoning & Development
SPECIAL ADMINISTRATIVE PERMIT (SAP) APPLICATION
Development Controls Specifications (Required)

File # _____

Residential Open Space Requirements (refer to Chapter 28 for clarification)

| Definitions and Methods of Calculation | | |
|--|--|----------------------|
| <ul style="list-style-type: none"> • LUI = Land Use Intensity Ratios Table (per Section 16-08 R-G District Regulations) • TOSR are calculated only for residential developments. TOSR includes the total horizontal area of uncovered open space plus ½ of the total horizontal area of covered open space subject to the limitations in Section 16-28.010 (4). Covered total open space is the open space closed to the sky but having two clear unobstructed open or partially open (50% or more) sides. <ul style="list-style-type: none"> ○ TOSR required = (LUI table) X (GLA). ○ TOSR provided = (GLA) – (area of building footprint) + (combined area of balconies and rooftop terraces). • UOSR requirements are calculated using the residential FAR (of the <u>corresponding net lot or GLA lot sized used</u> to calculate FAR) for both residential and mixed-use developments. It does not include areas for vehicles. However, newly created on-street parking (outside of existing travel lanes) and new streets may be counted towards the UOSR calculations as specified in the district regulations. <ul style="list-style-type: none"> ○ UOSR required = (LUI table) X (the corresponding lot size used to calculate FAR). ○ If GLA is used for USOR, then the amount provided shall be = (NLA) – (area of building footprint + surface area of parking lots, and driveways) + (balconies, rooftop terraces, and landscaped areas on sidewalks within the adjacent right-of-way). | | |
| TOSR: Total Open Space Requirements for Residential Only Projects | | |
| <i>(Not required in SPI-9, SPI-16, SPI-17, SPI-18, SPI-20, SPI-21, MRC, MR, or LW districts, or in mixed-use developments.)</i> | | |
| | Ratio | Total Square Footage |
| Minimum Required | NA | NA |
| Provided | NA | NA |
| Square Footage breakout of UNCOVERED TOSR amount provided by the following: | | |
| GLA minus building square footage | NA | |
| Open exterior balconies (per Section 16-28 or district regs) | NA | |
| Roof area improved as recreation space | NA | |
| Square Footage breakout of COVERED TOSR amount provided by the following: ^{NA} | | |
| Areas closed to the sky (roof) but having two sides with a minimum of 50% open | NA | |
| UOSR: Usable Open Space Requirements for Residential and or Mixed-use Developments | | |
| <i>(These are areas not counted towards Public Space Requirements)</i> | | |
| | Ratio | Total Square Footage |
| Minimum Required | .2 of GLA | 39,428 SF |
| Provided | .28 | 43,109 SF |
| Square Footage Breakdown of UOSR amounts provided by the following: | | |
| Balconies | NA (SPI-9 Residential) | |
| Rooftop Terraces | - | |
| Landscaped Areas and Plazas | 8,487 sf | |
| Portions of Sidewalks on Private Property | 15,011 sf | |
| Portions of Landscaped Areas in Right-of-way adjacent to Property | 19,611 sf (includes western buffer) | |



City of Atlanta Office of Zoning & Development
SPECIAL ADMINISTRATIVE PERMIT (SAP) APPLICATION
Development Controls Specifications (Required)

File # _____

Non-Residential Public Space Requirements (refer to Chapter 28 for clarification)

| PSR: Public Space Requirements for Non-residential & Mixed-use Developments | | |
|---|--|----------------------|
| <i>(These are areas not counted towards UOSR)</i> | | |
| Public Space provided = (square footage area of exterior space) + (square footage area of interior space) | | |
| | Percentage (%) | Total Square Footage |
| Minimum Required | 50% | 19,714 SF |
| Provided | 1.08 | 42,787 sf |
| Square Footage Breakdown of PSR amounts provided by the following: | | |
| EXTERIOR (accessible to general public such as landscaped areas, plazas, terraces, patios, observation decks, fountains, sidewalks, common areas, open recreational spaces, etc.) | sidewalk - 15,011 sf landscape - 7,077 sf Total - 22,088 sf | |
| INTERIOR (ground-level area accessible to the general public during normal business hours such as malls, galleries, atria, lobbies, concourses, plaza, walkways, fountains, landscape areas for public recreation, pedestrian seating, or eating and similar public amenities) | Lobbies & Vestibules - 20,699 sf plaza & walkways - 8,487 sf outdoor dining & walkways - 5,156 sf Total - 20,699 sf | |

Parking and Loading Requirements (refer to district regulations and Chapter 28 for clarification)

| Residential Unit Breakout | | | | |
|---|------------------------------|----------------|--|----------------|
| Number of Studios | Number of 1 BR | Number of 2 BR | Number of 3 BR | Number of 4 BR |
| | 122 | 154 | 31 | |
| On-site Parking Spaces | Residential | | Non-residential Uses | |
| Minimum Required | 472 | | 346 | |
| Provided | 563 | | 292 | |
| Maximum Allowed | 629 | | 461 | |
| Bicycle Parking Spaces | Residential | | Non-residential Uses | |
| Minimum Required | 40 | | 35 | |
| Provided | 50 | | 35 | |
| On-site Loading Spaces (see applicable zoning district requirements or Section 16-028.015) | | | | |
| | Residential/Hotel | | Non-residential Uses (break out by use) | |
| Minimum Required (specify for each use) | Residential - 2 Hotel - 1 | | Office - 1 Retail - 1 | |
| Provided (specify for each use) | Residential - 2 Hotel - 1 | | Office - 1 Retail - 1 *shared* | |



City of Atlanta Office of Zoning & Development
SPECIAL ADMINISTRATIVE PERMIT (SAP) APPLICATION
Development Controls Specifications (Required)

File # _____

*Developmental Controls forms are required to be completed by the applicant, and all applicable specifications should be shown on the site plan in chart form. Items omitted will delay the plan review process. Refer to City of Atlanta Zoning Code (Chapters 8, 19, and 28) for clarification.

| Definitions and Methods of Calculation | | | | | | |
|--|--|---|--|--|--------------------------------|-------------------|
| <ul style="list-style-type: none"> <u>Net Lot Area (NLA)</u> = length of property line X width of property line <u>GLA for corner lots</u> = (NLA) + [(street "A" right-of-way width ÷2) X (street "A" length of property line)] + [(street "B" right-of-way width ÷2) X (street "B" length of property line)] + [(street "A" right-of-way width ÷2) X (street "B" right-of-way width ÷2)] <u>GLA (with only one front yard adjacent to street)</u> = (NLA) + [(street right-of-way width ÷2) X (length of front property line)] GLA may include half of the right-of-way (including streets, parks, lakes and cemeteries) up to 50 feet in width. GLA shall not be used for calculating FAR for properties within single-family or two-family-zoned subareas of SPI districts. <u>Building Lot Coverage provided</u> = (net lot area minus area of building footprint) ÷ (net lot area) | | | | | | |
| Lot Size (in square footage) | | | | | | |
| Gross Land Area (GLA) | | 197,142 SF 4.53 acres | | | | |
| Net Lot Area (NLA) | | 182,009 SF 4.18 acres | | | | |
| Floor Area Ratio (FAR) – as applicable. Check which used for residential: <input checked="" type="checkbox"/> GLA, or <input type="checkbox"/> NLA | | | | | | |
| | Residential FAR Ratio | Residential Square Footage | | Non-Residential FAR Ratio | Non-Residential Square Footage | |
| Base Allowed | 3.0 | 591,426 sf | | | | |
| Base Provided | 2.85 | 560,865 sf | | | | |
| Bonus Allowed | | | | | | |
| Bonus Provided | | | | | | |
| Bonus FAR Program (check bonus utilized if applicable) | | | | | | |
| Transit Station <input type="checkbox"/> | Ground Floor Retail <input type="checkbox"/> | Open Space and New Streets <input type="checkbox"/> | Community Center Facilities <input type="checkbox"/> | Workforce Housing <input type="checkbox"/> | | |
| Residential Units | | | | Total Provided: 307 | | |
| Number of Units Provided (without bonus) | | | | 307 | | |
| Number of Bonus Units Provided (without workforce housing) | | | | | | |
| Number of Bonus Workforce Housing Units Provided (20% required) | | | | | | |
| Total Number of Units per Acre | | | | 68 | | |
| Building Coverage <input type="checkbox"/> or Lot Coverage <input type="checkbox"/> (check applicable as required per zoning district) | | | | | | |
| | Percentage (%) | | | Square Footage | | |
| Max. Permitted | NA | | | NA | | |
| Provided | 37% | | | 73,780 sf | | |
| Fenestration (% of each street-fronting facade calculated separately, per district regulations) | | | | | | |
| | Residential Façade Percentage (%) | | | Non-residential Façade Percentage (%) | | |
| | Local Street | Arterial/Collector | Beltline Corridor | Local Street | Arterial/Collector | Beltline Corridor |
| Min. Required | | | | 65% | | |
| Provided (specify for each street) | | | | 65% | | |

