

GAIN- Guadalupe Association for an Improved Neighborhood

1111 East 8th Street - Austin, Texas 78702

512-476-1884

June 15, 2009

Re: Case No. SO-2009-0006M

Dear Mr. Guernsey & Ms. Hilling:

I write to inform you that the Guadalupe Association for an Improved Neighborhood (GAIN) has taken a position in opposition to the proposed Outdoor Music Venue permit (renewal or otherwise) requested for 1504 East 6th Street. The membership of the GAIN met on Saturday June 13, 2009 and voiced clear opposition to the issuance of an outdoor music venue permit at 1504 East 6th Street. There are several key factors behind this position and here are a few of the most salient.

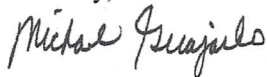
Firstly, outdoor music venues that provide amplified entertainment are not appropriate in residential areas. Whereas, 1504 East 6th Street is not exclusively located in a residential area, residential uses and neighborhoods are close enough to be detrimentally affected by amplified music at that location. Furthermore, and just as importantly, 1504 East 6th Street is located almost at the heart of the Saltillo Transit Oriented District (TOD). This TOD was recently re-zoned specifically to encourage residential mixed-use development in the future. After years of community input, thoughtful discussion and planning, to allow outdoor music venues in an area slated for mixed-use development makes no sense. If you permit outdoor music venues at locations like this one, it almost surely guarantees future conflicts with the residents we all hope will eventually come.

Secondly, the residents of our historic residential neighborhood have learned the hard way that "noise ordinances" do not work. We have battled with one disruptive outdoor venue after another during the past several years—"Snake Eyes" and "Ms. B's" most recently. Many of us have heard the typical excuse from police dispatchers about the "low priority" of a disturbing the peace call on a Friday or Saturday night around midnight or one in morning. And it's true, at exactly the time our right to rest and peace is being violated police officers have many more urgent matters with which to grapple. The result is angry and aggravated residents because they cannot get to sleep on weekends. We've learned, and it is no surprise, that many club owners primarily are concerned with getting drinks out to customers at midnight rather than asking musicians to lower the volume from 110 decibels to no more than 85 at the property line. Sadly, until a police officer informs them they are breaking the law, they are not likely to think for a minute about "the noise ordinance". And equally pathetic, it takes many confrontations before police officers issue the two citations needed to effectuate even consideration of a non-renewal of a permit.

Finally, our residents already tolerate noise on an almost nightly basis from clubs on Red River, East 6th Street, East 11th Street and annual events such as Marti Gras, Pecan Street Festival, Texas Relays and others. Traffic, trash and noise from these events will eventually drive homeowners out of our urban neighborhood despite our City's commitment to try to attract people, especially families, back into the urban core. We urge you, therefore, to review which areas of our city are appropriate for outdoor music venues and recommend those areas for outdoor music venues and restrict others to limited events. Our research suggests few cities across the country allow outdoor music venues in urban residential areas.

Having said all that, the residents of our neighborhood feel that live music is a wonderful thing. It is a joy when presented indoors where the people hearing it are the ones who want to hear it. In a day and age when amplifiers give musical instruments the ability to drown out the sound of jet planes and formula-one racecars, issuing outdoor music venue permits is a very serious matter. We trust you will consider our concerns and deny the permit.

Sincerely,



H. Michael Guajardo, President