

DATE: June 24, 2020

ARC REVIEW CODE: V2006041

TO: Mayor Mike Mason, City of Peachtree Corners  
ATTN TO: Katherine Francesconi, Stormwater Engineer  
FROM: Douglas R. Hooker, Executive Director, ARC



Digital signature  
Original on file

The Atlanta Regional Commission (ARC) has completed regional review of the following proposal. Below is the ARC finding. The Atlanta Regional Commission reviewed the proposed project with regard to conflicts to regional plans, goals, and policies and impacts it might have on the activities, plans, goals, and policies of other local jurisdictions and state, federal, and other agencies.

**Name of Proposal:** RC-20-02PC 4260 Gatewood Lane  
**Submitting Local Government:** City of Peachtree Corners

**Review Type:** Metro River

**Date Opened:** June 4, 2020

**Date Closed:** June 24, 2020

**FINDING:** ARC staff has completed its review of the application for a MRPA Certificate for this proposed project in the Chattahoochee River Corridor. ARC's finding is that the proposed project is consistent with the Chattahoochee River Corridor Plan.

**Additional Comments:** Please see attached comments from the National Park Service and a response from ARC's Natural Resources Group.

#### THE FOLLOWING LOCAL GOVERNMENTS AND AGENCIES RECEIVED NOTICE OF THIS REVIEW:

ARC COMMUNITY DEVELOPMENT  
NATIONAL PARK SERVICE-CRNRA  
GWINNETT COUNTY

ARC NATURAL RESOURCES  
GEORGIA CONSERVANCY  
FULTON COUNTY

GEORGIA DEPARTMENT OF NATURAL RESOURCES  
CHATTAHOOCHEE RIVERKEEPERS  
CITY OF JOHNS CREEK

If you have any questions regarding this review, please contact Greg Giuffrida at (470) 378-1531 or [ggiuffrida@atlantaregional.org](mailto:ggiuffrida@atlantaregional.org). This finding will be published to the ARC website at: <http://www.atlantaregional.org/landuse>.



United States Department of the Interior



National Park Service  
Chattahoochee River  
National Recreation Area  
1978 Island Ford Parkway  
Sandy Springs, GA 30350

IN REPLY REFER TO:

L7619 (CHAT)

June 11, 2020

Greg Giuffrida  
Plan Reviews Program Manager  
Atlanta Regional Commission  
40 Courtland Street, NE  
Atlanta, GA 30303

Dear Mr. Giuffrida:

This letter is a notification of receipt of the Metropolitan River Protection Act (MRPA) Review Notification (RC-20-02PC) for 4260 Gatewood Lane in the City of Peachtree Corners. This project proposes the addition of a swimming pool behind a single-family house, as well as a porch and garage addition to the house on a 1.072-acre parcel on the Chattahoochee River. The proposal is within the 2,000-foot Chattahoochee River Corridor addressed in MRPA. The Atlanta Regional Commission's (ARC) preliminary findings 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.

Congress established the Chattahoochee River National Recreation Area (CRNRA), a unit of the National Park Service (NPS), in 1978 to assure the preservation and protection of a 48-mile stretch of the Chattahoochee River from Buford Dam to Peachtree Creek. CRNRA consists of the river and its bed along with the lands, waters, and interests within the park's authorized boundary. Congress expressly provided the Secretary of the Interior, acting through the NPS and CRNRA, with the authority to protect the "natural, scenic, recreation, historic and other values" of the Chattahoochee River. With this in mind, the park has concerns with ARC's determination and decision to only review the proposed swimming pool, porch, and garage additions.

The ARC initially adopted a Plan for the Chattahoochee Corridor on May 23, 1973 in accordance with the provisions of Georgia Code 12-5-443. Although the lot was platted prior to 1973, based on the Gwinnett County tax records, it is our understanding that the home was built in 1980. Since this is the first MRPA determination for the property, the house was built without a MRPA determination. We request a full MRPA review so the property can be looked at in its entirety and the existing home and infrastructure can be evaluated in conjunction with the proposed additions. Based on the requested analysis, additional stormwater infrastructure may be required to reduce impacts to the Chattahoochee River and the CRNRA from this parcel.

We understand the 150-foot no impervious surface setback cannot be maintained based on the parcel configuration. However, it is not sufficient to evaluate the proposed additions without understanding the unevaluated and cumulative impacts to the natural flow of flood waters, land erosion, stream bank erosion, siltation, and water pollution. In addition to the lack of an initial MRPA determination, there are two decks and a set of stone stairs impacting the 50-foot no-disturb buffer. These structures are MRPA violations because they do not pre-date MRPA or the establishment of CRNRA. We request the decks and stone stairs be removed and the 50-foot no-disturb buffer zone be replanted. These structures negatively impact the viewshed of the park.

We appreciate your consideration of these comments and a more holistic MRPA review. Please feel free to contact the Acting Chief of Planning and Resource Stewardship, Beth Byrd, directly if you have any questions or concerns. She can be reached at [beth\\_byrd@nps.gov](mailto:beth_byrd@nps.gov) or (404) 803-7641.

Thank you,

A handwritten signature in black ink, appearing to read "Ann Honious", with a stylized flourish at the end.

Ann Honious  
Acting Superintendent



Atlanta Regional Commission

June 23, 2020

Ms. Beth Byrd  
Acting Chief of Planning and Resource Stewardship  
Chattahoochee River National Recreation Area  
1978 Island Ford Road  
Atlanta, GA 30350

Dear Ms. Byrd:

The Atlanta Regional Commission (ARC) has received your comments expressing concerns about ARC's recent finding for the proposed pool and structure additions at 4260 Gatewood Lane in the Riverview Estates subdivision in the City of Peachtree Corners. I want to let you know that, although the review specifically addressed the proposed additions to the property, we also considered the entire property and its history in determining our finding.

As you noted in your letter, the property was platted and the street installed prior to the enactment of the Metropolitan River Protection Act (MRPA), making it impossible to achieve full compliance with the 150-foot impervious setback. Under the review process in the 1970s (prior to amendments to MRPA in 1980 and 1983), applications were reviewed by the local governments prior to any request for ARC review. Local government determinations, like grandfathering, involved fact-specific analyses of issues such as when construction had begun. Local government officials at the time had the benefit of first-hand knowledge and information on the timeline of activities on this site. Further, the structures you expressed concern with have been in place for decades, and we are concerned that improper removal and revegetation could make bank conditions worse.

The proposed action was presented to the ARC Board and its Community Resources Committee, as required under Part 2.C.2. of the Chattahoochee Corridor Plan. Also, as required in Part 2.C.2, mitigation measures, including replanting in the 50-foot buffer, were included that would not otherwise be installed.

[atlantaregional.org](http://atlantaregional.org)

International Tower  
229 Peachtree St, NE | Suite 100  
Atlanta, Georgia 30303

Ms. Beth Byrd  
June 23, 2020  
Page 2

Finally, we firmly believe that this does not create a precedent. Similar findings have been made in similar situations over the years and are always handled on a case-by-case basis.

We are, therefore, moving forward with the final finding that the review of 4260 Gatewood Lane, while not consistent with the Chattahoochee Corridor Plan in all respects, will provide a level of land and water protection equivalent to an application consistent with the Plan.

Please feel free to contact us with any further questions or comments.

Sincerely,

A handwritten signature in blue ink, reading "Katherine H Zitsch". The signature is fluid and cursive, with the first name "Katherine" written in a larger, more prominent script than the last name "Zitsch".

Katherine Zitsch, PE, DCEE  
Managing Director, Natural Resources  
Atlanta Regional Commission