



Municipal Clerk
Atlanta, Georgia

04-0-1507

**AN AMENDED ORDINANCE
BY THE COMMUNITY DEVELOPMENT/
HUMAN RESOURCES COMMITTEE**

UEZ-04-21/UEZ-03-07

AN ORDINANCE BY THE COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE TO EXPAND THE "PITTSBURG REDEVELOPMENT HOUSING ENTERPRISE ZONE"; AND FOR OTHER PURPOSES.

NPU "V"

COUNCIL DISTRICT 4

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 not 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 "Pittsburg Redevelopment Housing Enterprise Zone" was designated by the Council on July 7, 2003, and approved by the Mayor on July 12, 2003, per adopted Ordinance #03-O-0553 for property that is located at 473 (f.k.a. 455, et al) Rockwell Street, SW (a.k.a. 801 McDaniel Street, SW), which



represents property parcel code number (PCN) 14-0086-0007-209-8, whose effective date was to be January 1, 2004 and whose date of abolishment is December 31, 2013;

WHEREAS the applicant for the proposed development project, CMP CHP Pittsburg, LP, submitted an amendment application to the approved application #UEZ-03-07 on June 29, 2004, constituting application #UEZ-04-21/UEZ-03-07, whereby the applicant requested that two types of amendments be made, as follows: 1) expand the boundaries of the zone to add two small parcels (which are owned by the City of Atlanta and are authorized to be conveyed to the applicant); and 2) expand the project scope to include a senior housing component with 150 apartments (Phase Two), in addition to the previously-approved multi-family housing component with 220 apartments (Phase One), for a total of 370 new housing units;

WHEREAS all other conditions and qualifications of the Atlanta/Fulton County Urban Enterprise Zone Act, as amended, have been met relative to the amendment of the proposed "Pittsburg Redevelopment 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 "Pittsburg Redevelopment 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 "Pittsburg Redevelopment 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 Pittsburg Redevelopment Housing Enterprise Zone is amended by 1) expanding the boundaries of the zone to add two small parcels, as described in the legal descriptions attached to this ordinance and titled 'Wright Court' and 'North Tract'; and 2) by expanding the scope of the proposed residential development project to include Phase II in addition to the previously-approved Phase I, whereby Phase II would add 150 apartments for seniors to the 220 apartments for families comprising Phase I, such that the combined development project within Phases I and II would have a total of 370 apartment units as described in the legal descriptions attached to this ordinance and titled Wright Court and North Tract.

Section 3. The development of the "Pittsburg Redevelopment 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 and 146-52(2)a.3, which are provided below.

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.



Phase II of the "Pittsburg Redevelopment Housing Enterprise Zone" shall consist of 150 units, of which 90 units shall be one-bedroom units (60%) and 60 units shall be two-bedroom units (40%). The "Pittsburg Housing Enterprise Zone" shall designate 112 of the proposed 150 units in Phase II (75%) as being "affordable", which exceeds the required minimum housing affordability provision of 20 percent of the 150 total units (30 units). Compared to the minimum housing affordability requirement of 30 total units, to which the ratios of 60 percent for one-bedroom units (18 units) and 40 percent for two-bedroom units (12 units) are applied, the "Pittsburg Redevelopment Housing Enterprise Zone" shall designate 72 one-bedroom units and 40 two-bedroom units within Phase II as being "affordable", which exceed the housing affordability requirements by bedroom composition.

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.

All of the proposed housing units within the Pittsburg Redevelopment Housing Enterprise Zone shall be for rent and shall reflect the same ratio of bedroom composition that is proposed throughout the zone. Further, the proposed monthly rents shall not exceed 30 percent of the low-income level defined in section 146-52(2)a.1.

Section 4: The effective date of all exemptions established therein for the Pittsburg Redevelopment Housing Enterprise Zone Expansion shall be January 1, 2005. The Pittsburg Redevelopment Housing Enterprise Zone Expansion shall be abolished on December 31, 2014. The Pittsburg Redevelopment Housing Enterprise Zone Expansion shall otherwise not be abolished except as provided in State law.

Section 5: The Municipal Clerk is hereby directed to transmit a copy of this Ordinance as well as the legal description of the "Pittsburg Redevelopment 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.

A true copy,

Rhonda Daughin Johnson
Municipal Clerk, CMC

ADOPTED as amended by Council
APPROVED by the Mayor

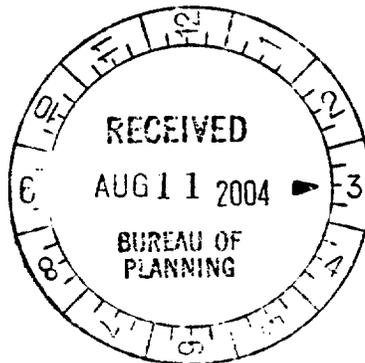
October 4, 2004
October 8, 2004

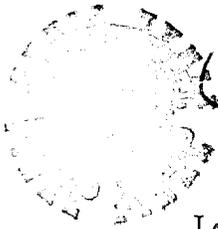
UEZ-04-21/UEZ-03-07

Legal Description
Wright Court (50' R/W)

All that tract or parcel of land lying and being in Land Lot 86 of the 14th District of Fulton County, Georgia and being more particularly described as follows:

To reach the TRUE POINT OF BEGINNING commence at a point being the intersection of the northerly right of way of Rockwell Street (37.9 feet from original centerline) and the easterly right of way of Coleman Street (34 feet from original centerline); thence along said right of way of Coleman Street and running North 00° 01' 32" East a distance of 833.21 feet to a point on the southerly right of way of Wright Court (25 feet from centerline) being the TRUE POINT OF BEGINNING; thence continuing along said right of way of Coleman Street North 00° 01' 32" East a distance of 50.32 feet to a point being the intersection of aforementioned Coleman Street and the northerly right of way of Wright Court; thence continuing along said right of way of Wright Court the following bearings and distances: South 83° 32' 23" East a distance of 241.16 feet to a point; thence along a curve to the left an arc distance of 78.08 feet (said curve having a radius of 1510.28 feet; a chord distance of 78.07 feet and a chord bearing of South 85° 21' 07" East) to a point; thence South 87° 43' 07" East a distance of 218.55 feet to a point; thence along a curve to the right an arc distance of 115.10 feet (said curve having a radius of 75.85 feet; a chord distance of 104.37 feet and a chord bearing of South 38° 01' 14" East) to a point intersecting the westerly right of way of McDaniel Street (25 feet from centerline); continuing along said right of way of Wright Court along a curve to the right an arc distance of 221.16 feet (said curve having a radius of 75.85 feet; a chord distance of 150.73 feet and a chord bearing of South 88° 59' 02" West) to a point; thence along a curve to the left and arc distance of 74.80 feet (said curve having a radius of 50.88 feet; a chord distance of 68.24 feet and a chord bearing of North 53° 36' 14" West) to a point; thence North 87° 43' 07" West a distance of 79.85 feet to a point; thence along a curve to the right an arc distance of 80.66 feet (said curve having a radius of 1560.28 feet; a chord distance of 80.65 feet and a chord bearing of North 85° 21' 07" West) to a point; thence North 83° 32' 23" West a distance of 235.81 feet to the POINT OF BEGINNING. Said tract containing 0.972 acre.



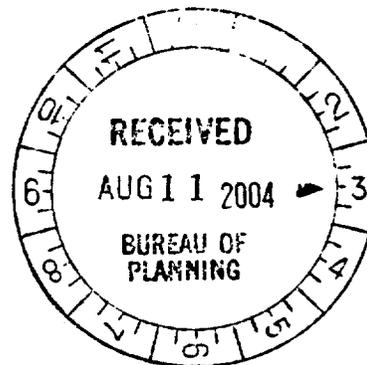


VEZ-04-21/VEZ-03-07

Legal Description
North Tract

All that tract or parcel of land lying and being in Land Lot 86 of the 14th District of Fulton County, Georgia and being more particularly described as follows:

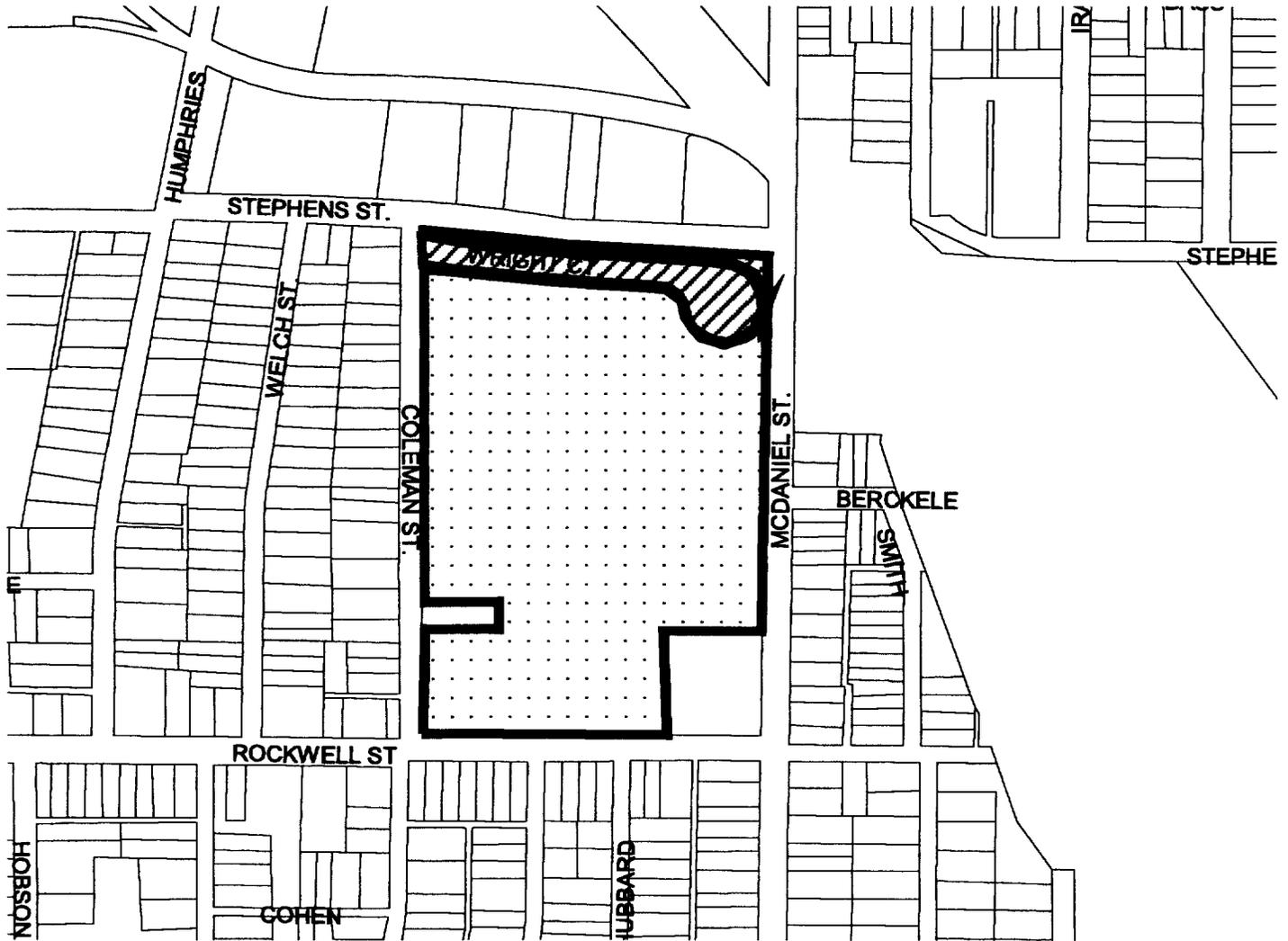
To reach the TRUE POINT OF BEGINNING commence at a point being the intersection of the northerly right of way of Rockwell Street (37.9 feet from original centerline) and the easterly right of way of Coleman Street (34 feet from original centerline); thence along said right of way of Coleman Street and running North 00° 01' 32" East a distance of 883.53 feet to a point being the TRUE POINT OF BEGINNING; thence North 00° 01' 32" East a distance on 9.48 feet to a point being the intersection of the easterly right of way of Coleman Street and the southerly right of way of Stephens Street (25 feet from centerline); thence continuing along the right of way of Stephens Street the following bearings and distances: South 83° 23' 47" East a distance of 248.87 feet to a point; thence along a curve to the left an arc distance of 72.80 feet (said curve having a radius of 1292.41 feet; a chord distance of 72.79 feet and a chord bearing of South 85° 33' 19" East) to a point; thence South 87° 50' 53" East a distance of 281.83 feet to a point on the westerly right of way of McDaniel Street (25 feet from centerline); thence along said right of way of McDaniel Street South 00° 50' 27" West a distance of 89.03 feet to a point intersecting the easterly right of way of Wright Court (25 feet from centerline); thence along said right of way of Wright Court the following bearings and distances: along a curve to the left an arc distance of 115.10 feet (said curve having a radius of 75.85 feet; a chord distance of 104.37 feet and a chord bearing of North 38° 01' 14" West) to a point; thence North 87° 43' 07" West a distance of 218.55 feet to a point; thence along a curve to the right an arc distance of 78.08 feet (said curve having a radius of 1510.28 feet; a chord distance of 78.07 feet and a chord bearing of North 85° 21' 07" West) to a point; thence North 83° 32' 23" West a distance of 241.16 feet to the POINT OF BEGINNING. Said tract containing 0.151 acre.





PITTSBURG REDEVELOPMENT HOUSING ENTERPRISE ZONE EXPANSION

473 (f. k. a. 455, et al) ROCKWELL ST. SW
(a. k. a. 801 McDANIEL ST. SW)
DIST. 14, LAND LOT 86, COUNCIL DIST. 4



UEZ - 04 - 21



- Existing zone
- Proposed expansion.
- Npu-v-parcels
- Npu-v-streets.

PROJECT CHECKLIST FOR UEZ-04-21/UEZ-03-07:

Amendments to the "Pittsburg Redevelopment Housing Enterprise Zone"

To be Located at 473 (f.k.a. 455, et al) Rockwell Street, SW (a.k.a. 801 McDaniel Street, S.W.)

CRITERION	REQUIRED	PROPOSED	COMPLIANCE
1. Eligibility Criteria:	Must meet 3 of the 4 Criteria:		
a. Evidence of Pervasive Poverty	a. Poverty rate of $\geq 20\%$ for the Census Block Group.	a. Poverty rate of 29.1% for Census Block Group 2 of Census Tract 57, 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 Block Group 2 of Census Tract 29.1% has an unemployment rate of 8.7%, which is more than 10% higher than the State Average of 4%. (2)	√
c. General Distress	c. General Distress: (1) Police Beat crime rate of $\geq 20\%$ 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 301 has a crime rate of 62%, which exceeds that of Police zone 3. (2)	√
d. Underdevelopment	d. Underdevelopment: The NPU has $\leq 20\%$ of the amount of Development Activity compared to the City as a whole for the proposed type of development.	d. Underdevelopment: NPU "V" has -11% of development activity within the City for residential development, which exceeds the requirement of $\leq 20\%$.	√

CRITERION	REQUIRED	PROPOSED	COMPLIANCE
2. Acreage	None.	The expansion of the boundaries shall consist of 1.123 acres, which shall include the "Wright Court Tract" with 0.972 acres and the "North Tract" with 0.151 acres.	√
3. CDP Consistency	CDP Land Use Classification: Designated as "High-Density Residential", per CDP-04-07. Allowed Floor Area Ratio: 1.49. Property lies within the boundaries of the <u>Pittsburgh Redevelopment Plan Area.</u>	Proposed land uses: multi-family residential. Proposed Floor Area Ratio: 0.655. Proposed uses and density are allowed within "High-Density Residential."	√
4. Zoning Compliance	Zoned "RG-4" (Residential-General—Sector 4), per Z-04-05.	Proposed uses: multi-family residential. Proposed Floor Area Ratio: 0.655. Proposed uses and density are allowed within "RG-4.	√
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 compliance--45 units/30% of total for Phase II.	√
7. Non-Displacement	Minimum Displacement	Applicant certifies that no displacement has occurred on the site. However, if the applicant succeeds in obtaining Low-Income Housing Tax Credits through the Georgia Department of Community Affairs (GDCA), the existing residents would be relocated and the existing improvements would be demolished. Under the current Housing Assistance Payment (HAP) Contract with the U.S. HUD that covers the property, no displacement or relocation of residents can occur before August 2004. Applicant has submitted a written relocation plan, and all residents are to be relocated in accordance with the Uniform Relocation Act (URA) and all applicable regulations of GDCA.	√
8. Affordability	<u>City Code Section 146-52(2)a.1.</u> 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	Project would include the following breakdown of affordable housing units within Phase II, which meets the requirements for urban enterprise zone designation: 150 total units, of which 90 units shall be one-bedroom units (60%) and 60 units shall be two-bedroom	√

	<p>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.</p> <p><u>City Code Section 146-52(2)a.3.</u> 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.</p>	<p>units (40%). The "Pittsburg Housing Enterprise Zone Expansion" shall designate 112 of the proposed 150 units in Phase II (75%) as being "affordable", which exceeds the required minimum housing affordability provision of 20 percent of the 150 total units (30 units). Compared to the minimum housing affordability requirement of 30 total units, to which the ratios of 60 percent for one-bedroom units (18 units) and 40 percent for two-bedroom units (12 units) are applied, the "Pittsburg Redevelopment Housing Enterprise Zone Expansion" shall designate 72 one-bedroom units and 40 two-bedroom units within Phase II as being "affordable", which exceed the housing affordability requirements by bedroom composition.</p> <p>All of the proposed housing units within the Pittsburg Redevelopment Housing Enterprise Zone shall be for rent and shall reflect the same ratio of bedroom composition that is proposed throughout the zone. Further, the proposed monthly rents shall not exceed 30 percent of the low-income level defined in section 146-52(2)a.1.</p>	
CRITERION	REQUIRED	PROPOSED	COMPLIANCE
9. Provision for Atlanta Police officers and their families (Housing and Mixed-Use Residential/ Commercial En-	5% 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.	√

Enterprise Zones)			
CRITERION	REQUIRED	PROPOSED	COMPLIANCE
10. Job Creation	First Source Jobs Policy	Would create ten fulltime, permanent new jobs.	√
11. Financial Feasibility	<u>Chief Financial Officer's Statement of Fiscal Impact:</u> 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.	Proposed development project would have a negative cash flow and a debt coverage ratio of <1.20.	√

		10-04-04 Council Meeting
ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 04-O-1418	38. 04-R-1683	60. 04-R-1705
2. 04-O-1441	39. 04-R-1684	61. 04-R-1706
3. 04-O-1565	40. 04-R-1685	62. 04-R-1707
4. 04-O-1567	41. 04-R-1686	63. 04-R-1708
5. 04-O-0438	42. 04-R-1687	64. 04-R-1709
6. 04-O-1507	43. 04-R-1688	65. 04-R-1710
7. 04-O-1559	44. 04-R-1689	66. 04-R-1711
8. 04-O-1572	45. 04-R-1690	67. 04-R-1712
9. 04-O-1582	46. 04-R-1691	68. 04-R-1713
10. 04-O-1728	47. 04-R-1692	69. 04-R-1714
11. 04-O-1732	48. 04-R-1693	70. 04-R-1715
12. 04-R-1655	49. 04-R-1694	71. 04-R-1716
13. 04-R-1421	50. 04-R-1695	72. 04-R-1717
14. 04-R-1668	51. 04-R-1696	
15. 04-R-1719	52. 04-R-1697	
16. 04-R-1487	53. 04-R-1698	
17. 04-R-1624	54. 04-R-1699	
18. 04-R-1673	55. 04-R-1700	
19. 04-R-1674	56. 04-R-1701	
20. 04-R-1675	57. 04-R-1702	
21. 04-R-1491	58. 04-R-1703	
22. 04-R-1659	59. 04-R-1704	
23. 04-R-1660		
24. 04-R-1661		
25. 04-R-1662		
26. 04-R-1663		
27. 04-R-1664		
28. 04-R-1665		
29. 04-R-1613		
30. 04-R-1676		
31. 04-R-1677		
32. 04-R-1678		
33. 04-R-1679		
34. 04-R-1680		
35. 04-R-1681		
36. 04-R-1682		
37. 04-R-1718		

04-0 -1507

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AN ORDINANCE UEZ-04-21/UEZ-03-07 BY THE COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE

AN ORDINANCE BY THE COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE TO EXPAND THE "PITTSBURG REDEVELOPMENT HOUSING ENTERPRISE ZONE"; AND FOR OTHER PURPOSES.

NPU "V" COUNCIL DISTRICT 4

ADOPTED BY

OCT 04 2004

COUNCIL

As Amended

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

Date Referred 9-07-04

Referred To: CD/HR

First Reading

Committee
Date
Chair

Committee
Date
Chair

Actions
Fav, Adv, Held (see rev. side)
Other

Members

Refer To

Committee
Date
Chair

Actions
Fav, Adv, Held (see rev. side)
Other

Members

Refer To

Committee

Date

Chair

Actions
Fav, Adv, Held (see rev. side)
Other

Members

Refer To

Committee

Date

Chair

Actions
Fav, Adv, Held (see rev. side)
Other

Members

Refer To

COUNCIL ACTION

2nd 1st & 2nd 3rd
Readings

Consent V Vote RC Vote

CERTIFIED

CERTIFIED
OCT 04 2004
ATLANTA CITY COUNCIL PRESIDENT
[Signature]

CERTIFIED
OCT 04 2004
[Signature]
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

[Signature]
OCT 08 2004

MAYOR