MEMORANDUM

TO: Mayor and Council

FROM: Kevin Johns, Director
Economic Development Department (EDD)

DATE: July 17, 2015

SUBJECT: **Response to Resolution No. 20140925-081 – Downtown Entertainment Districts**

On September 25, 2014, Council adopted Resolution No. 20140925-081, which directed the City Manager to engage relevant stakeholders and City departments to examine issues to ensure the City of Austin is creating a safe and vibrant environment in downtown entertainment districts and report any City Code change recommendations to Council.

Based on analysis from the Austin Music Census and Report, the ATX Safer Streets Entertainment District Employee Parking Report, collaboration with City departments, and best practice research of other cities, following is a Staff Report with recommendations in chronological order in correspondence with the Council Resolution.

If you have any questions, please contact me at 974-7802 or Don Pitts, at 974-7821.

xc: Marc A. Ott, City Manager
Sue Edwards, Assistant City Manager
Sylnovia Holt-Rabb, Assistant Director, Economic Development Department
Don Pitts, Music & Entertainment Division Manager, Economic Development Department

STAFF REPORT
COUNCIL RESOLUTION NO. 20140925-081

i. ***Create an entertainment license to support consistent enforcement of the sound ordinance, safety and security provisions.***

Staff recommends the following Code Amendments:

- Move amplified sound permits from City Code Chapter 9-2 (*Noise and Amplified Sound*) to Title 4 (*Business Regulation*)
- Require businesses with amplified sound to obtain an entertainment license to create a streamlined permitting process for music venues and nightlife establishments while providing a clear and concise communication of the regulations and requirements from one city department to the other and from one permit to another
- Define "amplified sound" to mean any type of music or other entertainment delivered through and by a mechanical, electrical, motor-powered, or electronic device; exclude: televisions operating with no amplification other than their internal speakers, sounds intended as unobtrusive accompaniment to some activity, such as dining in a restaurant, or to provide atmosphere
- Authorize City staff to suspend entertainment licenses based on City Code and state law violations
- Synchronize permit renewal periods and requirements for all venues

ii. ***Make information about conditional use permits and conditions of sound permits readily available to enforcement staff, such as through the use of Quick Response (QR) codes.***

Per Council Resolution No. 20140925-084, staff is currently working with the Communications & Technology Management Department and the Austin Center for Events (ACE) to create QR codes to support consistent enforcement. This initiative will be complete within FY 2016.

iii. ***Expand Public Assembly Code Enforcement (PACE) enforcement authority.***

Staff recommends PACE be active throughout the year for consistent and expanded enforcement and increased collaboration between City departments. The PACE team was originally created for activation around large events. The PACE team includes: Austin/Travis County Health & Human Services Department; the Economic Development Department's Music & Entertainment Division; Austin Fire Department; Austin Police Department; Texas Alcoholic Beverage Commission; Texas Department of Public Safety; Austin Code Department; Austin Transportation Department, and the Development Services Department.

iv. ***Identify the lead for the City's efforts to preserve or enhance the nightlife economy while ensuring a safe and vibrant environment.***

The responsible office for leading the City's nightlife economy efforts will be the Music & Entertainment Division of the Economic Development Department which currently serves as an ombudsman for outdoor live music venues and an economic development accelerator and resource for Austin's music industry. Staff assists venues with the City-required permit process, connects venues with other City departments that may require additional permits, and mediates issues between permitted venues, impacted neighboring business, and residential uses.

In FY2016 the Music & Entertainment Division will implement the Austin Nightlife Initiative, through a full suite of interdependent actions comprised of seven components for creating a safe and vibrant night-time economy including: Code Compliance Enforcement; District Community Outreach; Safety and Security Training; Noise Ordinance Enforcement; Late-night Transportation Alternatives and Targeting Public Nuisances. The goals of the initiative are to ensure public safety, increase urban vibrancy, and grow the local economy.

In addition, through the Nightlife Initiative, the Economic Development Department's Music & Entertainment Division, in partnership with City enforcement staff, will host Safety Summits for internal and external stakeholders to address issues related to enforcement, safety, security, permitting, and ordinances in FY2016.

v. ***Determined cost and timeline for improved street lighting.***

Streetlight upgrades are planned for lighting on 6th Street from Brazos to IH-35. The lighting will be upgraded to light-emitting diode (LED) lighting at a cost of $200,000. Installation should be complete by early summer 2015. The LED upgrade is expected to create brighter, more reliable lighting.

vi. ***Activate closed streets on weekends for performance artists and mobile food vendors.***

In the upcoming Fiscal Year, staff recommends pursuing this as a pilot program with the Economic Development Department's Music & Entertainment and Cultural Arts Divisions, the Downtown Austin Alliance, and the 6ixth Street Austin Association. The pilot would serve to gain citizen feedback to measure the economic and cultural benefits of closing streets on weekends for performance artists and mobile food vendors. The results of the pilot will determine program improvements or discontinued implementation. More discussion on busking in the National Register Historic District will be explored with the 6ixth Street Austin Association and stakeholders.

vii. ***Open city garages for public night-time use.***

Due to security and safety concerns, staff recommends evaluating this item further through the Austin Nightlife Initiative, and hopes to implement a pilot program in FY 2016.

viii. ***Examine the revocation of historic property tax exemptions for structures whose tenants have received multiple code violations related to capacity loading, fire safety and underage drinking.***

Because the purpose of historic property tax exemptions is to incentivize proper upkeep of the historic structure, staff believes that correlating the violations described above with maintaining the tax exemption may reduce a property owner's interest in protecting the historic nature of the structure. In light of that concern, staff proposes an entertainment license as an alternative method to address the violations.