

Conditions for Z-23-063

GENERAL

1. The property shall be developed in accordance with the site plan entitled Rezoning Site Plan prepared by Kimley-Horn dated _____ and stamped received by the Office of Zoning and Development on _____ (the "Site Plan"). Minor changes to the Site Plan may be authorized by the Director of the Office of Zoning and Development in accordance with Section 16-02.003(7).
2. Subject to written approval by Atlanta BeltLine, Inc., the affordable housing requirement in Section 16-36A.004 shall be modified to allow the required affordable units to be unequally distributed among the proposed residential buildings. The number and type of units required shall not be impacted.

CONSTRUCTION

3. Upon request by Morningside-Lenox Park Association or Virginia Highland Civic Association, Developer shall provide bi-weekly construction logistics updates to the chair of each Association or their designee. Documentation of these updates shall be provided to the City of Atlanta Office of Zoning and Development upon request. The update will include, but not be limited to (a) general milestone schedule highlighting key activities that affect the neighborhood(s) and the durations, (b) a detailed two week look ahead schedule outlining specific activities and their expected practical impact on the surrounding neighbors and streets, including any mitigation planning, and (c) the construction site logistics plan and any updates.
4. During construction, construction staging shall occur on site.
5. Subject to approval by the City of Atlanta Department of Watershed, during construction, the developer shall make the proposed Evelyn Street access to the project the main construction entrance and prioritize use of Evelyn Street for construction access through signage and direction to their contractor(s).
6. During construction, the developer shall identify a contact person to address construction related issues or questions and provide the contact information for this person to the Chairs of the Morningside-Lenox Park Association and Virginia-Highland Civic Association and the Chair of NPU F, with a copy of the Office of Zoning and Development.

USES

7. Self-storage use is prohibited.
8. Drive-through uses are prohibited; provided, however, drive-throughs located completely within buildings or structures shall be permitted.
9. Eating and drinking establishment exhaust hood ventilation shall include scrubbers on grease ducts if discharged through a sidewall.
10. Service stations and gasoline stations are prohibited.

PARKING

11. The off-street parking requirements for the project provided in Section 16-19B.006 of the PDMU zoning district shall not apply to the property. No minimum parking requirements shall apply to the property.
12. Parking provided for the project shall not exceed the lesser of (a) 1435 spaces or (b) the sum of (i) 0.85 spaces per bedroom for residential uses and (ii) 0.85 spaces per 300 square feet for nonresidential uses. Parking may be shared among the uses. To minimize parking provided, a portion of the residential parking shall be shared with a portion of the office parking.
13. The project shall provide a minimum of 150 publicly accessible bike parking spaces in addition to the bike parking required for the project pursuant to Section 16-28.014(6). Provision of the required bike parking may be phased to align with phased construction. Bike parking shall conform to industry best practices on bike parking.
14. The project shall provide a minimum of 100 electric vehicle parking spaces. Provision of the required electric vehicle parking spaces may be phased to align with construction.
15. Any above ground parking structures shall be either architecturally screened or wrapped with an intervening building. The facade of an above ground parking structure directly abutting the residential lots fronting on Highland Park Lane shall be wrapped with an intervening building along the abutting façade. The façade of an above ground parking structure directly abutting the residential lots fronting on Orme Circle shall be wrapped with architectural screening along the abutting façade for portions of the parking structure façade located at or below a finished floor elevation of 888 feet. All other portions of the parking structure façade directly abutting the Orme Circle fronting lots shall be wrapped with an intervening building along the abutting façade.
16. Architectural parking deck screening shall include durable, architecturally finished materials designed to cover a minimum of 55% of the exposed frontage to obstruct views of the structure and vehicles. Screening design shall be part of a holistic design approach for each building.
17. Parking deck lighting shall be designed to reduce light spillage onto adjacent properties by providing cutoff luminaires which have a maximum 90-degree illumination.
18. Any mechanical ventilation exhaust from a parking structure shall be directed up and away from residential uses exterior to the project.
19. Clearly designated pedestrian paths with visibility shall be provided through parking areas to the public sidewalk or building entrance to provide a safe pedestrian crossing. Paths shall be designated with materials such as paint, elevated crosswalks, or changes in materials.

OPEN SPACE, TREES, LANDSCAPE

20. The open space requirements for the project provided in Section 16-19B.005 of the PDMU zoning district shall not apply to the property. A minimum of 20% of the net lot area of the project shall be provided as publicly accessible open space. As used herein, publicly accessible open space shall mean the following elements: (a) yards; (b) street furniture and tree planting zones; (c) clear zones; (d) supplemental zones; (e) outdoor dining; (f) plazas; (g) parks; (h) landscaped areas; (i) patios located above the ground level that are

accessible to the public; (j) public art; (k) publicly accessible pet areas; and (l) any exterior sidewalk level areas accessible to pedestrians.

21. The transitional yard buffers identified on the Site Plan shall not be utilized for parking, paving, loading, servicing or any activity with the exception of private alleys or drives up to ten feet in width. Such yards shall be planted as approved by the Arborist and maintained as a landscape strip planted with midstory or overstory trees, subject to approval by the City of Atlanta Arborist. A minimum eight foot permanent opaque fence/wall shall be provided where a transitional yard buffer is required and shall have a flat top.
22. A streetscape consisting of a minimum five foot landscape buffer zone, a minimum six foot clear zone and trees planted a maximum of 30 feet on center shall be provided on both sides of the internal private street located on the property connecting Amsterdam Avenue to Evelyn Street; provided, however, the minimum streetscape may be modified to the extent needed to accommodate a pedestrian plaza design. Subject to approval by the City of Atlanta Arborist, only midstory or overstory trees shall be utilized in the landscape buffer zone for the required tree plantings.
23. Subject to approval of the City of Atlanta Department of Watershed Management and ATL DOT, a minimum five foot landscape buffer, a minimum 10 foot multi-use path and trees planted a maximum of 30 feet on center shall be provided on one side of Evelyn Street between the BeltLine and Monroe Drive. Subject to approval by the City of Atlanta Arborist and City of Atlanta Department of Watershed Management, only midstory or overstory trees shall be utilized in the landscape buffer zone for the required tree plantings.
24. Subject to approval by ATL DOT, the streetscape along the northern side of Amsterdam Avenue shall be revised to provide a minimum six foot multi-use path. Subject to approval by ATL DOT, where the existing right-of-way width permits, the multi-use path shall be widened to a minimum of 14 feet.
25. Subject to approval by the City of Atlanta Arborist, the developer shall satisfy tree recompense requirements through replanting rather than payment of recompense.

DENSITY, HEIGHT

26. The maximum residential building square footage developed on the property shall not exceed 940,000 square feet.
27. The maximum nonresidential building square footage developed on the property shall not exceed 240,000 square feet.
28. In the event the 1.9018 acre portion of the property located on the western property boundary and identified as Tract 4-A on the survey attached hereto as Exhibit "A" (the "BeltLine Tract") is developed separately from the balance of the property included in this application, the density allowed to be developed on the property shall be allocated as follows:
 - a. The BeltLine Tract shall be allocated no residential square feet and 50,000 nonresidential square feet; and
 - b. The 8.2303 acre property identified as Tract 1 on the survey attached hereto as Exhibit "A" (the "Main Parcel") shall be allocated 940,000 residential square feet and 190,000 nonresidential square feet.

29. The maximum building height on the property shall be restricted as provided on Exhibit “B” which provides a maximum height range between 85 feet and 180 feet. A building with office use as the majority of the building square footage shall not exceed 140 feet in height. For purposes of measuring height, average finished grade shall commence above and exclude stories of parking structure(s) that are subterranean for at least 70% of the story.
30. No portion of any structure shall protrude through a height limiting plane beginning 35 feet above the required 20 foot setback/transitional yard on the property where the property abuts the protected properties and extending inward over the property zoned PDMU at an angle of 45 degrees. As used herein, “protected properties” shall mean (i) lots abutting the property with frontage on Orme Circle, NE or Highland Park Lane, NE and 520 Park Drive, NE (See diagram at Section 16-29.001(62) – Transitional height plane diagram 1).
31. No portion of any structure shall protrude through a height limiting plane beginning 15 feet above the western lot line of 569 Amsterdam Avenue, NE and extending inward over the property zoned PDMU at an angle of 45 degrees, provided this transitional height plane shall not extend more than 150 linear feet (measured along the ground) from the western lot line of 569 Amsterdam Avenue, NE up to and into the subject property (See diagram at Section 16-29.001(62) – Transitional height plane diagram 2).

URBAN DESIGN

32. The following standards shall be applicable to all buildings in the project:
 - a. Unfinished concrete, concrete masonry units, plywood, hard coat stucco and vinyl siding shall not be used as exterior façade materials on buildings.
 - b. Due to the proximity of the park and its potential attraction to migratory birds, the developer shall follow the construction guidelines in U.S. Green Building Council Credit: Bird Collision Deterrence. Developer shall submit to the Office of Zoning and Development documentation prepared by a certified professional that the buildings, if constructed as proposed, achieve the U.S. Green Building Council standard. The actual certification from the U.S. Green Building Council shall not be required.
 - c. The developer shall follow the construction guidelines in U.S. Green Building Council Credit: Light Pollution Reduction. Developer shall submit to the Office of Zoning and Development documentation prepared by a certified professional that the buildings, if constructed as proposed, achieve the U.S. Green Building Council standard. The actual certification from shall the U.S. Green Building Council not be required.
 - d. Buildings exceeding 100 feet in height shall implement standards necessary to achieve a minimum LEED Silver Certification or a similar green building rating certification such as WELL, Fitwel and Green Globes. Developer shall submit to the Office of Zoning and Development documentation prepared by a certified professional that the building, if constructed as proposed, achieves a minimum level of LEED Silver or equivalent. The actual certification from the green building company shall not be required.
 - e. Building service areas shall be screened from view from any adjoining residential use and the BeltLine.

- f. Rooftop equipment shall be screened from view from any adjacent properties. If rooftop condensing units are implemented on the roofs of multi-family buildings, a screen to deflect noise away from adjacent residential areas shall be implemented.
 - g. Dumpsters for buildings adjacent to adjoining residential properties shall be located entirely within the building or parking structure.
33. The following standards shall be applicable to buildings containing primarily office use in the project:
- a. Active commercial uses such as retail or eating and drinking establishments shall be provided on the ground floor of the building.
 - b. To create visual interest, the sidewalk level exterior building façade for nonresidential uses shall (i) be differentiated architecturally from the upper levels of the building, (ii) vary along the building elevation, (iii) not be homogenous, (iv) include changes in texture and (v) vary in depth, height and change of plane.
 - c. The building shall incorporate a variety of materials, such as, but not limited to, glass, metal, stone and masonry.
 - d. Exterior patios or balconies shall be provided for office use.
 - e. If any building has more than six floors above sidewalk level, then starting above the sidewalk level the building floor plates shall be stepped back and/or forward so that no more five floors are the same plane on the building facades abutting the public right-of-way.
 - f. At sidewalk level the building façade shall not exceed 60 feet in length without interruption by at least one of the following architectural features: (a) projection or recess in the wall plane of at least six inches in depth; (b) change in material, texture or pattern; or (c) change in the fenestration pattern.
 - g. A minimum of 50 percent of the portion of the building façade containing office use shall be vision glazing on the stories above sidewalk level.
34. The following standards shall be applicable to the residential buildings in the project:
- a. A minimum of 40 percent of the portion of the building façade containing residential use shall be glazing on the stories above sidewalk level.
 - b. A minimum of 50 percent of residential dwellings shall have balconies.
 - c. Provide individual unit entrances for sidewalk level residential uses.
 - d. Building facades shall incorporate a variety of articulation techniques to reduce visual mass such as vertical and horizontal banding, material changes, façade plane changes, vertical and horizontal recesses, window composition and design, balconies, or terraces.
 - e. Exterior Insulation and Finish Systems (EIFS) shall not be used for the first 25 feet of building height above grade on any façade facing either a public right-of-way or a publicly accessible area.
 - f. Simulated internally divided lite windows shall be prohibited.
 - g. The eastern façade of the building abutting the adjacent lots fronting on Highland Park Lane shall incorporate the following design standards:
 - i. The facade massing shall be broken into no fewer than two massings.
 - ii. Each massing shall be broken up by (1) varying along the building elevations, (2) not being homogenous, (3) including changes in texture and (4) varying in depth, height and change of plane.

- iii. At a minimum, the top story shall be set back a minimum of five feet and delineated with a differing material or texture to break the height visually.
- iv. Balconies on this side of the building shall not protrude past the exterior face of the building with the exception of Juliette balconies.

TRAFFIC CALMING, EXTERNAL SITE IMPROVEMENTS¹

- 35. The developer shall support legislation requiring all transportation impact fees generated from this development will be allocated to measures to mitigate traffic and promote pedestrian and bicyclist safety within the vicinity of the project as recommended by the Morningside-Lenox Park Association and the Virginia-Highland Civic Association
- 36. Granite curbs shall be provided along both sides of Amsterdam Avenue, west of Monroe Drive.
- 37. The project will have at least two points of vehicular access, one from Amsterdam Avenue and one from Evelyn Street.
- 38. Developer will advocate to the Atlanta City Council to have transportation impact fees generated by the project directed to the following transportation improvements:
 - a. Cumberland/Monroe intersection. Raised, repainted, or just generally more prominent crosswalks + designated bike lanes leading up to the intersection.
 - b. Monroe Intersections
 - i. Hillpine – Pedestrian bulbout (page 105)
 - ii. Sherwood – Pedestrian bulbout (page 105)
 - iii. Yorkshire – Pedestrian bulbout (page 105)
- 39. Subject to approval by ATLDOT and existing right-of-way to accommodate the improvements, developer shall implement the following improvements located outside of the project site.
 - a. Ensure safe and convenient bicycle access to the BeltLine from Amsterdam Avenue and, subject to approval by the Department of Watershed Management, Evelyn Street, without use of stairs. Any ramps should be designed to ensure usability from a wide range of mobility devices including double-wide strollers, cargo bicycles, or other larger mobility devices.
 - b. Subject to approval by the BeltLine, at least two bicycle accessible connection points shall be provided from the property to the BeltLine.
 - c. Subject to the approval of the Department of Watershed Management, car queuing stack space shall be maximized on Evelyn Street/Worcester Street.
 - d. Subject to the approval of the Department of Watershed Management, Piedmont Park Conservancy and the Atlanta Botanical Gardens, and to the extent a gated ticket booth is utilized, the developer shall relocate the existing gated ticket booth on the adjacent Evelyn Street as far west as commercially reasonable.
 - e. The development shall not have a vehicular connection to Orme Circle or Park Drive.

¹ These conditions will have to be reformatted once the content has been agreed to.

- f. Amsterdam/Monroe intersection. Raised, repainted, or just generally more prominent crosswalks + designated bike lanes leading up to the intersection., with a “Don’t Block the Box” treatment included.
- g. Evelyn/Monroe intersection. Raised, repainted, or just generally more prominent crosswalks + designated bike lanes leading up to the intersection.
- h. Monroe/Orme intersection Rapid Flashing Beacon
- i. Morningside-Lenox Park Master Plan traffic calming projects:
 - i. Amsterdam – MLPA Way Infrastructure (page 83)
 - 1. Bike markings
 - 2. Wayfinding signs
 - 3. Pedestrian bulbouts (page 105)
 - 4. Excluding paver crosswalks
 - ii. Cumberland – MLPA Way (page 83)
 - 1. Bike markings
 - 2. Wayfinding signs
 - 3. Pedestrian bulbouts (page 105)
 - 4. Excluding paver crosswalks