Municipal Clerk
Atlanta, Georgia

AN ORDINANCE
BY THE COMMUNITY DEVELOPMENT/
HUMAN RESOURCES COMMITTEE

UEZ-04-08

04-O-0648

AN ORDINANCE TO CREATE THE "GATES PARK CROSSING, LP HOUSING ENTERPRISE ZONE", TO BE LOCATED AT 150 & 200 PEYTON PLACE, S.W.; AND FOR OTHER PURPOSES.

NPU "I" **COUNCIL DISTRICT 10**

WHEREAS an amendment to the Constitution of the State of Georgia was adopted by referendum in November 1982 giving the Council of the City of Atlanta power to create urban enterprise zones in the City of Atlanta; and

WHEREAS enabling legislation known as the Atlanta/Fulton County Urban Enterprise Zone Act was enacted by the Georgia General Assembly and signed by the Governor in March 1983 and subsequently amended; and

WHEREAS the Atlanta/Fulton County Urban Enterprise Zone Act gives the Council of the City of Atlanta the authority to designate areas within the City as urban enterprise zones for housing purposes if certain conditions are met; and

WHEREAS the designation of a housing enterprise zone exempts the taxable value of property within the zone only from ad valorem taxes for City purposes, but the Board of Commissioners of Fulton County, by appropriate resolution, may exempt from ad valorem taxation for County purposes the taxable value of the same property that is exempted by the City; and

WHEREAS certain types of property may be exempted, conditions must be met by owners of private property to qualify for an exemption, period, and rate of exemptions, and elections may be made by the Atlanta City Council among various types of exemptions which are specified by State law; and

WHEREAS State law provides that an exemption from ad valorem taxation for City purposes also includes, but is not limited to, school and educational purposes; and

WHEREAS the City of Atlanta Development Impact Fee Ordinance provides that, under certain conditions, the City may exempt development in urban enterprise zones from the requirement to pay development impact fees; and

WHEREAS it is the expressed intent of the Atlanta City Council to use urban enterprise zone legislation as an incentive to generate private investment in areas of the City which otherwise might not attract such investments for commercial construction and job creation purposes; and

WHEREAS the conditions and qualifications of the Atlanta/Fulton County Urban Enterprise Zone Act, as amended, have been met relative to the creation of the proposed "Gates Park Crossing, LP Housing Enterprise Zone".

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS AS FOLLOWS:

Section 1: It is found by the Council of the City of Atlanta that the area in and around the property that would be designated as the "Gates Park Crossing, LP Housing Enterprise Zone" is economically and socially depressed. It is further found that areas such as this contribute to or cause unemployment, create an inordinate demand for public services and, in general, have a deleterious effect on the public health, safety, welfare, and morals. It is further found that these areas, as is the case with the property that would be designated as the "Gates Park Crossing, LP Housing Enterprise Zone", are characterized by having no investment or under-investment by private enterprise in ventures which produce jobs, trade, provision of services, and economic activities which individually and together contribute to a healthy society. This lack of private investment and activity contributes to social and economic depression in such areas. Therefore, it is in the public interest that incentives be provided to private enterprise to invest in such areas, and that such private enterprise place priority upon the employment of those residents in those economically- and socially-depressed areas designated herein as urban enterprise zones.

Section 2: The "Gates Park Crossing, LP Housing Enterprise Zone" is hereby created for the subject property at 150 & 200 Peyton Place, SW. The property contains 16.895 acres of land and includes the following tax Parcel Code Numbers (PCNs) 14-0205-LL-90, & 14-0205-LL095. The effective date of all exemptions established therein shall be January 1, 2005. The "Gates Park Crossing, LP Housing Enterprise Zone" shall be abolished on December 31, 2014. The "Gates Park Crossing, LP Housing Enterprise Zone" shall otherwise not be abolished except as provided in State law. A legal description and map of the "Gates Park Crossing, LP Housing Enterprise Zone" are attached hereto as Exhibit "A", are made a part hereof, and shall be on file in the Bureau of Planning and the Office of the Municipal Clerk.

Section 3. The "Gates Park Crossing, LP Housing Enterprise Zone" shall be developed as a residential development project, which shall consist of 332 apartment units. The project shall be developed in one phase and shall contain 244,020 total square feet of building space. In accordance with the requirements for housing enterprise zones, 265 (80 percent) of the total 332 housing units would be designated as being "affordable" (for moderate-income residents), which would exceed the required minimum of 20 percent.

Section 4. The development of the "Gates Park Crossing, LP Housing Enterprise Zone" shall meet or exceed the "housing affordability requirements" for urban enterprise zone designation that are defined in City Code Sections 146-52(2)a.1, 146-52(2)a.2, and 146-52(2)a.3 (per approved Ordinance #03-O-1695), which are provided below. The "Gates Park Crossing, LP Housing Enterprise Zone" shall consist of 332 total units, of which 176 units shall be one-bedroom units (53%), 156 units shall be two-bedroom units (47%), and 0 units shall be three-bedroom units (0%). The "Gates Park Crossing, LP Housing Enterprise Zone" shall designate 265 of the proposed 332 total units (80%) as being "affordable", which exceeds the required minimum housing affordability provision of 20 percent of the 332 total units (66 units). Compared to the minimum housing affordability requirement of 66 total units, to which the ratios of 53 percent for one-bedroom units (35 units), 47 percent for two-bedroom units (31 units), and 0 percent for three-bedroom units (0 units) are applied, the "Gates Park Crossing Housing Enterprise Zone" shall designate 141 one-bedroom units, 124 two-bedroom units, and 0 three-bedroom units as being "affordable", which exceed the housing affordability requirements by bedroom composition.

> City Code Section 146-52(2)a.1. Twenty percent of the total units to be provided shall reflect the same ratio of housing type and bedroom composition that is proposed throughout the zone, and shall be within the ability to pay of those households whose annual income does not exceed 60 percent of the median family income for the Atlanta metropolitan statistical area as most recently published by the United States Department of

Housing and Urban Development (HUD), and as adjusted for household size in accordance with HUD procedures.

City Code Section 146-52(2)a.2. Twenty percent of the units for sale shall reflect the same ratio of housing type and bedroom composition that is proposed throughout the zone, and shall bear purchase prices which do not exceed two and one-fifth times the median family income for the Atlanta metropolitan statistical area as most recently published by the United States Department of Housing and Urban Development.

City Code Section 146-52(2)a.3. Twenty percent of the units for rent, if any, shall reflect the same ratio of housing type and bedroom composition that is proposed throughout the zone, and shall bear monthly rents which do not exceed 30 percent of the low-income level defined in section 146-52(2)a.1 or, in the case of rental housing units that are being financed through federal low-income housing tax credits, said units shall bear monthly rents which do not exceed the maximum rents prescribed in Section 42, internal Revenue Service Code, based upon the low-income level defined in section 146-52(2)a.1.

Section 5: The Municipal Clerk is hereby directed to transmit a copy of this Ordinance as well as the legal description of the "Gates Park Crossing, LP Housing Enterprise Zone" to the Tax Commissioner of Fulton County, to the Commissioner of the Department of Community Affairs of the State of Georgia, and to the Superintendent of the Atlanta Board of Education immediately upon the approval by the Mayor of the City of Atlanta.

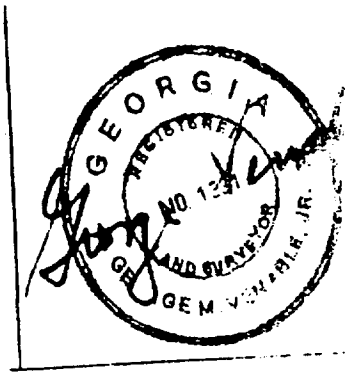
Section 6: That all ordinances and parts of ordinances that are in conflict herewith are hereby repealed.

U82-04-08

EXHIBIT "A"

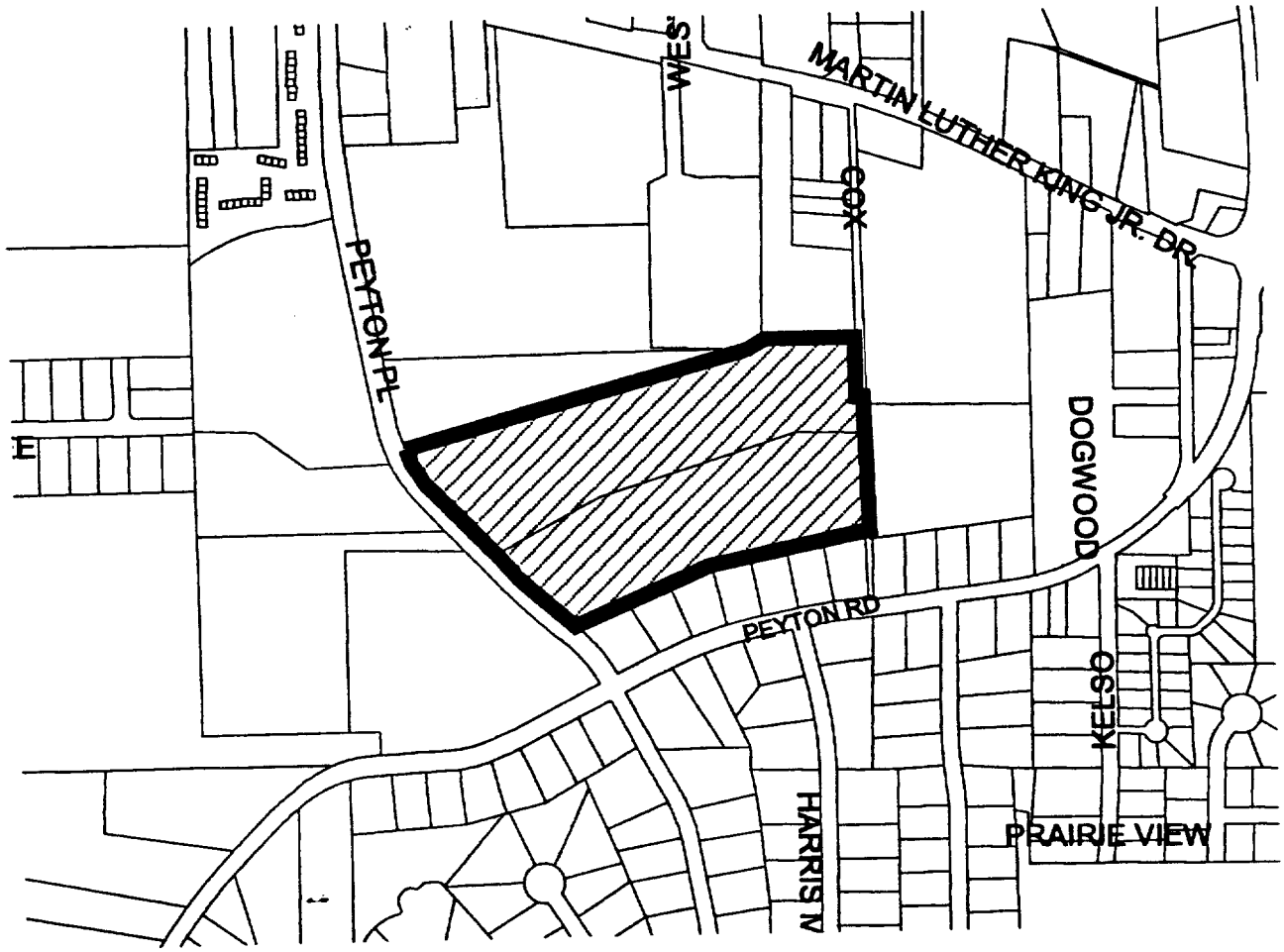
LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 205 of the 14th District in the City of Atlanta, Fulton County, Georgia, containing 16.895 acres and being more particularly described as follows: BEGINNING at an iron pin on the northeasterly line of a 60' right of way of Peyton Place a distance of 177.4' northwesterly as measured along said right of way from the northerly line of a 60' right of way of Peyton Road; thence along said right of way line of Peyton Place N 43°54'35" W a distance of 23.05' to an iron pin; thence continuing along said right of way line along the arc of a curve to the right a distance of 181.60' (chord bearing N 47°24'35" W, chord distance 181.41', radius 1145.84') to an iron pin; thence continuing along said right of way line N 42°56'26" W a distance of 377.22' to an iron pin; thence continuing along said right of way line along the arc of a curve to the right a distance of 186.28' (chord bearing N 31°11'26" W, chord distance 184.97', radius 452.95') to an iron pin; thence leaving said right of way line N 76°27'28" E a distance of 1100.29' to an iron pin; thence S 89°03'01" E a distance of 308.20' to an iron pin; thence S 00°48'59" W a distance of 149.26' to an iron pin; thence N 72°05'59" E a distance of 11.34' to an iron pin; thence S 00°56'00" W a distance of 416.00' to an iron pin; thence S 80°13'00" W a distance of 508.20' to an iron pin; thence S 66°22'24" W a distance of 239.82' to an iron pin; thence S 62°22'25" W a distance of 177.10' to an iron pin on the northeasterly right of way of Peyton Place and the POINT OF BEGINNING.



GATES PARK CROSSING, LP
HOUSING ENTERPROSE ZONE

TO BE LOCATED AT 150 & 200 PEYTON PL., SW., DISTRICT 14 LAND LOT 205
COUNCIL DISTRICT 10 , NPU - "T".



UEZ - 04 - 08

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Npu-i-parcels
Npu-i-streets

PROJECT CHECKLIST FOR UEZ-04-08:
Proposed "Gates Park Crossing, LP Housing Enterprise Zone"
To be Located at 150 & 200 Peyton Place, SW

CRITERION	REQUIRED	PROPOSED	COMPLIANCE
1. **Eligibility Criteria:**	**Must Meet 3 of the 4 Criteria:**		
a. Evidence of Pervasive Poverty	a. Poverty rate of ≥ 20% for the Census Block Group.	a. Poverty rate of 26% for Census Block Group 2 of Census Tract 81.02 (per the 2000 Census), which is more than the required minimum of 20%.	√
b. Unemployment	b. Unemployment: (1) Census Tract having at least 10% higher than the State Average; OR (2) Significant Job Loss, to be documented by the applicant.	b. Unemployment: (1) Census Tract 81.02 has an unemployment rate of 9%, which is more than 10% higher than the State Average of 5.1%. (2)	√
c. General Distress	c. General Distress: (1) Police Beat crime rate of ≥20% compared to the Police Zone; OR (2) Vacant and/or Dilapidated Structures, or Deteriorated Infrastructure, based on documented proof of existing abandoned and/or dilapidated structures within one block of the project area, or deteriorated infrastructure.	c. General Distress: (1) Police beat 405 has a crime rate of 42% of the crime rate of police zone 4, thus the high crime requirement is met. (2)	√
d. Underdevelopment	d. Underdevelopment: The NPU has ≤ 20% of the amount of Development Activity compared to the City as a whole for the proposed type of development.	d. Underdevelopment: NPU "I" had -3% of development activity within the City for residential development, which meets the requirement of ≤ 20%.	√

CRITERION	REQUIRED	PROPOSED	COMPLIANCE
2. Acreage	None.	Contains 16.895 acres of land.	√
3. CDP Consistency	CDP Land Use Classification: Designated as "Medium-Density Residential Allowed F.A.R.: 0.696. Would implement the recommendations of the H.E. Holmes Livable Centers Initiative.	Proposed FAR: 0.332. This would comply with the existing zoning of the property, thus it would be consistent with the CDP.	√
4. Zoning Compliance	Zoned "RG-3"	Proposed uses are allowed within "RG-3." The development would have a residential FAR 0.332	√
5. Project Specificity	Project-Specific Zone or Areawide Zone.	Project-Specific.	√
6. Project Readiness	≥ 30% of housing units to be initiated in Year 1 of the UEZ.	Applicant certifies that construction of at least 30% of the total 332 units (100 units) would be initiated in Year 1.	√
7. Non-Displacement	Minimum Displacement	Applicant certifies that the current residents would be relocated in accordance with the Uniform Relocation Act (URA) and all applicable regulations of the Urban Residential Finance Authority. A tenant relocation plan has been submitted.	√
8. Affordability	City Code Section 146-52(2)a.1. Twenty percent of the total units to be provided shall reflect the same ratio of housing type and bedroom composition that is proposed throughout the zone, and shall be within the ability to pay of those households whose annual income does not exceed 60 percent of the median family income for the Atlanta metropolitan statistical area as most recently published by the United States Department of Housing and Urban Development (HUD), and as adjusted for household size in accordance with HUD procedures. City Code Section 146-52(2)a.2. Twenty percent of the units for sale shall reflect the same ratio of housing type and bedroom composition that is proposed throughout the zone, and shall bear purchase prices which do not exceed two and one-fifth times the median	Project would include the following breakdown of affordable housing units, which meets the requirements for urban enterprise zone designation: 332 total units, of which 265 units (80%) would be designated as being affordable." The project would include 176 one-bedroom units, 156 two-bedroom units, and 0 three-bedroom units. The affordability breakdown by bedroom composition would be as follows: 141 one-bedroom units, 124 two-bedroom units, and 0 three-bedroom units, which exceed the requirements.	√

	family income for the Atlanta metropolitan statistical area as most recently published by the United States Department of Housing and Urban Development. City Code Section 146-52(2)a.3. Twenty percent of the units for rent, if any, shall reflect the same ratio of housing type and bedroom composition that is proposed throughout the zone, and shall bear monthly rents which do not exceed 30 percent of the low-income level defined in section 146-52(2)a.1 or, in the case of rental housing units that are being financed through federal low-income housing tax credits, said units shall bear monthly rents which do not exceed the maximum rents prescribed in Section 42, internal Revenue Service Code, based upon the low-income level defined in section 146-52(2)a.1.		
CRITERION	**REQUIRED**	**PROPOSED**	**COMPLIANCE**
9. Provision for Atlanta Police officers and their families (for housing and mixed-use residential/ commercial enterprise zones)	Five percent of available units to be offered to Atlanta Police officers and their families at purchase prices or monthly rents which do not exceed the low-income level of affordability.	Applicant certifies compliance.	√
10. Job Creation	First Source Jobs Policy	Would create 7 fulltime, permanent new jobs. Applicant certifies compliance.	√
11. Financial Feasibility	Chief Financial Officer's Statement of Fiscal Impact: a. Negative cash flow; OR b. Debt coverage ratio <1.20; OR c. A variable-ratio debt coverage ratio that is equivalent to said fixed-rate ratio, based upon reasonable assumptions as certified.	To be determined by the Bureau of Financial Analysis.	To be determined.

UEZ-04-08

CITY OF ATLANTA

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
55 Trinity Avenue, S.W. SUITE 3350 – ATLANTA, GEORGIA 30335-0308
404-330-6145 – FAX: 404-658-7491
www.ci.atlanta.ga.us/citydir/dpdnc/planning.htm

SHIRLEY FRANKLIN
MAYOR

CHARLES C. GRAVES, III
Commissioner

BEVERLEY DOCKERAY-OJO
Director

Bureau of Planning

February 24, 2004

Mr. Michael D. Wilson
Gates Renaissance, LLC
230 John Wesley Dobbs Avenue
Atlanta, Georgia 30303

RE: Processing of Your Submitted Urban Enterprise Zone Application

Dear Mr. Wilson:

This letter serves as notification of several matters pertaining to the urban enterprise zone application that you recently submitted to us as part of Cycle I, 2004.

Receipt of the UEZ Application. We received your Urban Enterprise Zone (UEZ) application for property that is located at 150 & 200 Peyton Place, SW. This includes the following tax parcel code numbers (PCNs): 14-0205-LL090 & 14-0205-LL095. You have proposed the creation of the "Gates Park Crossing, LP Housing Enterprise Zone" for the subject property, and have requested that the first year of the housing enterprise zone be 2005. Your application was assigned the case number of *UEZ-04-08.* We are reviewing it for completeness and accuracy, and will be contacting you soon (as well as throughout the application review process) by telephone or e-mail concerning any additional information or clarification that we need.

Required NPU Meeting. As part of the UEZ designation process, ***you are required to attend a Neighborhood Planning Unit (NPU) meeting.*** Your property is located in NPU "I", which holds monthly meetings at the Adamsville Natatorium. ***Your UEZ case is scheduled to be heard by NPU "I" on March 17, 2004. Your attendance is required.*** The NPU "I" meeting will begin at 7:00 p.m. Please attend this meeting (or send a designee) and be prepared to make a presentation and answer any questions concerning your application. The NPU "I" members will vote on your application, with such vote serving as a recommendation to City Council. *Please note that it is possible that NPU "I" members may request that you also attend one or more neighborhood association meetings before or after the NPU "I" meeting. Please contact the NPU "I" Chairperson, Andrew Fellers, immediately at (404) 696-6017 concerning this. Your non-attendance at such additional meetings likely would result in a deferral by NPU "I", thereby delaying the approval of your UEZ application.*

UEZ-04-08

Required Public Hearing & Optional Committee Meeting. ***The second required meeting is the UEZ public hearing to be conducted by the City's Community Development/Human Resources (CD/HR) Committee on Monday, May 10, 2004.*** The public hearing will be held in the City Hall Council Chambers on the Second Floor of City Hall at 55 Trinity Avenue, beginning at 6:00 p.m. Please be prepared make a presentation about your UEZ application and to answer any questions at the public hearing. *We encourage you to also attend the CD/HR Committee meeting to be held the following day, on Tuesday, May 11, 2004,* where the CD/HR Committee will vote on your application and make a recommendation to the full City Council. That meeting will be held in Committee Room #2 on the Second Floor of City Hall at 55 Trinity Avenue, beginning at 1:00 p.m.

Creation of the Urban Enterprise Zone. The full City Council is scheduled to vote on your case on May 17, 2004, after the UEZ public hearing has been held and the CD/HR Committee has made its recommendation. (Please be aware that if a rezoning, other type of zoning action, subdivision, consolidation, or other action is required for your property, this could delay the review and approval of your application. You are encouraged to pursue these actions as soon as possible.) If the City Council votes to approve your UEZ, the Mayor then is allowed up to eight days in which to sign the ordinance for the creation of your proposed urban enterprise zone. Thereafter, the ordinance becomes law, with or without the Mayor's signature. The new urban enterprise zone would exist for ten years. *You are cautioned that no building construction or renovation activity may begin before the ordinance to create your proposed urban enterprise zone has been adopted by City Council and approved by the Mayor.* However, pre-construction activities, such as demolition, clearance, and infrastructure installation, are allowed before then.

UEZ Tax Abatements. If the urban enterprise zone is approved, tax abatements would be "effective" on your property on January 1 of the year that you requested the enterprise zone to begin. The tax abatements would apply to the new or rehabilitated improvements only (not the land), with some restrictions. *The condition for the receipt of this tax abatement, you may recall, is that the construction or renovation of at least 30 percent of all proposed housing units on the property must be underway by December 31 of the first year for which you requested the enterprise zone to begin.* In general, tax abatements are made on the new improvements or new renovations only, at 100 percent for the first five years. Thereafter, the tax abatements are 80 percent for Years 6 & 7, 60 percent for Year 8, 40 percent for Year 9, and 20 percent for Year 10.

Thank you for participating in the Urban Enterprise Zone Program. If you have questions regarding any of these matters, please contact me at (404) 330-6637. For further information concerning the NPU meeting, you may contact the NPU/Citizen Participation Coordinator, Wendy Scruggs-Murray, at (404) 330-6899.

UZC-04-08

Mr. Michael Wilson
Gates Renaissance, LLC
February 24, 2004

Sincerely,

Linda M. Logan, AICP
Principal Planner
Bureau of Planning

/lml/

xc: Charles C. Graves, Commissioner
Beverley Dockeray-Ojo, Director
Sara Wade Hicks, Assistant Director