

~~13-0-3311~~  
13-0 -1145

First Reading

2463

Committee \_\_\_\_\_  
Date \_\_\_\_\_  
Chair \_\_\_\_\_  
Referred To \_\_\_\_\_

FINAL COUNCIL ACTION  
 2<sup>nd</sup>  1<sup>st</sup> & 2<sup>nd</sup>  3<sup>rd</sup>  
Readings  
 Consent  V Vote  RC Vote

AN ORDINANCE AUTHORIZING THE INSTALLATION OF PUBLIC ART (A MURAL, "UNTITLED"), AT 444 EDGEWOOD AVENUE, ATLANTA, GEORGIA AS PURSUANT TO CODE SECTION 16-28.025 OF THE 1982 ZONING ORDINANCE OF THE CITY OF ATLANTA; AND FOR OTHER PURPOSES.

ADOPTED BY  
JUL 15 2013  
COUNCIL

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1<sup>ST</sup> ADOPT 2<sup>ND</sup> READ & REFER
- PERSONAL PAPER REFER

Date Referred: 7/1/13  
Referred To: Zoning  
Date Referred:  
Referred To:  
Date Referred:  
Referred To:

Committee  
*Zoning*  
Date 7/10/13  
Chair  
*[Signature]*  
Action  
 Fav. Adv. Hold (see rev. side)  
Other

Members  
*Carla Smith*  
*[Signature]*  
*[Signature]*

Refer To

Committee  
Date  
Chair  
Action  
Fav. Adv. Hold (see rev. side)  
Other

Members

Refer To

Committee  
Date  
Chair  
Action  
Fav. Adv. Hold (see rev. side)  
Other

Members

Refer To

Committee  
Date  
Chair  
Action  
Fav. Adv. Hold (see rev. side)  
Other

Members

Refer To

CERTIFIED  
JUL 15 2013  
ATLANTA CITY COUNCIL PRESIDENT  
*[Signature]*

CERTIFIED  
JUL 15 2013  
Ronda Beaphin Johnson  
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

JUL 24 2013  
WITHOUT SIGNATURE  
BY OPERATION OF LAW

AN ORDINANCE

BY COUNCILMEMBER KWANZA HALL

13-0-1145

**AN ORDINANCE AUTHORIZING THE INSTALLATION OF PUBLIC ART (A MURAL, "UNTITLED"), AT 444 EDGEWOOD AVENUE, ATLANTA, GEORGIA AS PURSUANT TO CODE SECTION 16-28.025 OF THE 1982 ZONING ORDINANCE OF THE CITY OF ATLANTA; AND FOR OTHER PURPOSES.**

**WHEREAS**, The Mayor and the City Council of the City of Atlanta are committed to maintaining an attractive City for residents and visitors through the regulation of signs; and

**WHEREAS**, the City Council of the City of Atlanta, and the Mayor must authorize Public Art under Chapter 16 of the 1982 Zoning Ordinance of the City of Atlanta (16-28.025 Public Art); and

**WHEREAS**, the artist and the sponsor, Never 2501 and Living Walls, have obtained the appropriate preliminary certification from the Director of the Office of Traffic and Transportation, affirming the work will not constitute a traffic hazard or undue and dangerous distraction to motorists or pedestrians; and

**WHEREAS**, the artist and the sponsor, Never 2501 and Living Walls, have obtained the appropriate preliminary certification from the Urban Design Commission, establishing the work does not contain nor is intended to convey a commercial message primarily, provided that the name of a sponsor may be displayed on an adjacent plaque or similar display that is not more than two square feet in area; and

**WHEREAS**, the artist and the sponsor, Never 2501 and Living Walls, have obtained the appropriate preliminary certification from the Director of the Bureau of Cultural Affairs, which affirms that the work is not inconsistent with the City of Atlanta's Public Art Program; and

**WHEREAS** the artist and the sponsor, Never 2501 and Living Walls, need final approval from the City Council and the Mayor, as pursuant to the 1982 Zoning Ordinance of the City of Atlanta and hereby respectfully submit their request for approval of Public Art at 444 Edgewood Avenue, Atlanta, Georgia; and

**WHEREAS**, the Council finds that the value to the general public in viewing the work is not outweighed by any existing negative public interests related to aesthetics, additional sign clutter, or the public safety.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA**, as follows:

**SECTION 1:** This ordinance shall authorize the placement of artwork (A Mural, "Untitled"), at 444 Edgewood Avenue, Atlanta, Georgia. As pursuant to the Public Art Section of Chapter 16 of the 1982 Zoning Ordinance of the City of Atlanta (16-28.025 Public Art).

**SECTION 2:** All ordinances or parts of ordinances in conflict with this ordinance are hereby waived.



# CERTIFICATION FOR THE INSTALLATION OF PUBLIC ART

PURSUANT TO CHAPTER 28A, THE SIGN ORDINANCE  
OF THE CITY OF ATLANTA 1982 ZONING ORDINANCE

NAME OF SPONSOR LIVING WALLS

ADDRESS 828 MEMORIAL DR, ATLANTA, GA 30312

TELEPHONE NUMBER (321) 262-6888 FAX NUMBER \_\_\_\_\_

E-MAIL INFO@LIVINGWALLSATL.COM

NAME OF ARTWORK UNTITLED

MEDIUM OF ARTWORK LATEX 3 SPRAY PAINT

DIMENSIONS \_\_\_\_\_

PROPOSED LOCATION 444 EDGEWOOD AVE, ATLANTA GA 30312

NAME OF ARTIST NEVER 2501



ATLANTA URBAN  
DESIGN COMMISSION

### ATTACHMENTS

- DRAWING OR PHOTO OF WORK
- DRAWING OR REPRESENTATION OF WORK IN CONTEXT TO ITS LOCATION
- ARTIST'S RESUME
- ARTIST STATEMENT REGARDING WORK

APPROVED

APPROVED WITH CONDITIONS

REVIEWED & COMMENTED

6/26/13  
DATE

[Signature]  
REVIEWED BY

### 1. THE OFFICE OF TRANSPORTATION

CONTACT PERSON: CUSTOMER SERVICE  
TELEPHONE & ADDRESS: 330-6699, SUITE 4900, 55 TRINITY AVE., SW

THE OFFICE OF TRANSPORTATION HEREBY CERTIFIES THAT THIS APPLICATION MEETS THE CRITERIA APPLICABLE TO THIS OFFICE SPECIFIED IN SECTION 16-28A.007(q) OF THE SIGN ORDINANCE OF THE CITY OF ATLANTA.

DATE 06/24/2013 SIGNATURE [Signature]

### 2. EXECUTIVE DIRECTOR OF THE URBAN DESIGN COMMISSION (OR DESIGNEE)

CONTACT PERSON: DOUG YOUNG  
TELEPHONE & ADDRESS: 404-330-6145, SUITE 3350, 55 TRINITY AVE., SW

THE URBAN DESIGN COMMISSION HEREBY CERTIFIES THAT THIS APPLICATION MEETS THE CRITERIA APPLICABLE TO THIS COMMISSION SPECIFIED IN SECTION 16-28A.007(q) OF THE SIGN ORDINANCE OF THE CITY OF ATLANTA.

DATE 6/26/2013 SIGNATURE [Signature]

### 3. DIRECTOR OF THE OFFICE OF CULTURAL AFFAIRS (OR DESIGNEE)

CONTACT PERSON: EDDIE GRANDERSON  
TELEPHONE & ADDRESS: 404 546-6819 233 PEACHTREE STREET N.E. STE 1700 ATLANTA, GA 30303

THE OFFICE OF CULTURAL AFFAIRS HEREBY CERTIFIES THAT THIS APPLICATION MEETS THE CRITERIA APPLICABLE TO THIS BUREAU SPECIFIED IN SECTION 16-28A.007(q) OF THE SIGN ORDINANCE OF THE CITY OF ATLANTA.

DATE 6/24/13 SIGNATURE [Signature]

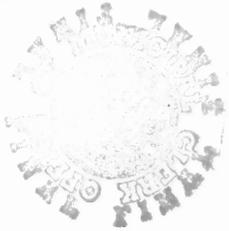


ALTHOUGH IT IS NOT REQUIRED BY ORDINANCE, IT IS RECOMMENDED THAT YOU MAKE A PRESENTATION TO THE NEIGHBORHOOD PLANNING UNIT (NPU) IN WHICH THE PUBLIC ART WILL BE LOCATED. IN ORDER TO BE PLACED ON THE NEXT NPU AGENDA, PLEASE CONTACT THE NPU COORDINATOR IN BUREAU OF PLANNING, 330-6145, SUITE 3050, 55 TRINITY AVE., SW, ATLANTA, GA 30335.

IN ADDITION TO THESE CERTIFICATIONS, THE ATLANTA SIGN ORDINANCE ALSO REQUIRES THAT AN ORDINANCE APPROVING THIS PUBLIC ART APPLICATION BE PASSED BY THE ATLANTA CITY COUNCIL. WE WOULD RECOMMEND THAT YOU CONTACT THE COUNCIL MEMBER FOR THE DISTRICT IN WHICH THE PUBLIC ART WILL BE LOCATED TO REQUEST THE SUPPORT OF THAT COUNCIL MEMBER AND ASSISTANCE IN SUBMITTING THE NECESSARY LEGISLATION FOR FINAL COUNCIL ACTION.

**CHAPTER 28A. SIGN ORDINANCE**  
**Sec. 1 6-28A.007. General regulations.**

- (q) **Public Art:** *Public art* meeting the following criteria may be conditionally located in any district. Consistent with the purpose and intent of this chapter, the Atlanta City Council may, by ordinance, approve a work of *public art*. Said approval shall not be granted unless said ordinance contains three (3) preliminary certifications: (1) A certification from the director of the bureau of traffic and transportation or designee that the work will not constitute a traffic hazard or undue and dangerous distraction to motorists or pedestrians; (2) A certification from the executive director of the urban design commission or designee that the work does not contain and is not intended to convey a commercial message primarily, provided that the name of a sponsor for said work may be displayed on an adjacent plaque or similar display that is no more than two (2) square feet in area; and (3) A certification from the director of the bureau of cultural affairs or designee that the work is not inconsistent with the City of Atlanta's *public art* program. The council, if provided with these certifications, may approve, conditionally or otherwise, a work of *public art* upon a finding that the value to the general public in viewing the work is not outweighed by any existing negative public interests related to aesthetics, additional sign clutter, and the public's safety. In making this finding, the council shall consider the required certifications; the qualifications and experience of the artist; the spatial relationship of the proposed art to the building or premises upon which it is located as well as the surrounding area; vehicular and pedestrian traffic safety; the existence of nearby signs; and the size and dimensions of the proposed work. Any work of *public art* approved by council under this paragraph shall be exempt from further regulation under this chapter 28A except as to maintenance and enforcement.



**ATLANTA URBAN  
DESIGN COMMISSION**

- APPROVED
- APPROVED WITH CONDITIONS
- REVIEWED & COMMENTED

6/26/13  
DATE

*[Signature]*  
REVIEWED BY



**Never 2501**  
**Artist Statement**

My wall is the extended representation of the circulatory movement in everyday life.



**Never 2501**

**Milan, Italy**

**EXPERIENCE**

**Murals:**

**2012**

Baltimore, Maryland

Miami, Florida

Sao Paolo, Brazil

Sarasota, Florida

Painted Desert Project, Arizona

New York, New York

Turin, Italy

Paris, France

Genova, Italy

Richmond, Birginia

Illhabela, Brazil

**2011**

Miami, Florida

Ko Tao, Thailand

Katmandu, Nepal

Turin, Italy

Milan, Italy

Parma, Italy

**2010**

Catania, Italy

Gdansk, Poland

Infart Festival, Italy

**2004-2007, Illlooll studio**

Web design, Graphic arts

RCS# 2915  
7/15/13  
4:40 PM

Atlanta City Council

MULTIPLE

13-O-1140 THRU 13-O-1145; 13-O-1147;  
13-O-1168 THRU 13-O-1175

ADOPT

YEAS: 10  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 2  
EXCUSED: 2  
ABSENT 2

Y Smith	Y Archibong	E Moore	Y Bond
Y Hall	NV Wan	Y Martin	Y Watson
Y Young	B Shook	Y Bottoms	E Willis
Y Winslow	Y Adrean	B Sheperd	NV Mitchell

MULTIPLE