



March 14, 2017

Mr. Kip Dunlap
President
Atlanta Downtown Neighborhood Association (ADNA)

Re: Atlanta Arts & Entertainment District
ADNA Conditions for Support and ADID Responses

Dear Kip:

As a follow-up to the Atlanta Downtown Neighborhood Association's vote on February 23, 2017 for conditional support of the Atlanta Arts & Entertainment District (District), I wanted to share on behalf of the Atlanta Downtown Improvement District (ADID) the following responses to those conditions.

Conditions

1. *CAP take a phased approach to mitigate concerns of broad geographic area. Begin with target zones (Peachtree/Ivan Allen, 5Points, etc.) expanding permitting areas based on targets or lack of interest at CAP's discretion*

For clarification, the District will be managed via a Cooperation Agreement with the City of Atlanta, by the Atlanta Downtown Improvement District (ADID), not by Central Atlanta Progress (CAP.)

An expansion cannot be at CAP's (or ADID's) discretion. Any expansion, contraction or change to the District boundary must be legislated by Atlanta City Council; hence ADID's desire to pursue a legislated District boundary that provides sufficient flexibility to meet the District's goals, specifically to:

- Facilitate activation and programming opportunities throughout Downtown in varied and non-traditional locations;
- Provide for the removal and upgrade of existing 'billboard' signage in Downtown in exchange for new, modernized signs;
- Respond to market demand for new signage locations; and
- Address the "clean zone" requirements for large special events by including event areas and their ingress and egress routes.

However, upon further review in the context of ADNA's request, some areas of the initially proposed District have been recommended by ADID to the City of Atlanta for removal from the District. The ADID recommended revised map is attached for reference.

2. *Formation of Neighborhood Board (or selection of appropriate existing body) for approvals over initial permitting and to address of grievances over existing signage. Boards have enumerated power over permitting, negotiation, or ultimate removal - not "advisory" status.
and
Formation of Curation Board to vet artistic quality and appropriateness*

ADID will form an “Arts & Entertainment District Committee” that reports to the ADID Board of Directors to engage with the execution, operations and decision making of the District. ADID proposes to base the Committee composition and approach on the existing City of Atlanta Department of Planning and Community Development “Development Review Committees.” A draft proposal for the potential appointments to the committee is attached for review and comment.

Based upon feedback provided to ADID from both neighborhood and community arts and entertainment stakeholders, we recommend that the “neighborhood” and “curation” functions be combined into one Committee. A combined group will be able to leverage the insight and expertise of the range of appointees to have input and control over both signage related topics (locations, design, technology, appropriateness, etc.) and programming and activation topics (mission, goals, budget and curatorial approaches related to investment made in arts and entertainment.)

However, ADID cannot delegate final decision making authority to the Committee. The Atlanta Community Improvement District (Code of Ordinances Sec. 3- 36 through Sec. 3-49 - Community Improvement Districts) provides for the creation of Community Improvement Districts for, among other purposes, “such other services and facilities as may be provided for by general law” - in this case, specifically economic development. ADID’s standing as a Community Improvement District provides the legal rationale for the City of Atlanta – through a Cooperation Agreement – to empower ADID to make choices about how certain techniques of creating a livelier streetscape might be utilized. The ultimate issuance of a Sign Permit within the District will be done by the City of Atlanta in order to maintain control over safe construction and encroachment into the right-of-way.

ADID is committed to the successful implementation of the Arts & Entertainment District and as such is motivated to ensure a cooperative and broad-minded collaboration with community partners – particularly ADNA – to achieve that success. We have a strong track record of neighborhood partnership and the District will be no different. We should discuss further how the Committee will operate, as well as, how ADID can commit to our intention to ensure meaningful neighborhood input in a way that affords ADNA confidence that their participation will influence District decisions.

Other Comments and Questions

3. *Would like to see "Pin Map, Corridor-driven-approach"*

Sign Ordinance permissions must be legislated by land parcels. The land parcels that are included in the District have been identified and included in the District based on the corridors that they abut. For example, Marietta Street is a desired location for new sign permits and activation, so all parcels that “front” Marietta Street have been included in the District. The aggregation of multiple corridors led to current District map

4. *Will ADID Make money?*

ADID will receive revenue from media companies and property owners who choose to participate in the District. The revenue share details are provided for in the Services

Agreement that will be executed between ADID and the entity seeking an upgrade or new sign permit in the District. Funds collected from Arts and Entertainment District related activities will not be co-mingled with other ADID funds. The District will maintain separate accounting records, reporting and banking. The revenue will support the operational expenses of the District (staff and overhead) and the bulk of the funding will be dedicated to supporting, sponsoring and catalyzing the broadest range possible of a very high-level of quality programming, events, installations, initiatives, mediums, venues, commissions, etc. that reflect Atlanta's innovative and diverse culture. The Arts and Entertainment Committee described earlier in this letter will guide the investment of the revenue.

5. *High intensity lighting and residences are not compatible. What is process for grievances?*

The District Sign Plan (adopted by Atlanta City Council) addresses this concern through detailed aesthetic standards for new or upgraded signs including illumination criteria as it relates to residential uses. Aggrieved parties disputing the issuance of a sign permit would start with an appeal of an Administrative Official of the City of Atlanta as a matter before the Board of Zoning Adjustment (BZA) within 30 days of the sign permit being issued or the sign being erected. Appeals of the BZA are to Superior Court on a limited standard of review

6. *What's the timeline for this project?*

The adoption of the proposed legislation is now targeted for May 1, 2017. Following Atlanta City Council adoption and the Mayor's signature, work would begin in earnest to create the management structure for the District. Based on the lead time for design and construction/fabrication of signage, new signage is not expected to be visible until early 2018. Programming and activation will also begin in 2018.

7. *Denver model is based on revenue from Arts projects. This model is not quite the same. Revenue to CAP for provision of Arts could be seen as in-kind benefit to neighborhood.*

The Atlanta Arts & Entertainment District revenue model is virtually identical to the Denver Theater District model. However, we agree. Revenue that is generated by the District, while not paid directly to ADNA will be an in-kind benefit to the community.

8. *Permitting needs to include process to address grievances/complaints, negotiate solutions up to eventual removal.*

Addressing concerns and collaborating on solutions regarding proposed sign permits in the District – both upgrades and new signs - will be the role of the Arts and Entertainment Committee of the Atlanta Downtown Improvement District Board, described above. The Committee will have oversight over applications for signage within the District; however, once a permit is approved by the City of Atlanta the means for removal of a sign would be the process described above in question 5.

9. *Language of ordinance should be more specific about physically allowed areas/layout.*

City of Atlanta zoning ordinances are map-based legislation versus detailed metes and bounds text descriptions. The map exhibit to the ordinance regulates the land parcels that are included in the District.

10. Process is needed for placing restrictions not already embedded in plan and addressing grievances when situations arise with already-permitted signage. Could limit new development if view-sheds would be problematic for future projects.

The language in the proposed zoning ordinance will be the restrictions for sign permits. Any desired restrictions that are not currently addressed in the proposed text of the ordinance need to be added. All proposed specific text edits, changes and additions need to be shared with ADID or the City of Atlanta.

11. Would like to see a Services Agreement, distribute it to neighbors with breakdown of revenue sharing plan.

The current draft of the Services Agreement is attached. Note that this document is still being negotiated with media companies and property owners. Substantial changes are not expected, but the document could change.

While ADID is not able to meet all of the specifics of the Atlanta Downtown Neighborhood Association's conditions for support, I am confident that we can find a mutually beneficial approach to the execution and on-going management of the Arts & Entertainment District that meets both organizations' goals for the economic development and activation of Downtown Atlanta. I look forward to continuing this conversation with you and the members of ADNA in advance of the planned Zoning Review Board hearing on April 13th. Please advise on the best way to make that happen. Thank you.

Sincerely,



Jennifer Ball

Cc A.J. Robinson, Central Atlanta Progress/Atlanta Downtown Improvement District
Charletta Wilson Jacks, City of Atlanta Department of Planning and Community Development

Atlanta Downtown Improvement District, Inc.
Atlanta Arts & Entertainment District Committee
DRAFT – In Development – For Review & Comment

Proposed Appointments

1. District Resident (appointed by Atlanta Downtown Neighborhood Association)

Name:
Email:
Phone:

2. District Resident (appointed by Vine City Civic Association)

Name:
Email:
Phone:

3. District Resident (appointed by Castleberry Hill Neighborhood Association)

Name:
Email:
Phone:

4. District arts or entertainment professional (individual, representative of organization or venue) (appointed by XXXXXXXX)

Name:
Email:
Phone:

5. District arts or entertainment professional (individual, representative of organization or venue) (appointed by XXXXXXXX)

Name:
Email:
Phone:

6. District arts or entertainment professional (individual, representative of organization or venue) (appointed by XXXXXXXX)

Name:
Email:
Phone:

7. Architect or urban design professional (appointed by XXXXXXXX)

Name:
Email:
Phone:

8. Media Company – Local (appointed by the industry)

Name:
Email:
Phone:

9. Media Company – Non-Local (appointed by industry)

Name:
Email:
Phone: