

December 18, 2018

Dear Citizen:

Because you expressed interest in the outdoor music venue permit application for Yard Bar at 6700 Burnet Rd, this letter is to advise you that the permit was approved and issued on December 14, 2018. City staff determined that the venue complies with the noise ordinance and the applicant has paid all required fees. The table below summarizes the allowances of the permit.

Day of Week	Periods of Amplified Sound Permitted	Maximum Sound Level
Sunday	Noon – 6PM	65dBA / 75dBC
Monday	No amplified sound permitted	
Tuesday	No amplified sound permitted	
Wednesday	No amplified sound permitted	
Thursday	No amplified sound permitted	
Friday	6PM – 8PM	65dBA / 75dBC
Saturday	10AM – 8PM	65dBA / 75dBC

According to the noise and amplified sound ordinance (Section 9-2-56,) an applicant or interested party may appeal a decision by the accountable official on an application for an outdoor music venue permit under Subsection 9-2-39 to the City Council. An appeal must be filed with the accountable official, in writing, no later than the 14<sup>th</sup> day after the date the decision is issued and must describe the decision being appealed and the specific grounds for the appeal. There is a formal appeal form which can be emailed to you should you wish to appeal this decision.

If you have any questions or need any additional information please contact me via email at [bryan.walker@austintexas.gov](mailto:bryan.walker@austintexas.gov) or call 512-974-2686.

Respectfully,

Bryan Walker  
Planner II  
Development Assistance Center

## **CHAPTER 9-2. - NOISE AND AMPLIFIED SOUND.**

### **ARTICLE 2. - PERMITTING AND OPERATIONAL REQUIREMENTS.**

#### **DIVISION 3. - OUTDOOR MUSIC PERMITS.**

##### **SUBPART C. - REVIEW, NOTIFICATION, AND APPEAL.**

###### **9-2-56 - ADMINISTRATIVE APPEAL.**

*(A) Except as provided in Subsection (F) of this section, an interested party may appeal a decision by the accountable official on an application for a permit under Section 9-2-39 (Permit for an Outdoor Music Venue).*

*(B) An appeal under this section must be filed with the accountable official, in writing, no later than the 14th day after the date the decision is issued and must describe the decision being appealed and the specific grounds for the appeal.*

*(C) Unless otherwise agreed to by the parties, a public hearing on an appeal shall be held at the earliest council meeting for which notice of the hearing can be timely provided.*

*(D) At any time prior to an appeal hearing, the accountable official may revise a permit to include conditions agreed to by the parties that are within the scope of the accountable official's authority under this chapter.*

*(E) In deciding an appeal, the city council may uphold, reverse, or modify a decision of the accountable official, including the requirements and conditions of a multi-day special event permit.*

*(F) A neighborhood organization may not appeal a decision to approve a permit for property located within the following boundaries:*

*(1) Eastern boundary: I-35;*

*(2) Southern boundary: the northern shore of Lady Bird Lake;*

*(3) Western boundary: north along the eastern shore of Shoal Creek, north along West Avenue to 7th Street, east along 7th Street to Lavaca Boulevard, north along Lavaca Boulevard to 11th Street; and*

*(4) Northern boundary: 11th Street.*

*Source: Ord. 20110210-029; ORD. NO. 20180510-018, PT. 6, 5-21-18.*



## OUTDOOR MUSIC VENUE SOUND IMPACT PLAN

<b>VENUE NAME:</b>	Yard Bar
<b>VENUE ADDRESS:</b>	6700 Burnet Rd. 78757

This Sound Impact Plan lists the permit conditions and requirements that the applicant must abide by. This impact plan must be attached to the approved permit and be available for inspection.

Applicant understands and agrees to all provisions of Sound Impact Plan.

Applicant signature \_\_\_\_\_

Date \_\_\_\_\_

### CONTACT INFORMATION

Contact: Kristen Heaney

Phone: 512-694-0363

Email: \_\_\_\_\_

### VENUE INFORMATION

District (Warehouse, Sixth Street, Outside): Outside

Restaurant General (with 51% food sales, yes/no): Yes

Size (square feet): LISTED AS 5,300

Capacity: LISTED AS 279

### GENERAL DESCRIPTION OF SURROUNDING AREA

Business located in CS zoning within 600' of residential zoning and use. Outdoor sound is at the western end of the property, just over 100 feet from the nearest single family residential. No screening between the neighborhood and the outdoor sound location.

### IMPACT ON RESIDENTIAL / ADDITIONAL RESTRICTIONS

First time OMV application for amplified sound located at accessory restaurant portion of property with a principle use of outdoor entertainment. Neighborhood context and close proximity to residential properties has been carefully considered and taken into account. Sound impact plan includes significant restrictions on both the decibel limits and hours for outdoor sound to allow very low intensity live music as an amenity at Yard Bar, while maintaining residential quality of life for nearby neighbors. The Music Division coordinated three sound tests with the owner to understand sound impacts, allow neighbors to hear the sound volume and profile, and provide extensive data to inform the sound impact plan. Sound mitigation measures include installation of an 8' tall ¾" plywood barrier wall across rear of stage to contain sound and buffer neighborhood to the west (venue plans to wall off stage wings). Sound systems comprised of 10" main speakers with no subs. Sound equipment to be located on stage, in front of barrier. Sound oriented east. TYPE 1 OR TYPE 2 SOUND METER MUST BE ON PREMISES AND AVAILABLE FOR USE AND INSPECTION.

### COMPLIANCE HISTORY

Warnings: None

Citations: None

### 2018 AMPLIFIED SOUND DATES & TIMES

DAYS	TIMES	DECIBEL LIMIT:
Sunday	12:00pm-6:00pm	<b>65 dBA / 75 dBC</b>
Monday	None	
Tuesday	None	
Wednesday	None	<b>MUSIC DIVISION SIGN OFF/Date Completed:</b>  J- JL 9/17/18
Thursday	None	
Friday	6:00pm-8:00pm	
Saturday	10:00am-8:00pm	







**Yard Bar**  
**OUTDOOR MUSIC VENUE PERMIT APPLICATION REPORT**

**Summary**

The Music Office has conducted our investigation of the Yard Bar Outdoor Music Venue Permit Application and considered the potential impacts to the surrounding community per section 9-2-50 of the Austin City Code. The investigation was conducted over a three month time period and included on-site inspections, sound measurements, extensive discussions with and feedback from nearby residents, and three sound tests to research and assess potential impacts. This report summarizes our investigation and includes our recommendation. We are confident that this recommendation will allow live music as an amenity at the Yard Bar while including appropriate allowances and restrictions to maintain residential quality of life for nearby neighbors.

The neighborhood context and proximity to residential properties has been carefully considered and taken into account. We genuinely sought neighborhood and stakeholder input and took it into consideration when making our recommendation. Nearby neighborhood residents expressed their desire to maintain quality of life in the neighborhood, and it is part of our ongoing commitment and regular review process to proactively address those types of concerns. This recommendation includes significant restrictions on both the decibel limits and hours for outdoor amplified sound in order to maintain residential quality of life.

**Music Office Recommendation Summary:**

**Approval of the application with the significant restrictions and conditions stated below.**

**Days/Hours for outdoor venue permit:**

Fri: 6pm – 8pm

Sat: 10am – 8pm

Sun: 12pm-6pm

**Decibel Limit for outdoor venue permit:**

65dBA / 75dBC

**Investigation**

The owner of the Yard Bar wanted to communicate with and solicit feedback from the neighborhood in advance of submitting an application and we encouraged that. That approach also allowed our office to communicate with Allandale neighbors and the Yard Bar, get initial feedback and conduct multiple sound tests. We have been doing this over a three month period since early June, 2018. Music Office staff attended the Allandale Neighborhood Association meeting in June, and our office continued to communicate with a group of nearby neighbors that came together to form an informal neighborhood working group on this topic. Several neighbors that played a leadership role conducted outreach including going door to door in the area and distributing information flyers. The Music Office also conducted three sound tests in June and July of 2018. The tests allowed us to have real data and 1<sup>st</sup> hand experience with outdoor sound at the Yard Bar in order to understand and mitigate potential sound impacts. The tests also allowed the neighbors to hear the proposed

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sound with their own ears and see how that corresponds to readings on the sound monitor. The final test on July 29<sup>th</sup> included a large group of nearby neighbors to hear the sound impact and walk the neighborhood with Music Office staff. During the July 29<sup>th</sup> sound test, in addition to measuring sound at the applicant's property line, we also measured sound at numerous neighborhood locations, with and without music playing. This provided extensive sound data to inform our recommendation.

**Key Factors Considered During Our Investigation**

- The location for outdoor sound is just over 100 feet from the nearest residence
- There is no screening between the neighborhood and the outdoor sound location
- The applicant installed an 8 foot tall plywood wall at the back of the stage to mitigate sound impact
- The applicant's desire is to have low intensity live music on weekends that serves as a complement to eating and drinking on the restaurant patio, not performance-oriented concerts.

**Timeline:**

**June 6, 2018:** Music Office staff attended Allandale Neighborhood Association Meeting

**June 10, 2018:** Music Office conducted the first sound test

**July 8, 2018:** Music Office conducted the second sound test

**July 29, 2018:** Music Office conducted the third sound test

**Aug 10, 2018:** Yard Bar submitted an outdoor music venue permit application

**Aug 31 - Sept 6, 2018:** Music Office received interested party comments from the Development Services Department

**Sept 6 – 10, 2018:** Music Office reviewed all interested part comments and called all of the neighbors that were new to the process.

**Sept 14, 2018:** Music Office completed our investigation and report

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# Outdoor Music Venue Permit

## Yard Bar

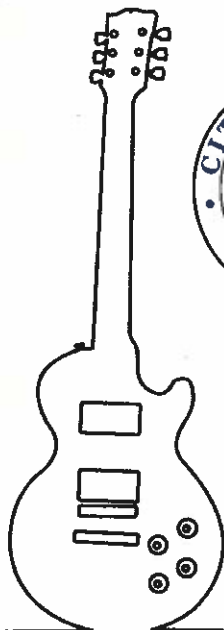
6700 BURNET RD

**Permit Number: SO-2018-0281**

**Permit Expiration Date: Dec 14, 2019**

**Decibel Limit: 65dBA | 75dBC**

**Occupancy: See Load Card**



<b>SUNDAY</b>	<b>Noon</b>	<b>- 6PM</b>
<b>MONDAY</b>	<b>no sound</b>	<b>- permitted</b>
<b>TUESDAY</b>	<b>no sound</b>	<b>- permitted</b>
<b>WEDNESDAY</b>	<b>no sound</b>	<b>- permitted</b>
<b>THURSDAY</b>	<b>no sound</b>	<b>- permitted</b>
<b>FRIDAY</b>	<b>6PM</b>	<b>- 8PM</b>
<b>SATURDAY</b>	<b>10AM</b>	<b>- 8PM</b>

