

01-0-1882

**AN ORDINANCE BY COUNCILMEMBERS
DEBI STARNES AND C.T. MARTIN
AS SUBSTITUTED BY
FULL COUNCIL**

**AN ORDINANCE TO WAIVE THE IMPACT FEES AT BIG BETHEL
VILLAGE ASSISTED LIVING PROJECT LOCATED AT — AND FOR
OTHER PURPOSES.**

WHEREAS, Big Bethel AME Church, through Big Bethel Village, L.P., is developing a 132 unit independent living/congregate care facility located at 500 Richard Allen Boulevard, which is intended to serve seniors who are in need of a supportive living environment, but who are capable of living independently; and

WHEREAS, this project was borne of a recognized need in the congregation and the southwest Atlanta community; and

WHEREAS, Big Bethel Village is intended to provide the southwest Atlanta community with the kind of housing and living environment, which will extend the period of self sufficiency and enhance the quality of life of our seniors; and

WHEREAS, this type of housing is not typically built by not for profit developers; and

WHEREAS, there is a great need for housing to serve the residents in the Empowerment Zone and Linkage Communities and the location of such a facility in a community development impact area will serve this purpose; and

WHEREAS, Big Bethel Village will agree to reserve 40% of the units in the facility for marketing to citizens who reside in the Empowerment Zone or a Linkage Community for a period of eight months; and

WHEREAS, Big Bethel Village, although not located in in the Empowerment Zone and Linkage Communities does meet the definition of an "economic development project" in Section 19-1006 of the Atlanta City Code in that it is close proximity to a Linkage Community and would create ten or more permanent jobs, of which at least 75% will be filled through the City of Atlanta First Source Jobs Program by qualified residents of the Empowerment Zone and Linkage Communities; and

WHEREAS, pursuant to Section 19-1016(a)(5) of the Atlanta City Code, economic development projects may receive a 100 percent exemption from the payment of development impact fees;



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

- Section One:** The Big Bethel Village, L.P. ("Big Bethel Village") shall be granted a waiver of impact fees for the development of an independent living/congregate care facility located at 500 Richard Allen Boulevard as conditioned in this ordinance. In the event that impact fees have been paid for the development of an independent living/congregate care facility located at 500 Richard Allen Boulevard as conditioned in this ordinance, a refund of the impact fees paid is authorized.
- Section Two:** This waiver of impact fees is contingent on the condition that for Big Bethel Village shall fill 75% of the positions created by project by hiring qualified residents of the Empowerment Zone and Linkage Communities through the City of Atlanta First Source Jobs Program. The scope of Big Bethel Village's consent to this condition and the City's rights and remedies are set forth in the attached document entitled "Consent to Conditions."
- Section Three:** This waiver of impact fees is further contingent on the condition that Big Big Bethel Village will agree to reserve 40% of the units in the facility for marketing to citizens who reside in the Empowerment Zone or a Linkage Community for a period of eight months from the date that the certificate of occupancy is granted. The scope of Big Bethel Village's consent to this condition is set forth in Attachment "A" entitled "Consent to Conditions."
- Section Four:** The Director of the Atlanta Workforce Development Authority, the Commissioner of the Department of Planning, Development and Neighborhood Conservation and the Chief Financial are authorized and directed to take the steps necessary to enforce the conditions set forth in Attachment "A" to this ordinance.
- Section Five:** This ordinance shall not become effective until such time as Big Bethel Village executes copies of the "Consent to Conditions" set forth in Attachment "A" to this ordinance and submits such executed copies to the Chief Financial Officer and the Director of the Bureau of Buildings.

A true copy,



Deputy Clerk

ADOPTED by the Council
APPROVED by the Mayor

DEC 03, 2001
DEC 11, 2001



ATTACHMENT "A"

CONSENT TO CONDITIONS IN ORDINANCE 01-O-1882

Big Bethel Village, L.P. ("Big Bethel Village") has requested that the Atlanta City Council express through ordinance 01-O-1882 that the construction to be undertaken at 500 Richard Allen Boulevard (the "Project") should be granted an exemption from the City of Atlanta Development Impact Fee imposed pursuant to Georgia law and to Atlanta City Code Sec. 19-1001 *et seq.*

Atlanta City Code Sec. 19-1016 provides that pursuant to the provisions of of the Georgia Development Impact Fee Act as codified at O.C.G.A. § 36-71-4(1) that the public policies expressed in the City's comprehensive development plan and the policies of the City Council, may entitle certain affordable housing units and economic development projects to be exempt from the payment of development impact fees. In order to qualify for an exemption and to further the City Council's policy of granting exemption to projects which serve the surrounding community, Big Bethel agrees to the following:

EMPLOYMENT

Big Bethel Village is seeking to qualify for an exemption pursuant to Atlanta City Code Sec. 19-1016(a)(5) as an economic development project which shall create ten or more jobs, of which 75% shall be filled through the hiring of qualified residents of the Empowerment Zone and Linkage Communities through the City of Atlanta First Source Jobs Program. Because the project is not yet constructed, Big Bethel cannot show the required level of employment necessary to qualify for an exemption. In order to be granted an exemption based on 19-1016(a)(5), Big Bethel agrees to meet the following conditions concerning the required compliance with Sec. 19-1016(a)(5) after the Project is completed.

1. At least ten or more permanent jobs will be created by the Project.
2. 75% of the jobs created by the Project shall be filled through the hiring of qualified residents of the Empowerment Zone and Linkage Communities through the City of Atlanta First Source Jobs Program.
3. In the event that the Director of the Atlanta Workforce Development Authority ("AWDA") certifies in writing that no qualified residents of the Empowerment Zone and Linkage Communities are currently available, Big Bethel Village may recruit and hire applicants from other sources.
4. In the event that a job filled by an applicant from another source becomes vacant, Big Bethel shall make a good faith effort to fill such position by hiring a qualified resident of the Empowerment Zone and Linkage Communities through the City of Atlanta First Source Jobs Program and shall again be required to have a certification from the Director of AWDA that no qualified resident of the Empowerment Zone and Linkage Communities is currently available before Big Bethel Village may recruit and hire and applicant from other sources.



The employment requirement shall be in force for a period of three years from the date of this Ordinance.

6. Within ninety days after the certificate of occupancy is granted, and annually thereafter, Big Bethel shall certify its compliance with this condition to the Director of the AWDA. This certification shall be in the form of a report which lists all permanent jobs created by the Project and indicates which are filled by residents of the Empowerment Zone and Linkage Communities through the City of Atlanta First Source Jobs Program. If the number of jobs so indicated is less than 75% of the jobs created by the Project, Big Bethel must indicate which jobs were filled after certification in writing that no qualified residents of the Empowerment Zone and Linkage Communities were currently available. If the number of jobs certified by Big Bethel is: (a) less than ten (10) in total; or (b) if less than 75% of the jobs created by the Project are not filled by residents of the Empowerment Zone and Linkage Communities through the City of Atlanta First Source Jobs Program and written certification from AWDA that no qualified residents of the Empowerment Zone and Linkage Communities were currently available is not obtained; and said condition lasts for a period longer than ninety days, Big Bethel shall be in violation of this condition. The Director of AWDA shall notify the Chief Financial Office that Big Bethel is in violation of this condition.
7. Failure of Big Bethel Village to comply with the requirements of this condition shall cause the actual amount impact fees waived by this Ordinance to become due and payable. Upon notice from the Director of AWDA that Big Bethel has failed to comply with this condition, the Chief Financial Officer shall give notice to Big Bethel that the actual amount of impact fees waived by this ordinance are due and payable and after ninety (90) days the amount due shall be collected in the same manner used to collect any other fee owed to the City
8. The Director of AWDA or the Chief Financial Officer may in his or her discretion allow Big Bethel the opportunity to cure a violation of this condition upon a written certification that Big Bethel Village acted promptly and in good faith to cure this violation in 30 days.
9. Big Bethel Village agrees to allow the City reasonable right of access to its premises and employment records to verify compliance with this employment condition.

INITIAL ALLOCATION OF 40% OF UNITS

In order to support the policies of the City Council which use the exemption of impact fees to encourage commercial development projects which are located outside of the Empowerment Zone or a Linkage Community but which are in the community development impact area, Big Bethel voluntarily agrees to undertake the following conditions:

1. Big Bethel agrees to reserve 40% of the units in the facility for marketing to citizens who reside in the Empowerment Zone or a Linkage Community. Such reservation is not intended to and shall not exclude any person in violation of the Fair Housing

RCS# 3365
12/03/01
10:17 PM

Atlanta City Council

Regular Session

01-O-1882

Waive the Impact Fees for Big Bethel
Village Assisted Living Project
ADOPT SUBSTITUTE

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 0

Y McCarty	NV Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	Y Morris	Y Maddox	Y Alexander
Y Winslow	NV Muller	Y Boazman	NV Pitts

01-O-1882

01-0-1882

(Do Not Write Above This Line)

An Ordinance by Councilmembers Debi Starnes and C. T. Martin:

To waive the impact fees for Big Bethel Village Assisted Living Project.

ADOPTED BY
DEC 03 2001

COUNCIL

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER

Date Referred 11/5/01

Referred To: Finance / Exec

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
 Date _____
 Chair _____
 Referred to _____

Committee _____
 Date _____
 Chair _____
 Action: _____
 Fav, Adv, Hold (see rev. side)
 Other: _____
 Members _____
 Refer To _____

Committee FIN/EXEC
 Date 11-14-01
 Chair _____
 Action: Hold (see rev. side)
 Other: _____
 Members _____
 Refer To _____

Committee _____
 Date _____
 Chair _____
 Action: _____
 Fav, Adv, Hold (see rev. side)
 Other: _____
 Members _____
 Refer To _____

Committee FIN/EXEC
 Date 11/28/01
 Chair _____
 Action: Hold (see rev. side)
 Other: ON CERTIFICATION
 Members 540
 Refer To C. T. Martin, Debi Starnes, C. T. Martin

FINAL COUNCIL ACTION

- 2nd Reading
- 1st & 2nd Readings
- 3rd Reading
- Consent
- V Vote
- RC Vote

CERTIFIED

C
 DEC 3 2001
 ATLANTA CITY COUNCIL PRESIDENT
 Robert A. Parker

CERTIFIED

DEC 03 2001

DEPUTY MUNICIPAL CLERK

MAYOR'S ACTION

DEC 11 2001

[Handwritten Signature]
 MAYOR