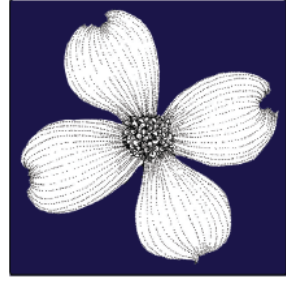


Tuxedo Park Civic Association

UPS Store (2215) #195, 2870 Peachtree Road, Atlanta, GA 30305



August 8, 2024

Members of the Zoning Review Board
VIA EMAIL - zrbhearings@atlantaga.gov

Re: 24-O-1216 Chastain Park Galloway School SPI-26

To the members of the Zoning Review Board:

I write on behalf of Tuxedo Park Civic Association (TPCA) to request your denial of the referenced paper.

As you are no doubt aware, this paper is a substitute, introduced at the July 1, 2024 City Council Zoning Committee meeting to take the place of the Chastain Park Galloway School SPI-26 paper this Board voted to deny at its hearing on June 6, 2024. Sadly, however, beyond correcting a technical issue with respect to inclusion of a required map, the substitute suffers from the same major deficiencies as its predecessor:

- **It would create a special public interest district for a single parcel of privately owned property.** This Board considered this issue in some depth at its previous hearing and concluded that creating a special public interest district for a single parcel, rather than a district of multiple properties, would set a dangerous precedent, conceivably setting the stage for spot-zoning privately owned individual parcels all over Atlanta. The substitute paper does nothing to mitigate these concerns, and indeed, given the Zoning Committee's refusal to adopt the conditions NPU-A proposed for approval of the previous paper, it would in fact heighten them.
- **It would create a special public interest district devoid of any "significant and substantial" public interest.** TPCA's primary concern with the original SPI-26 paper was that it would have used Atlanta's special public interest ordinance to demolish an historic building that contributes significantly to the character of Chastain Park without addressing the "special and substantial public interest in protection of [the] existing . . . character" of the

park in the process.¹ That is why TPCA supported the conditions NPU-A attached to its approval of the previous SPI-26 paper—conditions that would have required Galloway’s replacement building to be in the architectural style and location of Gresham Hall, the National Register-listed building it intends to demolish, so that the historic character of Chastain Park could be at least somewhat preserved.

The substitute paper pays lip service to this issue by “recogniz[ing]” that “the architectural style and location” of Gresham Hall “significantly contribute to the character of Chastain Park.”² But its implementing provisions fall far short of requiring the historic character of the Park to be preserved in any appreciable way and in fact would permit Galloway’s replacement building to be in *any* architectural style so long as it follows landscaping guidelines and uses a “palette of materials” that “coordinate” with existing Park structures.³

As we said in our previous letter, we believe that requiring Special Public Interest districts to have a “special and significant” public interest purpose is critical to ensuring that Atlanta’s SPI ordinance is not perverted into one that would allow individual property owners like Galloway to get their own special set of zoning concessions while paying only lip service to the public good. As currently written, however, that is exactly what the substitute SPI-26 paper would do—allow an individual property owner to get zoning rules no other private school or other entity has with nothing more than a recitation of a public purpose and building requirements so watered down that a structure of any style or period would suffice as a stand-in for a building listed on the National Register of Historic Places.

- **It would allow City staff to determine the architectural compliance of Galloway’s replacement building in place of the Atlanta Urban Design Commission (AUDC).** As this Board is no doubt aware, many of Atlanta’s existing special public interest districts

¹The express intent of Atlanta’s SPI ordinance is “to permit creation of Special Public Interest (SPI) Districts 1) In general areas officially designated as having special and substantial public interest in protection of existing or proposed character, or of principal views of, from, or through such areas; 2) Surrounding individual buildings or grounds where there is special and substantial public interest in protecting such buildings and their visual environment; or 3) In other cases where special and substantial public interest requires modification of existing zoning regulations, or repeal and replacement of such regulations, for the accomplishment of special public purposes for which the district was established.” Section 16-18.001.

² Substitute paper, section 16-18Z.002(4).

³ The architectural design provision in the substitute paper provides as follows: “To the extent visible from Chastain Park Avenue, the building otherwise shall have design characteristics consistent with the February 2008 Chastain Park Master Plan, particularly Section I, “Executive Summary – Key Recommendations – Design Guidelines” (pages 11 – 12), and Section V(J), “Design Guidelines - Buildings” (pages 112 – 115) thereof. Whenever these design guidelines are in conflict with the provisions of Chapter 16-18Z, the provisions of Chapter 16-18Z shall apply.” Section 16-18Z.009 (9). The referenced “Design Guidelines - Buildings” in the Chastain Park Master Plan provide that “Chastain Park’s distinctive character is largely defined by the landscape, not due to one particular style of building. Building upon clear guidelines for landscape and site features, use of a coordinated palette of materials for new construction, and strengthened spatial relationships, a strong park identity may be developed without prescriptive stylistic guidelines.”

We understand that Galloway officials indicated at the NPU-A board meeting on July 30, as well as its general meeting on August 6, that it has taken these guidelines to heart. In response to questioning they indicated that their new building will be asymmetrical, not following Greek Revival or any other particular architectural style, with a portico set at the far end of the front-facing façade, rather than in its current prominent location overlooking the Park, and a large granite chimney to “coordinate” with existing Park structures.

include architectural provisions to protect the character of historic buildings, neighborhoods or viewsheds, and to a one, these ordinances require approval of architectural compliance by the AUDC, an expert, independent board much like this one. The substitute SPI-26 paper would not place such approval in the hands of the AUDC, but rather in the hands of City staff in the same department as those who sponsored introduction of not only the instant SPI paper but also of a predecessor proposal—ultimately determined legally invalid—that would have provided zoning concessions to Galloway via the Transferred Development Rights ordinance. With all due respect to our dedicated City officials, we believe the appearance of public integrity demands that architectural compliance in this case receive the same independent review and approval as other SPIs.

Even assuming full architectural compliance, however, SPI-26 would at base still be nothing more than an enormous gift basket of concessions for Galloway School. It would provide additional FAR (to .5 from its current limit of .4), additional lot coverage (to 76% from its current limit of 40%), raised height limits and grandfather provisions (to cover two 48-foot noncompliant buildings built in excess of the applicable 35-foot height limit), and reduction of its off-street parking requirements by some 125 spaces through the use of shared parking agreements. It would also provide the school a huge economic boon, given that it would raise the school's enrollment cap from 750 students to 810, providing a revenue increase of up to \$1.8 million *annually* from the additional tuition from 60 more students.

But in exchange it provides the least little bit of nothing in the way of protections for the park or the community. It does *not* require Galloway's building to be in the Greek Revival style, even though the City expressly recognized that Gresham Hall's architectural style "substantially contributes to the character of the Park." It does in fact provide for a portico with columns and a pediment (of no particular architectural style or period), but it does *not* require that structure to be located substantially where the Gresham Hall's iconic portico stands now, even though the City expressly recognized that the location of Gresham Hall "substantially contributes to the character of the Park." About the most that could be said of this proposed ordinance is that it does require Galloway to retain Gresham Hall's "historic open front lawn dotted with trees" and it does require Galloway's new building to stay within the residential height limit required of both Chastain Park and every R-zoned property in the city—important provisions to be sure, but hardly the stuff of such "special and substantial public interest" that they would justify the creation of a special public interest district.

Given all that, we ask that you vote to deny this paper on the same grounds as you did the first go-round. Nothing has substantially changed about this proposed ordinance: it remains essentially a special *private* interest vehicle for providing a private property owner major zoning concessions for a single parcel with only a wink and a nod at the public good. Your vote should accordingly remain the same as well—another resounding and unequivocal denial.

With best regards and gratitude for your consideration,



Gloria Cheatham
Senior Vice President

cc: The Honorable Matt Westmoreland
Commissioner Jahnee Prince
Director Keyetta Holmes
Andrew Tritt
Louis Prevosti
Kimberly Shorter
Nina Schwartz

