

## AGENDA



## Recommendation for Council Action

## AUSTIN CITY COUNCIL

Regular Meeting: April 26, 2018

Item Number: 008

## Economic Development Department

Approve an ordinance amending City Code Chapter 9-2 relating to decibel limits and hours to operate sound equipment at outdoor music venues located in the area between 7th and 12th Streets and between Trinity Street and Waller Creek (also known as the Red River Cultural District).

**District(s) Affected:** District 1, District 9

<b>Lead Department</b>	Economic Development.
<b>Fiscal Note</b>	This item has no fiscal impact.
<b>Prior Council Action</b>	<p>Ordinance No. 20171019-007 - City Council passed and approved an ordinance that extended the Red River Extended Hours pilot program until April 30, 2018. Direction was given to staff to bring back further discussions on the program including additional extensions to Council in February 2018.</p> <p>Ordinance No. 20170126-019 - created a six month Red River Extended Hours pilot program that authorized extended decibel limits and hours to operate sound equipment at outdoor music venues located along Red River Street between 6<sup>th</sup> and 12<sup>th</sup> Streets (commonly referred to as the "Red River Cultural District"). The pilot began on May 1, 2017.</p>
<b>For More Information</b>	Rebecca Giello, Interim Director, 512-974-3045; Erica Shamaly, Music & Entertainment Division Manager, 512-974-7821; Brian Block, Program Manager II, 512-974-7966.
<b>Council Committee,</b>	November 7, 2016 - Music Commission unanimously adopted a

<b>Boards and Commission Action</b>	resolution encouraging City Council to allow a case study to investigate the impact of extending the amplified sound curfew for the Red River Cultural District (vote 6-0).
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### **Additional Backup Information:**

#### **Staff Recommendations:**

The proposed ordinance amends City Code Chapter 9-2 (Noise and Amplified Sound) to 1) create a new definition for the Red River Cultural District; and 2) specify the decibel limits and hours an outdoor venue may operate sound equipment within the district. The hours described in the proposed ordinance extend the current hours by one hour on Thursday, Friday and Saturday. If approved by Council, this Code change will bring the Red River Cultural District's hours to operate sound equipment closer into alignment with the 6<sup>th</sup> Street and Warehouse Districts that operate until 2a.m. every day.

Staff utilized the pilot evaluation and key themes that were identified through stakeholder feedback and focus group discussions between both venues and residents to finalize its recommendations to Council. Staff recommendations consider both venue sustainability and residential quality of life. In addition to proposing this ordinance, Music & Entertainment Division (MED) staff recommend:

- § refining existing resources that allow for proactive responses to sound complaints in the Red River Cultural District;
- § resolving sound conflicts collaboratively with all impacted parties, including venues, neighbors, businesses, and neighborhood organizations using resources and practices developed during the pilot program; and
- § creating a forum-based process for engagement and feedback for all stakeholders to collaboratively participate and resolve sound conflict and nightlife-related impact.

The evaluation and proposed ordinance will be reviewed by the Austin Music Commission on April 2, 2018.

#### **Background**

On January 26, 2017, the City Council approved Ordinance No. 20170126-019, which created a six month pilot program extending decibel limits and hours to operate sound equipment at outdoor music venues located along Red River Street between 6<sup>th</sup> and 12<sup>th</sup> Streets (commonly referred to as the "Red River Cultural District"). The ordinance acknowledged the Austin Music Commission's November 7, 2016, recommendation highlighting the impact of the Red River Cultural District on the local live music industry and encouraging a study to investigate the impact of extending the hours for amplified sound for the Red River District.

The ordinance emphasized the City's commitment to ensuring that Red River live music venues continue

to serve as incubators for local musicians and to protecting quality of life for residents and visitors, and it established the purpose of the pilot to collect meaningful data to determine the impact of extended hours on the venues and the public.

The Red River Extended Hours pilot program temporarily allowed five outdoor venues within the Red River Cultural District to play amplified music one additional hour on Thursday, Friday and Saturday nights from May 1, 2017 until Nov 1, 2017. Council approved Ordinance No. 2017019-007 that extended the pilot an additional six months to April 30, 2018, with these same parameters intact.

The ordinance also directed the City Manager to provide updates on the economic, public safety and sound impacts of the pilot and to provide an evaluation that summarizes the data collected, identifies stakeholder feedback, and includes any recommended changes to City code.

### **Pilot Results**

A summary of these results can be viewed at

<http://www.austintexas.gov/edims/pio/document.cfm?id=294352>.

Information indicates the venues are earning more revenue; venue staff and local musicians are getting paid more; venues are complying with sound level requirements; 3-1-1 sound complaints are decreasing; and communication and relationships between venues and nearby neighborhoods and residents are improving.

### **Resources**

MED formed the Entertainment Services Group in early 2017. This group dedicates significant resources and relies on numerous tools to monitor compliance, document violations, focus enforcement efforts at venues with compliance issues, manage sound, and reduce sound impacts to neighbors.

Prior to and throughout the pilot, MED built a more holistic platform of resources and tools to facilitate the collaborative resolution of sound complaints. A more complete list of sound resolution resources can be found at the link here: <http://www.austintexas.gov/page/red-river-pilot-program>.

Going forward, staff will continue to utilize the hotline phone, use sound monitors at venues and in the neighborhoods, and monitor compliance and investigate issues using night and weekend staff.

### **Stakeholder Outreach and Engagement**

Extensive stakeholder input and feedback was gathered through nine neighborhood meetings; three focus group meetings with both venue representatives and residents; three online neighborhood engagement efforts via NextDoor, Neighborhood listserve and social media groups; two neighborhood surveys; four meetings with Red River District hotels and residential developments; and numerous meetings with the Red River merchants and Red River venues.