

**STAFF REPORT
OUTDOOR MUSIC VENUE PERMIT**

CASE NUMBER: SO-2012-0214

NAME AND LOCATION OF BUSINESS: Cheer Up Charlie's, 1104 E 6th St

ZONING: TOD-NP

APPLICANT/AGENT: Tamara Hoover

APPELLENT: John Plyler

ADDITIONAL APPELLENTS:

Michael Guajardo

REQUEST: Outdoor Music Venue Permit Renewal

TIMELINE/SUMMARY OF ACTIONS:

7/19/2012 - Application received
7/24/2012 - Noticed mailed
8/7/2012- Date to register as interested party
8/17/2012- Application approved
8/24/2012- Appeal received
8/30/2012- Deadline to appeal decision

STAFF RECOMMENDATION: Staff recommends denial of appeal for the following reasons:

- Construction of band shell to contain sound levels built as a condition to 2011 permit has proven very effective at preventing sound from impacting nearby residents.
- Hours for which permit is issued are consistent with those established by City Code
- Condition that Outdoor Music Venue permit may be revoked following as few as one violation of sound impact plan.

HOURS OF OPERATION:

10:00 a.m. to 8:00 p.m. Sunday
10:00 a.m. to 8:00 p.m. Monday
10:00 a.m. to 8:00 p.m. Tuesday
10:00 a.m. to 8:00 p.m. Wednesday
10:00 a.m. to 8:00 p.m. Thursday
10:00 a.m. to 10:00 p.m. Friday

10:00 a.m. to 10:00 p.m. Saturday

LEGAL INTERESTED PARTIES:

John Plyler (Opposed)

Michael Guajardo (Opposed)

Edward & Letesia McGarrahan (Opposed)

Sally Torres (Opposed)

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
SITE	TOD-NP	Bar
NORTH	TOD-NP	Restaurant
SOUTH	TOD-NP	Cleaners
EAST	TOD-NP	Vacant
WEST	TOD-NP	Barber

COMPLAINTS SINCE PERMIT ISSUED: (Tara Long, APD)

**AUSTIN POLICE DEPARTMENT STAFF REPORT
OUTDOOR MUSIC VENUE PERMIT**

LOCATION OF BUSINESS: 1104 East 6th Street

AREA COMMAND AND DISTRICT: George (Downtown) 1

REQUEST: Number of noise-related calls for service at 1104 East 6th Street (Cheer Up Charlie's/CUC) for September 16, 2011 to September 16, 2012.

COMPILED BY: Provided by Tara Long, APD Constituent Liaison

REQUESTED BY: Viktor Auzenne, PDRD Planner I

Date 09/17/11 **Time** 7:30PM **Complaint Nature** DOC/C.O. Violation

Summary of Complaint Two separate callers reported loud noise due to live band-one stated that Cheer Up Charlie's does not have a permit. The Officer determined that Cheer Up Charlie's (CUC) did have a proper permit and were within an allowable decibel level.

Date 10/05/11 **Time** 12:39AM **Complaint Nature** DOC/C.O. Violation

Summary of Complaint Caller reported loud noise. Officer responded. No additional call information available.

Date 10/06/11 **Time** 11:06PM **Complaint Nature** DOC/C.O. Violation

Summary of Complaint Caller reported loud amplified music at CUC and requested a follow up phone call. Officers responded. No additional call information available.

Date 10/11/11 **Time** 10:14PM **Complaint Nature** DOC/C.O. Violation

Summary of Complaint Caller reported loud music and requested return call. Officer tried citizen and left voicemail. Officers also made contact with Assistant Manager of CUC who agreed to turn down the music and close door.

Date 10/20/11 **Time** 12:17AM **Complaint Nature** DOC/C.O. Violation

Summary of Complaint Caller reported loud music. Officer responded. No additional call information available.

Date 10/26/11 **Time** 10:09PM **Complaint Nature** DOC/C.O. Violation

Summary of Complaint Two callers reported loud music. Officer responded and heard no music.

AUSTIN POLICE DEPARTMENT DATA DISCLAIMER

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2. APD's crime database is continuously updated, so reports run at different times may produce different results. Care should be taken when comparing against other reports as different data collection methods and different data sources may have been used.
3. The Austin Police Department does not assume any liability for any decision made or action taken or not taken by the recipient in reliance upon any information or data provided.

Date 11/08/11 **Time** 10:05PM **Complaint Nature** DOC/C.O. Violation

Summary of Complaint Two callers reported loud music. Officer responded. Manager shut down music because it fell outside permit hours.

Date 11/12/11 **Time** 11:59PM **Complaint Nature** DOC/C.O. Violation

Summary of Complaint Caller at CUC reported loud music and requested contact. Corporal authorized communications center to hold call due to bar closing. No additional call information available.

Date 11/15/11 **Time** 10:02PM **Complaint Nature** DOC/C.O. Violation

Summary of Complaint Caller outside CUC reported loud music, requested to meet in person. Caller phoned again and reported music had been turned off and no police were needed.

Date 11/16/11 **Time** 10:36PM **Complaint Nature** DOC/C.O. Violation

Summary of Complaint Caller reported loud music. He requested that officers enforce the 10PM music curfew set by the permit and asked that officers meet with him so he could show them the documentation. No additional call information available.

Date 12/03/11 **Time** 12:56AM **Complaint Nature** DOC/C.O. Violation

Summary of Complaint Caller reported loud music. Officer could not give an estimated time of arrival, caller understood. Officer responded and gave CUC a warning.

Date 01/20/12 **Time** 10:16PM **Complaint Nature** DOC/C.O. Violation

Summary of Complaint Caller reported loud music. Officer responded. No additional call information available.

Date 02/02/12 **Time** 10:31PM **Complaint Nature** DOC/C.O. Violation

Summary of Complaint Caller reported loud music playing past curfew and requested a meeting with officers.

Date 03/04/12 **Time** 6:55PM **Complaint Nature** DOC/C.O. Violation

Summary of Complaint Two callers reported loud music. Officer responded and talked with bar manager who showed permit good until 10:30. Also recoded a decibel level of 75.

Date 03/13/12 **Time** 11:05PM **Complaint Nature** DOC/C.O. Violation

Summary of Complaint Caller reported loud music past the 10:30 permit curfew. No additional call information available.

Date 03/15/12 **Time** 9:47PM **Complaint Nature** DOC/C.O. Violation

Summary of Complaint Caller reported loud music. Officer responded and issued warning for CUC citing 97 decibel level.

Date 03/16/12 **Time** 12:39AM **Complaint Nature** DOC/C.O. Violation

Summary of Complaint Caller reported that unknown club is playing music and requests that officers check permit allowing them to play past midnight. Officer responded. No additional call formation available.

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Date 05/05/12 **Time** 11:11PM **Complaint Nature** DOC/C.O. Violation

Summary of Complaint Caller reported loud music coming from the 6th/Waller area. Officer responded with sound meter and found the highest decibel level in the area at 67 so no violation observed.

Date 06/04/12 **Time** 1:13AM **Complaint Nature** DOC/C.O. Violation

Summary of Complaint Caller reported loud music. Officer found music not to be overly loud. Backup en route with sound meter, but music was shut off prior to meter arriving. Officer contacted caller to provide update.

Date 06/24/12 **Time** 1:22AM **Complaint Nature** DOC/C.O. Violation

Summary of Complaint Caller reported loud music at CUC past curfew. Officers responded but bar was closed. No additional call information available.

Date 07/28/12 **Time** 11:39PM **Complaint Nature** DOC/C.O. Violation

Summary of Complaint Caller reported loud music past curfew. Officer responded with sound meter. The meter gave a reading of 74 decibels from the curb. Permit allows 85 decibels until 11:30PM. Manager agreed to shut down venue for the night.

Date 08/10/12 **Time** 5:15AM **Complaint Nature** DOC/C.O. Violation

Summary of Complaint Officer self-initiated call. Performed sound check at CUC and found decibel level of 72.

Date 08/12/12 **Time** 1:23AM **Complaint Nature** DOC/C.O. Violation

Summary of Complaint Caller reported loud music past 11:30 curfew. Officer responded. No additional call information available.

Date 08/25/12 **Time** 11:25PM **Complaint Nature** DOC/C.O. Violation

Summary of Complaint Caller reported live music and requested that officers check for necessary music permit. Officer responded. No additional call information available.

Date 09/01/12 **Time** 11:15PM **Complaint Nature** DOC/C.O. Violation

Summary of Complaint Officer self-initiated call and found no music coming from the CUC.

Results: During the period of September 16, 2011 through September 16, 2012, there were 26 calls classified as disorderly conducts call for service at 1104 East 6th. One of these calls is not included in the list because it relates to a parking violation.

Note: It is not possible to isolate “noise” calls, so “disorderly conduct” (which includes noise-related calls) is provided instead.

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