

**STAFF REPORT  
OUTDOOR MUSIC VENUE PERMIT**

**CASE NUMBER:** SO-2012-0214

**NAME AND LOCATION OF BUSINESS:** Cheer Up Charlie's, 1104 E 6<sup>th</sup> St

**ZONING:** TOD-NP

**APPLICANT/AGENT:** Tamara Hoover

**APPELLENT:** Tamara Hoover

**ADDITIONAL APPELLENTS:**

**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  
8/30/2012- Appeal received  
8/30/2012- Deadline to appeal decision

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

- Hours for which permit is issued are consistent with those established by City Code
- No agreements or letters of support were received from owners, tenants or neighborhood organizations during the notice period prior to permit approval. Several neighbors expressed opposition during this time period.
- Long record of sound curfew complaints and warnings against venue.

**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:**

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

**COMPLAINTS SINCE PERMIT ISSUED:** (Provided by Tara Long, APD)  
(Attached)

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

LOCATION OF BUSINESS: 1104 East 6<sup>th</sup> Street

AREA COMMAND AND DISTRICT: George (Downtown) 1

REQUEST: Number of noise-related calls for service at 1104 East 6<sup>th</sup> 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**

1. The data provided is for informational use only and is not considered official APD crime data as in official Texas DPS or FBI crime reports.
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 recorded 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.

**AUSTIN POLICE DEPARTMENT DATA DISCLAIMER**

1. The data provided is for informational use only and is not considered official APD crime data as in official Texas DPS or FBI crime reports.
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** 05/05/12    **Time** 11:11PM    **Complaint Nature** DOC/C.O. Violation

**Summary of Complaint** Caller reported loud music coming from the 6<sup>th</sup>/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 6<sup>th</sup>. 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.

*AUSTIN POLICE DEPARTMENT DATA DISCLAIMER*

- 1. The data provided is for informational use only and is not considered official APD crime data as in official Texas DPS or FBI crime reports.*
- 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.*