

**To: Mayor Shirley Franklin**

**Cc: Mayoral Candidates: Lisa Borders, Mary Norwood, Kasim Reed, Jesse Spikes**

**City Councilmembers:** Lisa Borders, Carla Smith, Kwanza Hall, Ivory Lee Young Jr., Clela Winslow, Natalyn Archibong, Anne Fauver, Howard Shook, Clair Muller, Felicia Moore, C.T. Martin, Jim Maddox, Joyce M. Sheperd, Ceasar Mitchell, Mary Norwood, Lamar Willis

**License Review Board:** Joy Barnes, Frank McCombs, Peggy Harper, Julia Emmons, J.C. Love, William Lobb

**Atlanta Police Department:** Sgt. Edward Davis, Det. Kamu Chinyelu

**Date: September 17, 2009**

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Dear Mayor Franklin,

In reference to the liquor license applications for the two large-scale nightclubs proposed to be located at 1021 Peachtree Street and 1029 Peachtree Street in the heart of Midtown Atlanta (between 10<sup>th</sup> Street and 11<sup>th</sup> Street), we request your support in opposing these liquor licenses.

As a city evolves, it is incumbent upon its leaders to keep pace with the progress of the community. Recognizing this need, the City of Atlanta established the Neighborhood Planning Units (NPU) system to provide an opportunity for citizens to actively participate in city planning and to assist the city in making decisions that best meet the needs of the community. The local insight of the NPUs has proved integral in providing city administrators with pertinent information necessary to manage responsible growth while maintaining compliance with the Atlanta Strategic Action Plan, which calls for creating a safer city, providing services that are appropriate and responsive to citizens' needs, making neighborhoods attractive, clean and sustainable places to live, and ensuring the city remains a viable place for business investment.

The city also relies heavily on the discernment of local community organizations, such as the Midtown Neighbors' Association (MNA) and Midtown Ponce Security Alliance (MPSA), to monitor local needs and to provide strategic direction for the Midtown community. Collectively, the Midtown Neighbors' Association, the Midtown Ponce Security Alliance and Neighborhood Planning Unit E (NPU-E) are stewards for what has become one of the most improved communities in Atlanta. These community stewards have overwhelmingly recommended to **“Oppose the Liquor License Application as not suitable to the character of the area and the stability of the neighborhood.”**

In the midst of two of Atlanta's most significant initiatives to-date; the *Peachtree Corridor* project, which is transforming Peachtree Street into a world-class boulevard, complete with a modern streetcar; and the *Midtown Mile* which is transforming a 14 block stretch of Peachtree Street between North Avenue and 15th Street into a flagship retail district; the reintroduction of large, regional nightclubs onto Peachtree Street neither fits the current character of the area nor the long term vision for our city. Investors, developers, business owners, hoteliers and homeowners have embraced the community's vision for Peachtree Street and are extremely concerned by the negative impact that the proposed nightclubs will have by locating at the heart of the *Midtown Mile* on one of the most prominent corner locations in the area.

As you have previously noted in public forums, Midtown Atlanta has changed dramatically over the past 30 years. The progress is attributable to the community's dedicated commitment to establishing and maintaining a clear vision for the area. This vision, guided by the Midtown Alliance, city leaders, business leaders and residents has created one of the safest, cleanest and most landscaped areas in Atlanta.

Community leaders have worked with the City of Atlanta to stimulate dramatic change in Midtown by providing the framework and impetus for new housing, desirable office space, transportation improvements, public safety initiatives, environmental clean-up and a pedestrian-friendly streetscape program. Working together, these efforts have laid the groundwork for the Midtown community to experience a phenomenal resurgence. Midtown has emerged as a vibrant economic center with a critical mass of residences, offices, world-renowned cultural attractions, restaurants and a burgeoning retail landscape. These significant improvements and positive characteristic changes have positioned Midtown Atlanta as a national model for smart growth and revitalization.

Tremendous public and private investments have fostered this incredible transformation. The formation of the Midtown Improvement District has allowed for an \$82 million streetscape improvement effort; and subsequently new development and neighborhood rehabilitation has flourished. The substantial addition of residential units, office buildings and hotels have contributed to the revitalization of an area once plagued by blighted streetscapes with abandoned buildings, into a healthy and active community. The resurgence is improving existing infrastructure, substantially increasing much needed tax revenues and is providing the fundamentals necessary to further economic growth of our city and community.

Midtown has accomplished immeasurable positive change in a relatively short period of time. In 2008 alone, Midtown Atlanta saw:

- 1,145 new residences added - more than 800 of which are on Peachtree Street
- 3 new office buildings opened or started
- More than 130,000 square feet of retail space added
- 3 new hotels announced or opened
- Over \$20,000,000 annual increase in tax revenue

Midtown has become a destination for people to shop, dine, work and call home. As members of the Midtown community, from residents to investors to business owners, we urge you to continue the vision that has been cultivated for this community and to **support the stewards of the community in opposing the liquor licenses for the nightclubs proposed for this critical block along Atlanta's Peachtree Corridor and allow Midtown to continue its position as a model community for smart growth.**

Cordially,  
Midtown Stakeholders  
*(see signatures list on next page)*

Enclosure: Neighborhood Planning Unit E Recommendation (including Midtown Neighbors' Association Recommendation)

## Midtown Stakeholders Signature Page

**More than 250 Midtown Stakeholders have requested that their names be listed as signatories to this letter. The below 42 names are a sampling of the individuals supporting this letter in opposition to the proposed nightclubs on Peachtree Street.**

S. Stephen Selig President and CEO Selig Enterprises	T. Charles Tickle CEO Daniel Corporation	Larry Gellerstedt President and CEO Cousins Properties Incorporated
Dennis Lockhart President and CEO Federal Reserve Bank of Atlanta	Terry L. Gilliam AVP & Regional Director Manulife Financial	Matt M. Bronfman Managing Director and COO Jamestown Properties
Penelope Cheroff Chair Neighborhood Planning Unit E (NPU-E)	Elston Collins President Midtown Neighbors' Association	Peggy Denby President Midtown Ponce Security Alliance
Mark Rusche Partner Alston & Bird	Ben Johnson Retired Partner Alston & Bird	Paul Mattingly Managing Partner Seyfarth & Shaw, LLP
Mason W. Stephenson Managing Partner, Atlanta King & Spalding LLP	James B. Meyer Managing Director Tishman Speyer	Luther Curtis Managing Partner Miller & Martin PLLC
Brent Reid President Winter Companies	Timothy S. Holdroyd President City Realty Advisors	Edward A. Cave III President Veenendaalcave
Randy Evans Managing Director Eastdil Secured	Mark Toro Partner North American Properties	Scott A. Specht, Esq. Partner Jones Day
Karen Clydesdale Chairman of the Board of Trustees Atlanta Women's Club	Karen Thomson President Atlanta Women's Club	Donna Foland President DGF Properties
Ron Williams President AAA Parking	J. Michael Robison Chairman, C.E.O. Lanier Parking Holdings	Scott L. Leventhal President and Chief Executive Officer Tivoli Properties, Inc.
Valerie Ferguson General Manager Loews Atlanta Hotel	Dan Normandin General Manager Four Seasons Hotel Atlanta	Terry Stinson President, The Americas Mandarin Oriental Hotel Group
Clara L. Fryer Principal The Fryer Law Firm	Donly Chase President Midtown Community Bank	Susan Wingfield Senior Vice President Midtown Bank and Trust
Gregory H Peirce Senior Vice President Heery	Steven G. Baile Senior Vice President, Atlanta Daniel Corporation	Jeff Ellis Community Development Corporation
John Stupka Owner Blue Med Spa	Jerry Nagle Owner/Operator Vickery's and Steamhouse	Shi Shailendra Founder & CEO Shailendra Group
Neil Thall President Condominium Association Above the Four Seasons	Rick Amon President 1010 Midtown Condominium Association	Jason Winburn President 1075 Peachtree Condominium Association

**\*\* Also of particular note, an unaffiliated petition that has been circulated in the community has received more than 1,400 signatures in opposition to these nightclubs. (Source: [www.keepmidtownsafe.com](http://www.keepmidtownsafe.com))**



## Neighborhood Planning Unit – E

### NPU-E

SEPTEMBER 1, 2009

#### LIQUOR LICENSE APPLICATIONS COMMENTS/CONDITIONS PAGE

#### SPI CLUB, INC.

**1021 & 1029 PEACHTREE STREET, ATLANTA, GA 30309.**

**At our September 1, 2009 meeting, NPU-E voted “Not to Approve” the following Liquor License Applications and to submit the following comments and recommendations (from Midtown Neighbor’s Association) as NPU-E’s formal comments and recommendations on:**

**Spi Club, Inc. (Main Bar) at 1021 Peachtree Street  
 Spi Club, Inc. (Additional Bar) at 1021 Peachtree Street  
 Spi Club, Inc. (Main Bar) at 1029 Peachtree Street  
 Spi Club, Inc. (Second Bar) at 1029 Peachtree Street  
 Spi Club, Inc. (Mezzanine Bar) at 1029 Peachtree Street**

**Applicant: Michael Gidewon**

**Name of Business: Spi Club & Spi Lounge**

**Recommendation: Oppose, for reasons that the establishments fail to meet Parking Lot Landscaping Requirements, and the businesses are not suitable to the character of the area and the stability of the neighborhood**

Midtown Neighbor’s Association Comments: The Applicant appeared in front of the MNA License and Permit Committee (LPC) on August 24<sup>th</sup>, and the MNA Board of Directors on August 27<sup>th</sup>. The Applicant has proposed opening a nightclub and lounge with customer dancing and live entertainment. The combined capacity for the two establishments is approximately 1300 people, and the establishments planned opening is late October. Due to the layout of the club and lounge, the Applicant is required to apply for a total of 5 liquor license applications.

Prior to the meeting, the MNA Board of Directors received a large number of comments from Midtown residents and condo associations. Approximately 20% of these comments expressed support for the Applicant, and approximately 80% of these comments expressed opposition to the Applicant. The MNA Board of Directors also received comments from the Midtown Ponce Security Alliance, a safety organization that is



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separate from the Midtown Neighbors' Association. The MPSA strongly opposes the Applicant for reasons which include, but are not limited to: the neighborhood's history with the ownership, traffic, parking, noise, litter, and security. The MPSA presented this opposition at the LPC meeting, and the MNA Board of Directors meeting.

At the LPC meeting, the Applicant orally presented its marketing plan, which contemplates marketing the establishment to a diverse group of Atlanta residents. The Applicant also presented its litter plan, which contemplates cleaning the establishment and the parking lots each night following the closing of the club. The Applicant also presented its written safety and traffic plans, which are enclosed with this recommendation.

In its deliberations regarding the Applications, the MNA Board of Directors considered whether the proposed established met parking and landscaping Requirements, and the proposed establishments overall compatibility with its location within Midtown.

### 1) Parking/Landscaping Requirements

The surface parking lot (the "lot") that services the facilities is not in conformance with city code. In particular, the lot fails to meet the minimum landscaping and barrier requirements for surface parking lots per Section 16-18P.021. All parking areas were required to be in compliance by November 2005.

The property owner, Dewberry Capital Corporation ("Dewberry"), has begun the permitting process to bring the lot into compliance, but construction has not commenced. The Applicant provided the MNA with email communications from Dewberry stating that the required improvements will commence in the first 2 weeks in October 2009, with completion by October 15, 2009. The Applicant cannot receive a Certificate of Occupancy until the parking area is brought into compliance.

The MNA notes that the City of Atlanta requires parking lots to meet these requirements in order to obtain a liquor license. Thus, a plan to meet these requirements is not sufficient to obtain a liquor license. The MNA also notes that, although the Applicant promises to bring the lot into compliance prior to opening, the Applicant does not have the ability to achieve this goal, as the Applicant does not own the lot. Furthermore, in light of the Dewberry's failure to bring the lot into compliance for almost 4 years, the MNA does not give credit to statements that the required improvements will be completed.

Furthermore, the MNA cites a recent application on the same block with the same property owner - The Mediterranean Diner. Dewberry promised this applicant the same improvements that are now being promised to SPI. The improvements to the lot still



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have not been made, despite a NPU-E recommendation that the Mediterranean Diner not receive a liquor license until the improvements were completed.

Finally, the MNA cites the Applicant's proposed off-site parking deck located on 930 Juniper Street that also is owned by Dewberry. For several years, this deck has been operated without the use of the over one dozen street lights that surround its perimeter.

Residents from the neighboring Metropolis Condominiums have contacted Dewberry and requested that these lights be turned on in response to their serious concerns regarding safety. Dewberry has refused to even respond to these reasonable requests. In light of Dewberry's refusal to even consider the use of readily available tools to increase the safety of its properties, the MNA has further doubts that the proposed improvements will be completed in a timely or proper manner or ever completed at all.

For the reasons stated above, the MNA voted to oppose the Liquor License Application for failure to meet Parking Lot Landscaping Requirements.

### 2) Overall Compatibility with Midtown and the "Midtown Mile"

At the MNA Board of Directors meeting, the Applicant orally presented its marketing plan, which contemplates marking the establishment to a diverse group of Atlanta residents. The MNA thanks the Applicant for this presentation, and agrees that the marketing of the establishment is important, given the special character of the area.

The MNA submits that the character of the area is relevant to the consideration of this application, and points out that such considerations are legally pertinent to the consideration of Liquor License applications, as City Code states at Section 10-109(g) the following (with emphasis added):

The mayor may, upon a finding of due cause, deny revoke, suspend or refuse to renew any license upon a determination that public convenience and advantage would not be promoted by the approval of an applicant's application. In making such a determination the mayor may consider the **general welfare** and **safety** of the community, **noise**, **parking** and **traffic** with reasonable consideration being given to the **character of the area and its peculiar suitability to the proposed uses and the stability of the neighborhood** as they may be impacted by the proposed licenses premises.



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With regard to the safety of the proposed establishment, the MNA believes that it is paramount that the public safety of patrons cuing outside and that of stakeholders within the surrounding Midtown community be ensured. Furthermore, the MNA thanks the Applicant for providing the enclosed Public Safety Operations Plan, which it notes is generally comprehensive. However, the MNA notes that a number of residents have stated their opinion that no security plan can ensure public safety around this establishment. Many residents also have stated that previous incidents at the former Club Vision and Compound demonstrate that adequate security cannot be provided at this club. Furthermore, residents have stated that they are opposed to a business that requires such an intensive level of security on an ongoing basis.

With regard to Traffic, the MNA believes that it is paramount that no patron drop-off be permitted along Peachtree Street, including the VIP lounge entrance located on Peachtree. Furthermore, the MNA thanks the Applicant for providing the enclosed Traffic Plan, which it notes is generally comprehensive. However, the MNA notes that a number of residents stated their opinion that no traffic plan can ensure traffic flow and prevent cruising around this establishment. Many residents also have stated that previous incidents at the former Club Vision and Compound demonstrate that adequate control of traffic cannot be provided at this club.

It is further stated by residents and the MNA Board that the city lacks the capacity to enforce current codes with regards to traffic and noise as evidenced by challenges encountered by the neighborhood with the Applicant's previous business- "Vision Nightclub". There is a very strong feeling that the residents and businesses will be left with no support from the city agencies when inevitable problems arise. The mere fact that more than 40 security officers are called for in the Applicant's safety plan indicates that the Applicant recognizes the propensity and inevitability that the business will cause stress and safety issues for Midtown.

With regard to the establishment's suitability to the location, the MNA notes that the Applicant's establishments sit at the heart of the "Midtown Mile," which is described by the Midtown Alliance, an organization that is separate from the Midtown Neighbors' Association, as follows:

Spanning 14 blocks on Peachtree between North Avenue and 15th Street, the Midtown Mile will merge new and existing retail into an authentic shopping district on the cutting edge of style. Similar to Chicago's Magnificent Mile, the Midtown Mile will feature both national brands and local boutiques.



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At the meeting, a large number of residents expressed strong disapproval of having a nightclub on the Midtown Mile. The residents explained the presence of the nightclub could be extremely detrimental to the billions of dollars of investments in hotels and condos in the immediate area. A smaller number of residents expressed support for the Applicant, stating that bringing a nightclub to Peachtree would be a benefit for the Midtown area.

The MNA believes that the serious concerns raised by the Midtown community are of the utmost importance in the consideration these applications. Furthermore, the MNA believes that the tremendous number of comments received from Midtown residents, approximately 80% of which are against the Applicant, raise significant questions as to whether the establishments are suitable for their location.

For these reasons, the MNA voted 11-2, with one member abstaining, to oppose the Liquor License Application as not suitable to the character of the area and the stability of the neighborhood.