



REGIONAL REVIEW NOTIFICATION

Atlanta Regional Commission • 40 Courtland Street NE, Atlanta, Georgia 30303 • ph: 404.463.3100 • fax: 404.463.3105 • www.atlantaregional.com

DATE: April 21, 2016

ARC REVIEW CODE: V1604211

TO: Chairman Tim Lee, Cobb County Board of Commissioners
ATTN TO: David Breden, Cobb County Water System
FROM: Douglas R. Hooker, Executive Director, ARC

Digital signature
Original on file

The Atlanta Regional Commission (ARC) has received the following proposal and is initiating a regional review to seek comments from potentially impacted jurisdictions and agencies. The ARC requests your comments related to the proposal not addressed by the Commission's regional plans and policies.

Name of Proposal: RC-16-02CC Encore Center

Review Type: Metro River

MRPA Code: RC-16-02CC

Description: An application for a Metropolitan River Protection Act (MRPA) Certificate for the construction of a mid-rise office building that is similar to an office building that was previously proposed on this property and reviewed as a MRPA application in 2001 (RC-01-01CC).

Preliminary Finding: ARC's preliminary finding is that the proposed development, while not consistent with the Chattahoochee Corridor Plan in all respects, will provide a level of land and water resource protection equivalent to an application consistent with the Plan.

Submitting Local Government: Cobb County

Land Lot: 1014, 1015, 1026 **District:** 17 **Section:** 2

Date Opened: April 21, 2016

Deadline for Comments: May 2, 2016

Earliest the Regional Review can be Completed: May 2, 2016

THE FOLLOWING LOCAL GOVERNMENTS AND AGENCIES ARE RECEIVING NOTICE OF THIS REVIEW:

ARC COMMUNITY DEVELOPMENT DIVISION
CHATTAHOOCHEE RIVERKEEPER
THE RIVER LINE HISTORIC AREA, INC.

ARC NATURAL RESOURCES DIVISION
GEORGIA CONSERVANCY
CITY OF ATLANTA

GEORGIA DEPARTMENT OF NATURAL RESOURCES
NATIONAL PARK SERVICE

If you have questions regarding this review, please contact Andrew Smith at asmith@atlantaregional.com or (404) 463-5581. If ARC does not receive comments from you on or before **May 2, 2016**, we will assume that your agency has no additional comments and will close the review. Comments by e-mail are encouraged. The ARC review website is located at <http://www.atlantaregional.com/land-use/planreviews>.

Attached is information concerning this review.

APPLICATION FOR METROPOLITAN RIVER PROTECTION ACT CERTIFICATE

1. Name of Local Government: Cobb County

2. Owner(s) of Record of Property to be Reviewed:

Name(s): Earl L. Shell, Jr.

Mailing Address: 50 Cates Ridge

City: Atlanta State: Georgia Zip: 30327

Contact Phone Numbers (w/Area Code):

Daytime Phone: (404) 386-4506 Fax: _____

Other Numbers: _____

3. Applicant(s) or Applicant's Agent(s):

Name(s): Harvey Rudy, Greenstone Properties

Mailing Address: 3301 Windy Ridge Parkway, Suite 320

City: Atlanta State: Georgia Zip: 30339

Contact Phone Numbers (w/Area Code):

Daytime Phone: (678) 589-7619 Fax: _____

Other Numbers: _____

4. Proposed Land or Water Use:

Name of Development: Encore Center

Description of Proposed Use: Office

5. Property Description (Attach Legal Description and Vicinity Map):

Land Lot(s), District, Section, County: _____

LL 1014, 1015, 1026, DIST 17, SECTION 2, COBB COUNTY, GA

Subdivision, Lot, Block, Street and Address, Distance to Nearest Intersection: _____

3400 CUMBERLAND BLVD.

Size of Development (Use as Applicable):

Acres: Inside Corridor: 5.59 Acres

Outside Corridor: 0 Acres

Total: 5.59 Acres

Lots: Inside Corridor: N/A

Outside Corridor: _____

Total: _____

Units: Inside Corridor: N/A

Outside Corridor: _____

Total: _____

Other Size Descriptor (i.e., Length and Width of Easement):

Inside Corridor: N/A

Outside Corridor: _____

Total: _____

6. Related Chattahoochee Corridor Development:

A. Does the total development include additional land in the Chattahoochee Corridor that is not part of this application? No

If "yes", describe the additional land and any development plans: _____

B. Has any part of the property in this application, or any right-of-way or easement bordering this land, previously received a certificate or any other Chattahoochee Corridor review approval? Yes

If "yes", please identify the use(s), the review identification number(s), and the date(s) of the review(s): The property has been reviewed for a previous office development (not built)

in 2001

CA 001-01CC SMS 4/8/10

7. How Will Sewage from this Development be Treated?

A. Septic tank _____

Note: For proposals with septic tanks, the application must include the appropriate local government health department approval for the selected site.

B. Public sewer system Yes

8. Summary of Vulnerability Analysis of Proposed Land or Water Use:

Vulnerability Category	Total Acreage (or Sq. Footage)	Total Acreage (or Sq. Footage) Land Disturbance	Total Acreage (or Sq. Footage) Imperv. Surface	Percent Land Disturb. (Maximums Shown In Parentheses)	Percent Imperv. Surf.
<u>SEE NOTE BELOW (SMS 4/13/10)</u>					
A	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>(90) N/A</u>	<u>(75) N/A</u>
B	<u>4,359 Sq. Ft.</u>	<u>4,359 Sq. Ft.</u>	<u>0 Sq. Ft.</u>	<u>(80) 100</u>	<u>(60) 0.00</u>
C	<u>114,980 Sq. Ft.</u>	<u>88,021 Sq. Ft.</u>	<u>6,399 Sq. Ft.</u>	<u>(70) 76.55</u>	<u>(45) 5.57</u>
D	<u>4,322 Sq. Ft.</u>	<u>4,104 Sq. Ft.</u>	<u>1,516 Sq. Ft.</u>	<u>(50) 94.96</u>	<u>(30) 35.08</u>
E	<u>88,721 Sq. Ft.</u>	<u>63,004 Sq. Ft.</u>	<u>45,243 Sq. Ft.</u>	<u>(30) 71.01</u>	<u>(15) 50.99</u>
F	<u>31,188 Sq. Ft.</u>	<u>15,836 Sq. Ft.</u>	<u>10,547 Sq. Ft.</u>	<u>(10) 50.78</u>	<u>(2) 33.82</u>
Total:	<u>243,570 Sq. Ft.</u>	<u>175,324 Sq. Ft.</u>	<u>63,705 Sq. Ft.</u>	<u>N/A</u>	<u>N/A</u>

Note: This property was first reviewed in 2001 (Review Number RC-01-01CC) for a similar office building. At that time, it was determined that the Georgia Power easement running along the eastern side of the property constituted a hardship under Part 1.B.9 of the Chattahoochee Corridor Plan because the easement predated the Act and because the easement, which is considered disturbed under the Plan, exceeded the limits of land disturbance in the B and C categories without other activity on the property. At that time, the proposed project was determined to be equivalent to a consistent project, as provided for in Section 12-5-445 (a)(1)(B) of the Metropolitan River Protection Act. The determination was based on an average weighted runoff coefficient test. The project approved in 2001 was never built. The current proposal includes some changes to the original numbers, requiring a new review. The average weighted runoff coefficient test, which compares the proposed project to a fully consistent project on the property (with no easement), was performed for this proposal. The current proposed project meets the average weighted runoff coefficient test and, while not consistent with the Plan in all respects, is equivalent to a fully consistent project, and can be built as proposed.

The test and the determination are described in the memorandum attached to this application. (SMS 4/13/10)

9. Is any of this Land within the 100-Year Floodplain of the Chattahoochee River? No
If "yes", indicate the 100-year floodplain elevation: _____

NOTE: For this review, river floodplain is determined from the U.S. Army Corps of Engineers' "Floodplain Information - Chattahoochee River, Buford Dam to Whitesburg, Georgia", November, 1973 and its Supplement of March, 1982.

NOTE: All river 100-year floodplain is assigned to the "E" Category; its allowable allocations can be combined with those of other "E" land in the review. Also, 100-year floodplain cannot be reanalyzed and cannot accept transfers.

10. Is any of this land within the 500-year floodplain of the Chattahoochee River? No
If "yes", indicate the 500-year flood plain elevation: _____

NOTE: Plan Standards include a 35-foot height limit above the pre-construction grade within the 500-year floodplain (includes the 100-year floodplain). Adherence to this standard must be noted on the submitted plans (see Part 2.B.(4) of the Chattahoochee Corridor Plan).

11. The following is a checklist of information required to be attached as part of the application. Individual items may be combined.

FOR ALL APPLICATIONS:

X Description of land in the application and any additional land in the project (attach legal description or surveyed boundaries).

X Name, address, and phone number(s) of owner(s) of record of the land in the application. (Space provided on this form)

X Written consent of all owners to this application. (Space provided on this form)

X Name, address, and phone number(s) of applicant or applicant's agent. (Space provided on this form)

X Description of proposed use(s). (Space provided on this form)

X Existing vegetation plan.

X Proposed grading plan.

X Certified as-builts of all existing land disturbance and impervious surfaces.

X Approved erosion control plan.

X Detailed table of land-disturbing activities. (Both on this form and on the plans)

X Plat-level plan showing (as applicable): lot boundaries; any other sub-areas; all easements and rights-of-way; 100- and 500-year river floodplains; vulnerability category boundaries; topography; any other information that will clarify the review.

N/A Documentation on adjustments, if any.

X Cashier's check or money order (for application fee).

FOR SINGLE-STEP APPLICATIONS (NON-SUBDIVISION):

X Site plan.

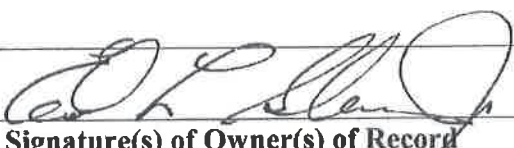
X Land-disturbance plan.

FOR TWO-STEP SINGLE-FAMILY SUBDIVISION APPLICATIONS ONLY:



N/A Concept plan.

N/A Lot-by-lot and non-lot allocation tables.


12. I (we), the undersigned, authorize and request review of this application for a certificate under the provisions of the Metropolitan River Protection Act: (use additional sheets as necessary)


Signature(s) of Owner(s) of Record Date 3/29/16


13. I (we), the undersigned, authorize and request review of this application for a certificate under the provisions of the Metropolitan River Protection Act:



Signature(s) of Applicant(s) or Agent(s) Date 3-30-16
3/29/16

14. The governing authority of Cobb County requests review by the Atlanta Regional Commission of the above-described use under the Provisions of the Metropolitan River Protection Act.


Signature of Chief Elected Official or Official's Designee Date 4-4-2016

Memorandum

Date: April 11, 2016
To: File
From: Jim Santo 
Subject: Equivalent Consistency Calculations for Encore Center, 3400 Cumberland Boulevard Metro River Review

Once a hardship has been established on a property that has been submitted for review, an average weighted runoff coefficient test is used to determine if the proposed project on a such a property can be considered equivalent to a consistent project, even though it cannot meet Plan requirements in all respects.

The first step is to calculate the maximum amounts and percentages for each category on the subject property, ignoring any pre-existing conditions (the property is treated as if it were completely undisturbed). Then, based on these numbers, natural areas (the undisturbed areas in each category) are broken out, as well as landscaped areas (disturbed but not impervious) and impervious areas. The amounts in each category are totaled and divided by the total property area, resulting in the average percentages of natural, landscaped and impervious areas for the entire property, not by category. These percentages are then multiplied by the appropriate runoff coefficient: 0.30 for natural, 0.35 for landscaped and 0.95 for impervious. The three resulting numbers are added together and the result is the average weighted runoff coefficient for a maximum consistent project on the subject property.

The process is then repeated for the proposed project on the property, including any existing conditions. If the average weighted runoff coefficient for the proposed project is the same as, or less than, the coefficient for the maximum consistent project, the proposed project is considered to be equivalent to a fully consistent project.

The category areas and the maximum allowable areas and percentages for land disturbance and impervious surface for this site are shown below. All areas are in square feet:

Category	Total Area	Land Disturbance	Impervious Surface
B	4,359	3,487 (80%)	2,615 (60%)
C	114,980	80,486 (70%)	51,741 (45%)
D	4,322	2,161 (50%)	1,297 (30%)
E	88,721	26,616 (30%)	13,308 (15%)
F	31,188	3,119 (10%)	624 (2%)
Totals:	243,570	115,869	69,585

Based on these numbers, the natural, landscaped and impervious percentages for the entire property were calculated, and from those numbers, the average weighted runoff coefficient for the maximum consistent project was calculated:

Natural:	127,701 SF / 243,570 SF Total Area	=	0.524 x 0.30	=	0.157
Landscaped:	46,289 SF / 243,570 SF Total Area	=	0.164 x 0.35	=	0.066
<u>Impervious</u>	<u>69,585 SF / 243,570 SF Total Area</u>	=	<u>0.286 x 0.95</u>	=	<u>0.272</u>
Average weighted runoff coefficient:					0.495

For the proposed project (including new and pre-existing land disturbance), the areas and percentages breakdown as follows:

Category	Total Area (In Sq. Ft.)	Land Disturbance (In Sq. Ft.)	Impervious Surface (In Sq. Ft.)
B	4,359	4,359 (100%)	0 (0%)
C	114,980	88,021 (76.6%)	6,399 (5.6%)
D	4,322	4,104 (95%)	1,516 (35%)
E	88,721	63,004 (71%)	45,243 (51%)
F	31,188	15,836 (51%)	10,547 (34%)
Totals:	243,570	175,324	63,705

The average weighted runoff coefficient for the Proposed Project:

Natural:	68,206 SF / 243,570 SF Total Area	=	0.280 x 0.30	=	0.084
Landscaped:	111,619 SF / 243,570 SF Total Area	=	0.458 x 0.35	=	0.160
<u>Impervious</u>	<u>63,705 SF / 243,570 SF Total Area</u>	=	<u>0.262 x 0.95</u>	=	<u>0.249</u>
					0.493

The proposed project's average weighted runoff coefficient is lower than that for the maximum consistent project, and therefore meets the coefficient test.

WHEEL STRIPS AND GRASS
TO BE ESTABLISHED FOR
EASEMENT ACCESS AT END
OF CONSTRUCTION.

APPROXIMATE LIMITS OF THE
2000 FOOT CHATTAHOOCHEE
RIVER CORRIDOR

COBB GALLERIA
(90, R/W)
FORMERLY KNOWN AS
PROFESSIONAL PARKWAY

CUMBERLAND BOULEVARD
(VARIABLE R/W)

APPROX. LAND LOT LINE

TITLE EXCEPTION - 11
SAN. SEWER EASEMENT
D.B. 10230, PG. 088

POST APARTMENT HOMES, L.P.

TEMPORARY GRAVEL ACCESS
PATH TO BE REMOVED AND
STABILIZED WITH PERMANENT
VEGETATION AT END OF
CONSTRUCTION.

IMPERVIOUS:
TOTAL: 63,705 SF

THE

Catequines + Impure
Sams 4/13/16