

AGENDA



Thursday, February 25, 2010

Public Hearings and Possible Actions
RECOMMENDATION FOR COUNCIL ACTION

Item No. 76

Subject: Conduct a public hearing and consider an appeal by the River Bluff Neighborhood Association of a decision to approve an Outdoor Music Venue permit for Sustainable Waves, located at 4822 E. Cesar Chavez.

For More Information: Clara Hilling, 974-2686; Sylvia Arzola, 974-6448.

Prior Council Action: December 17, 2009 - City Council set the public hearing for January 14, 2010.
 January 14, 2010 - City Council postponed public hearing to February 11, 2010.
 February 11, 2010 - Council postponed to February 25, 2010.

On October 30, 2009, the Planning and Development Review Department approved an Outdoor Music Venue Permit (OMV) for a venue known as Sustainable Waves, located at 4822 E. Cesar Chavez.

Mr. Daniel Llanes, representing the River Bluff Neighborhood Association has appealed approval of the permit based on the following:

1. 65% of the area is residential;
2. East Austin residents have had to endure pollution from the Tank Farms, BFI, and industrial sites;
3. The number of unregulated venues in the area; and
4. The applicant's violation of the permit during SXSW in 2009.

Chapter 9-2-25(B) and 9-2-27 of the City Code provides that an interested party may appeal a decision if they are:

1. the applicant;
2. the notice owner of a single-family use located within 600 feet of the proposed outdoor music venue;
3. the notice owner of a multi-family use located adjacent to the venue (for new permits only); or
4. a registered neighborhood organization whose declared boundaries are within 600 feet of the proposed venue.

The staff recommends denial of the appeal due to the following:

1. the application complies with Chapter 9-2 of the City Code, Noise and Amplified Sound;
2. the applicant has indicated that only 3-4 music events will be held during the year;
3. the stage and advanced sound equipment are directed towards a localized area.