



BOARD/COMMISSION RECOMMENDATION

Downtown Commission

Recommendation Number: 20130619-10A

Recommendations regarding sound issues facing Rainey Street Neighborhood

WHEREAS, Austin City Council passed a resolution making operating a cocktail lounge a conditional use in the Rainey Street neighborhood; and

WHEREAS, the Music Division has lowered the dB level to 75 and the cut-off times are 10:30 Sunday through Wednesday, 11:00pm Thursday and midnight on Friday and Saturday for Outdoor Music Venue (OMV) permit holders; and

WHEREAS, currently, within the boundaries established for downtown, only single family dwelling owners within 600ft, and adjacent multifamily owners can register as an interested party, and downtown neighborhood associations may not appeal issuance of an OMV permit; and

WHEREAS, the Downtown Austin Plan contemplates a broad mix of uses for Rainey Street neighborhood, NOW, THEREFORE,

BE IT RESOLVED that the Downtown Commission makes these recommendations regarding sound issues facing the Rainey Street neighborhood:

- 1) Neighborhood Associations should have standing to appeal OMV permit issuance.
- 2) Notification of all residents, including multifamily residents (renters and owners) within 600ft to receive the initial notice of any OMV permit request. Notice to be delivered 14 days in advance of issuance via a notification method to be determined.
- 3) Application fee increased to the SXSW fee x 12 months or an amount sufficient to cover the costs of #4
- 4) The Music Division to perform a sound assessment, across a broad spectrum of sound frequencies, of the venue and the affected properties within 600ft of the venue prior to issuance of OMV permit and recommend sound mitigation improvements (for both venues and adjacent properties)
- 5) Support Music Division initiatives for improving musician welfare
- 6) If an OMV permit is revoked as a result of non-compliance with the "Bad Actor" program of the Music Division, a new OMV permit will not be issued to the property for a period of one year.
- 7) We encourage future residential development to invest in design that considers sound mitigation building techniques

- 8) Within 120 days, we would like a report from the Music Division that includes a complete record of enforcement of OMV permits in the Rainey Street neighborhood, including the techniques of enforcement
- 9) Similar to the fund the venues can access for investing in sound mitigation techniques, private residences also have access to this fund to sound mitigation within their dwelling.
- 10) The Emma S. Barrientos Mexican American Cultural Center (ESB-MACC) should be required to perform a sound assessment as part of their event permitting.

Date of Approval: June 19, 2013

Record of the vote: Unanimous on an 8-0 vote

Attest: Michael R. Knox

(Staff or board member can sign)