



DOWNTOWN AUSTIN NEIGHBORHOOD ASSOCIATION

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February 10, 2011

The Honorable Lee Leffingwell, Mayor
The Honorable Mike Martinez, Mayor Pro Tem
The Honorable Chris Riley, Council Member
The Honorable Randi Shade, Council Member
The Honorable Laura Morrison, Council Member
The Honorable Bill Spelman, Council Member
The Honorable Sheryl Cole, Council Member
City of Austin
P.O. Box 1088
Austin, TX 78767

Dear Mayor and Council Members:

The Downtown Austin Neighborhood Association (DANA) supports live music and temporary events in our neighborhood. When it comes to noise complaints DANA receives, the vast majority are associated with non-live music amplified sound. SXSW and ACL Fest are shining examples of temporary live music events done responsibly and are yearly events that promote the best of Austin, especially downtown.

In that spirit, we support the creation of Multi-day Special Events Permit that requires assessment and review through a "Temporary Event Impact Plan." The flexible permit would allow Austin to continue to live up to its Live Music Capital moniker while implementing a plan for temporary events and everyday downtown residential life to coexist.

DANA wrote to the Council in December asking for revisions to the Sound Ordinance, in particular annual Outdoor Music Venue (OMV) permits. That letter addressed year-round permits and conditions by which venues should operate. The current proposed ordinance for multi-day permits is a good compromise for short-run events, in that it keeps the spirit of DANA's request for OMV changes and provides a good starting point for addressing the year-long OMVs. The multi-day permits would require a plan that takes into consideration staging, sound mitigation, hours of operation, traffic, emergency operation and public safety concerns, as well as neighborhood and business concerns. All of these considerations are crucial to finding a sustainable, balanced relationship between residents and the businesses that contribute to the vibrancy of our neighborhood during peak seasons and year-round.

We are also in favor of the broader code changes that impact all sound permits. We strongly support measuring sound at the source instead of the property line, permit signs posted at all outdoor music venues, the reduction in appeal timeframes, the defining of factors used by the Music Department in granting new OMV permits, and the reorganization of the code which should reduce confusion in the community.

SUPPORTING THOSE WHO LIVE, WORK AND PLAY DOWNTOWN

DANA is encouraged by the conversation that suggests a “phase two” of the ordinance revision is coming as this proposed code revision does not deal with very important issues such as:

1. Enforcement being pro-active instead of complaint-driven.
2. Apartment dwellers and condo owners having the same rights as single family residents to appeal OMV permits.
3. Home Owner Associations (HOA)s and Neighbor Associations (NA)s downtown also having the right to appeal OMVs just as HOAs and NAs outside of downtown.
4. Amplified sound measurement considering not only average but also peak values.
5. Enforcement guidelines which establish how readings are performed as well as clear and meaningful penalties for non-compliance especially for violating cut off times.

We applaud the temporary steps being considered in this ordinance revision as well as the commitment to examine their effectiveness and continue with a “phase two” to address the broader sound ordinance issues. We hope that review will include a serious analysis of the appropriate decibel level, even when measured at the source, for non-entertainment district OMV establishments.

DANA supports these proposed “phase one” code changes, because we believe supporting SXSW is so important to our city, and the revisions represent a foundation for the work that needs to be done to improve noise and quality of life for downtown residents for the other 361 days of the year.

DANA looks forward to working with you over the next two months to do just that. Thank you for your consideration of this important ordinance revision.

Respectfully,



Michael McGill
President