

A G E N D A



Recommendation for Council Action

Austin City Council

Item ID

24133

Agenda Number

103.

Meeting Date:

5/23/2013

Department:

Planning and Development Review

Subject

Conduct a public hearing and consider an appeal by Ian Inglis, President of the Austin City Lofts Neighborhood Association regarding the decision to issue an Outdoor Music Venue permit for Lucy's Retired Surfer Bar & Restaurant at 506 West Avenue.

Amount and Source of Funding

Fiscal Note

Purchasing
Language:Prior Council
Action:For More
Information:

Viktor Auzenne, 512-974-2941; Byran Walker, 974-2686.

Boards and
Commission
Action:

MBE / WBE:

Related Items:

Additional Backup Information

On March 12, 2013 the Planning and Development Review Department approved an Outdoor Music Venue (OMV) permit for a venue known as Lucy's Retired Surfer Bar & Restaurant, located at 506 West Ave.

Chapter 9-2-53(C) of the City Code states that the accountable official may not deny an initial permit for an Outdoor Music Venue located within the footprint of a restaurant (general) use under section 25-2-808 (Restaurants and Cocktail Lounges,) but the accountable official may:

- (a) impose conditions on the permit, as provided in subsection (B)(2) of this section; and
- (b) deny an application to renew the permit under section 9-2-32 (Denial of Permit for Repeated Offenses) based on repeated violations of applicable decibel level.

On March 22, 2013 Ian Inglis, President of the Austin City Lofts Neighborhood Association, a registered neighborhood organization within 600 feet of the venue, appealed approval of the permit on the basis that the venue

is in close proximity to Austin City Lofts and has violated the sound ordinance by playing recorded music without a permit.

Chapter 9-2-54(B) and 9-2-56 of the City Code provides that an interested party may appeal a decision if they are:

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

Staff recommends denial of the appeal due the following reasons and conditions placed on the permit:

- Hours of amplified sound reduced to no more than five hours a day, three days a week (see hours of operation noted on Sound Impact Plan and Staff Report).
- Size and location of performances limited to either front or back porch, but not both at same time.
- Permit subject to 30 day review to investigate if additional sound mitigation measures are necessary and monitoring by APD for compliance with permit.