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24 **WHEREAS**, when pursuing the goal of housing affordability, the City
25 adopted the Affordability Unlocked ordinance which seeks to maximize public
26 investment in affordable housing by providing regulatory incentives to new
27 affordable housing developments; and

28 **WHEREAS**, much of Austin’s music venue infrastructure was developed
29 decades ago or relies on the adaptive reuse of existing structures in affordable
30 areas, which has focused most public support for music venues in the form of
31 preservation as the City has become less affordable, and much less focus has been
32 given to new venue formation; and

33 **WHEREAS**, recent efforts to support creative space in Austin include the
34 formation of the Cultural Trust under the Austin Economic Development
35 Corporation, the pioneering example of an affordable commercial space restrictive
36 covenant at 6705/6501 Regeine Road, the inclusion of a dedicated music venue in
37 the new construction proposed on the City owned land at 1215 Red River & 606
38 East 12th, and the passage of the City’s first Creative Space bond fund; and

39 **WHEREAS**, in addition to preserving existing infrastructure, the City must
40 proactively work to develop the next generation of music venues in order to stay
41 the Live Music Capital of the World; **NOW, THEREFORE:**

42 **BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

43 The City Council initiates amendments to City Code, including Title 25
44 (*Land Development Code*), to create a bonus and incentive program for live music
45 venues that meets certain criteria such as:

46 An establishment used for the presentation of live music and performances
47 typically for a fee or admission charge for participants or spectators that clearly

establishes the ability of an artist to receive payment for work by percentage of sales, guarantee, or other mutually beneficial formal agreement. A Live Music Venue should include:

1. defined performance and audience space;
2. permanent equipment for music performance including sound board, professional audio system, and stage lighting;
3. hours of operation coincide with performance times;
4. programs live music at least five nights a week; and,
5. for outdoor amplified sound performances as defined in City Code Chapter 9-2 (*Noise and Amplified Sound*), must maintain a current Outdoor Music Venue Permit.

A Live Music Venue may be an indoor facility, where the presentation of live music occurs within the interior of the establishment including, but not limited to, performance venues, music venues, theaters, movie theaters, and performing arts centers. A Live Music Venue may also be an outdoor facility where the stage or entertainment live music occurs is located outdoors, including, but not limited to, amphitheaters, or outdoor stages, and permanent outdoor movie theaters.

A Live Music Venue may have alcohol sales as an accessory use. The incidental sale of alcohol for on-site consumption related to the primary use is allowed and must comply with all applicable state and local regulation.

A Live Music Venue may feature other live performances, including plays, motion pictures, or other dramatic performances, if performances constitute less than 50 percent of all events.

72 **BE IT FURTHER RESOLVED:**

73 The bonus and incentive program should provide regulatory incentives for
74 new and existing live music venues that meet the criteria and that could help
75 leverage public and private investment in the creative infrastructure of Austin.
76 Regulatory incentives to be considered may include, but not be limited to:

- 77 1. fee waivers;
- 78 2. modified parking requirements;
- 79 3. expanded facilitation of affordable commercial space restrictive
80 covenants in new construction; and
- 81 4. prioritization of music venue or creative space as a community benefit
82 for density bonuses or other overlays within the Red River Cultural
83 District, East 6th Street Entertainment District, and Warehouse
84 Entertainment District.

85 **BE IT FURTHER RESOLVED:**

86 The City Council recognizes that the first step to create the program is to
87 establish the criteria to be a Live Music Venue, and the City Manager is directed to
88 bring an ordinance for Council consideration, even as associated incentives may
89 still be in development.

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93 **ADOPTED:** _____, 2022

ATTEST: _____

Myrna Rios
City Clerk