

AGENDA



Thursday, January 14, 2010

**Public Hearings and Possible Actions
RECOMMENDATION FOR COUNCIL ACTION****Item No. 40**

Subject: Conduct a public hearing and consider an appeal by the River Bluff Neighborhood Association of a decision to approve an Outdoor Music Venue permit for Sustainable Waves, located at 4822 E. Cesar Chavez.

For More Information: Clara Hilling, 974-2686; Sylvia Arzola, 974-6448.

Prior Council Action: December 17, 2009 - Council set the public hearing for January 14, 2010.

On October 30, 2009, the Planning and Development Review Department approved an Outdoor Music Venue Permit (OMV) for a venue known as Sustainable Waves, located at 4822 E. Cesar Chavez. Mr. Daniel Llanes, representing the River Bluff Neighborhood Association has appealed approval of the permit. The neighborhood is located within 600 feet of the venue.

Chapter 9-2-25(B) and 9-2-27 of the City Code provides that an interested party may appeal a decision if they are:

1. the applicant; 2. the notice owner of a single-family use located within 600 feet of the proposed outdoor music venue; 3. the notice owner of a multi-family use located adjacent to the venue (for new permits only); or 4. a registered neighborhood organization whose declared boundaries are within 600 feet of the proposed venue.

The staff recommends denial of the appeal due to the following:

1. the applicant meets all requirements of the Austin City Code Chapter 9-2, Noise and Amplified Sound; 2. the applicant has indicated that only 3-4 music events will be held during the year; 3. the stage and advanced sound equipment are directed towards a localized area.