

**EXHIBIT "D-5"**

**DEPOSITION EXHIBIT NO. 23**

**R000326**

**ALTERNATE CONDITIONS**

To the owner's agreement to restrict the use of the subject property as follows:

- a. The largest assembly area within the building shall not exceed 1,300 square feet.
  - b. Except for a maximum of 4 special events per year, the total occupancy for the building shall be limited to a maximum of 283 persons based on a required parking ratio of one (1) space per every 3.5 persons within the building. Said 283 person occupancy shall be conditioned upon the continuation in full force and effect, in favor of the Property, of that certain Easement Agreement 1, dated May 25, 1988, recorded May 31, 1988 in Deed Book 11571, page 276 official deed records of Fulton County, Georgia by and among the United States Parcel Service and Glenridge Square, Ltd. Any special events which shall exceed the maximum 283 person occupancy, or the building's occupancy as adjusted below, shall be permitted through the City of Sandy Springs Special Event Process to ensure adequate traffic management and parking is provided.
  - c. The occupancy for the building may be increased during the hours of 5:00 p.m. to 11:00 p.m., Monday through Friday, and 8:00 a.m. to 11:00 p.m. on Saturday and Sunday by providing proof of a valid off-site parking lease for parking spaces located within 300 feet of the property. In addition, off-site parking may be provided between 300 feet and 5 miles of the property subject to approval of a transportation plan by the Director of the Department of Community Development. Occupancy for these hours may be increased based on a ratio of 2.5 persons of additional occupancy for every one (1) off-site parking space provided. Proof of valid off-site parking lease(s) shall be provided to the Director of the Department of Community Development prior to exceeding the maximum occupancy and by January 31st of each year thereafter. To be considered valid, the off-site parking lease shall have a minimum thirty (30) day cancellation notice and require that notice of cancellation be provided to the Director of the Department of Community Development. Failure to maintain a current valid lease shall suspend any right to exceed the maximum 283 person occupancy until a new off-site parking lease is provided to the Director of the Department of Community Development meeting the conditions stated herein.
  - d. On or before January 31st of each year, or within 30 days of receiving a request from the Director of the Department of Community Development, the Church shall provide to the Director of the Department of Community Development: (1) a report, signed under oath by an authorized Church official, detailing peak occupancy of the building by month for the preceding year, or such other period as designated by the Director of Community Development, and (2) an affirmation that the Parking Easement remains in full force and effect.
  - e. No overnight stays.
  - f. To prohibit any drug, alcohol, substance abuse, chemical dependence, and/or criminal rehabilitation programs.
2. To the owner's agreement to abide by the following:
- b. To the site plan received by the Department of Community Development dated May 5, 2009. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance and these conditions prior to the approval of a Land Disturbance Permit. Unless otherwise noted herein,