

To: Clara Hilling

City of Austin Planning and Development Review Department 505 Barton Springs Rd. Suite 175 / P.O. Box 1088 / Austin, Texas_78767-8835

OUTDOOR MUSIC VENUE APPEAL



If you are an applicant and/or property owner or interested party, and you wish to appeal a decision on an Outdoor Music Venue permit, the following form must be completed and filed with the Director of Planning and Development Review Department, City of Austin, at the address shown above. The deadline to file an appeal is 14 days after the decision was issued by the accountable official. If you need assistance, please contact at (512) 974ontation Music Home Slice Pizza 2686. VENUE NAME YOUR NAME M **VENUE ADDRESS** YOUR ADDRESS 40 4 7000: 1403 + 1405 Now CITY CONTACT YOUR PHONE NO. (512) 626-678 SECTION OF CODE APPEALED: () Same HOME INTERESTED PARTY STATUS: Indicate how you qualify as an interested party who may file an appeal by the following criteria: (Check one) I am the notice owner of single family use (2) ☐ I am the applicant or agent representing the applicant ☐ I am a representative of a neighborhood association and submitted my opposition in writing (date) I am the notice owner of a multifamily use located adjacent to the venue (new permits only) In addition to the above criteria, I qualify as an interested party by one of the following criteria: (Check one) I am the notice owner of single family use located within 600 feet of the subject site. I am the notice owner of a multifamily use located adjacent to the venue. □ I am an officer of a neighborhood or environmental organization whose declared boundaries are within 600 feet of the subject site. **DECISION TO BE APPEALED*:** (Check one) Date of Decision: 3-12-2012

Date of Decision: Approval of an Outdoor Music Venue Permit Denial of an Outdoor Music Venue Permit STATEMENT: Please provide the decision being appealed and the specific grounds for the appeal. If specific grounds are not provided appeal will not be considered valid: (Attach additional page if necessal



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| CASE NO. 2012-012691 SO SOZUZ-003 VENUE NAME Home Slice Pizza | 2 DATE APPEAL FILED $3/20/2012$ |
| VENUENAME Home Slice Pizza | YOURNAME Drave Couveix |
| | SIGNATURE |
| VENUE ADDRESS 1415 South Congress | YOUR ADDRESS 206 FAST (MONKOE ST. |
| | AUSTIN, TX-78704 |
| CITY CONTACT Clara Hilling | YOUR PHONE NO. (512) 445.7207 WORK |
| SECTION OF CODE APPEALED: 9-2-55 | (512) 445.7207 HOME |
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| not have outdown music (2) spe | c voted against KINN for Houn |
| December (3) (ACK of space for | audience as strued platform for |
| AMV is directly against st no | I dence (4) There is not amale |
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| he affected by This only 6 | There are complaint recording |
| (Attach additional pag | Doomany SF residences will There are complaints regarding the if necessary.) |
| HS parking issues, blocking her | idents, and issues regarding |
| the londness of music (as we a | rithesed during 5xsw) multiple |
| complaints Agisked on 3/16 | 1/12. |



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| CASE NO. 2012-01269150 | DATE APPEAL FILED March 23, 2012 |
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| | SIGNATURE 7 in Un |
| VENUE ADDRESS 1415 5. Congress | YOUR ADDRESS 1401 S. Congress |
| Austra TK 78704 | Austin TX 78704 |
| CITY CONTACT (lava Hilling | YOUR PHONE NO. (5/2) 282.28/8 WORK |
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| Feb.16,2012 | |
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(Attach additional page if necessary.)

OF

Appeal of Home Slice Pizza's OMV

Specific grounds why approval of Home Slice Pizza's outdoor music venue permit should be denied:

Joseph Strickland, owner of Home Slice promised in Dec. 2004 SRCC meeting that he wouldn't have outdoor music. This will be a credibility issue for future promises or compromises.

SRCC general membership voted unanimously at our March annual meeting to oppose Home Slice having an OMV. *See attached excerpt of minutes.

There is a lack of sufficient space for audience in outside area at Home Slice to host concerts. Adjacent residents shouldn't be denied use and access to their homes or off street parking due to an outdoor music venue added draw of more customers.

Parking issues specifically in the S. Congress area have been problematic and years of study and months of mediation including merchants & neighbors have not provided any solutions or increased capacity for the visitors we already have, particularly on weekends. Adding outdoor music to Home Slice will make situation even worse.

Home Slice is bordered on north side by SF use (an historic property, owned by same family for many, many decades,) on the east side after a 16ft. alley by SF zoned & used, and within the HS block nine of the 12 lots are SF use with 13 households within earshot.

Please note, there has not been signs produced at 1410 Nickerson in decades, it is an SF use (and has been continuously used by same family since 1957) and HS vendors & customers already frequently block the garage to the property.

There are too many SF properties within 200 to 600 ft. that will be negatively impacted by the noise and more crowds from outdoor music.

More entertainment venues will negatively impact the retail, personal services, and other varied day uses along the Avenue. The mix of businesses along S Congress and the many hours of use align with Greater South River City's Neighborhood Plan & Bouldin Creek's NP and adding more outdoor music will obstruct sustainable commerce.

There have been complaints against HS vendors & visitors blocking the alley, making access to residents' houses impossible. There have also been complaints about volume Home Slice canned music from speakers attached to the fence adjoining the SF use. These complaints were not routed to APD but directly from the homeowner to HS. Conditions have not improved in this regard over the years.

There were multiple complaints on March 16, 2012 for over permitted dbs that were called into 311. There were also calls to 311 for blocking the alley during HS's carnival November 2011. In addition, speakers and amplification were used within 20ft. of SF zoned and used properties, contrary to City Sound Department's instructions to Home Slice for that event.

It is not possible to mitigate adverse impacts of the proposed venue on adjacent residential and still permit for the peaceable enjoyment of the resident's homes. It is not possible to protect the health and safety of residents living in areas adjacent to the proposed venue.

The substantial investments homeowners have made into the properties should not be discounted for the interests of one commercial enterprise that will negatively impact the residents, other businesses, churches and schools. Our residents have invested time, energy and funds to improve the entire neighborhood and should not bear the burden of becoming the new entertainment district. Many of the most involved and invested residents are families with young children, and keeping the neighborhood diverse and one that will populate our public schools is desirable and smart long-term planning.

The single family zoned and used lots along S Congress are half block in on either side of the Avenue, and if this OMV is not overturned, one would expect that Perla's, Hop Doddy, South Congress Café, Wahoo Fish Tacos, Magnolia's, Doc's Motorworks, Zen, Amy's and future restaurant foot prints to follow as outdoor music venues. We have a good and truly diverse demographic of interesting visitors already and shouldn't do something that will make South Congress akin to Sixth Street or like SXSW throughout the year.

Given the peculiar problems we already experience in South Congress area with parking and safe walking along the side streets, this is a very bad addition to a single family neighborhood.

*SRCC General Meeting Minutes March 6, 2012

NEW BUSINESS

9. 7:40 Home Slice Pizza Outdoor Music Venue Request

Presenter: Mary Lovell, Member

Home Slice has applied for an outdoor music venue permit despite being within 100ft of a private residence. Some residents only have access to their homes via the alleyway next to Home Slice and expect a large outdoor event will make getting home difficult if not impossible.

MOTION: Mary Lovell / Russell – to register the SRCC as an interested party and to oppose the outdoor music permit for Home Slice = PASSED



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| CASE NO. 2012-01269150 | DATE APPEAL FILED 3 26 12 |
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| VENUE NAME Home Stice Pizza | YOUR NAME Connie Todd |
| | SIGNATURE Course Todd |
| VENUE ADDRESS 1514 5. Cons. Ave | YOUR ADDRESS 1403 South Come Ave |
| Austin Tx 78 Po4 | Austin TX 78704 |
| CITY CONTACT Clava Hilling | |
| SECTION OF CODE APPEALED: 9-2-23: 9-2-55 | YOUR PHONE NO. () WORK |
| 9-2-54; 9-2-25; 9-2-27 | (S12) <u>443-586</u> HOME |
| 9-2-54; 9-2-25; 9-2-27 INTERESTED PARTY STATUS: Indicate how you quality | fy as an interested party who may file an appeal by the |
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| of business) (Attach additional page | e if necessary.) |
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Statement (continued) (5) Outdoor concerts impede or demy access to adjoining residences by owners or emergency vehicles Vehides. 6) Venue is bordered on north and east by residential properties. Dutdoor concerts will obstruct commerce Excessive Noise calls to HS generally ignored. 9 Music played on outdoor speakers at HS often until after midnight and beginning as early as 8 Am @ Multiple noise complaints on 3/16/12 to 311. (1) Speakers placed w/in 20' of residential or residential use property @ HS outdown music events - an 12 Health & safety of nearly residents deopardized by noise, disruption, smoking, drunken behavior, reckless driving, public vrination, etc. that accompany outdoor music events + that cannot be adequately policed. (3) Residential property values negatively impracted, as well as rental income -(4) Bad precedent for other restaurant venues. 15) Within 600' of at least 3 day-care facilities-(6) Within 1400 block of S. Cong + Nickerson (HS block), 9 of 12 lots are SF use + include 13 households (1) 15-foot setback-triggered by 1403 South Congress residence is not observed by HS.



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| CASE NO. 2012-012691-SO | DATE APPEAL FILED 3 26 12 |
| VENUE NAME Home Slice Pizza | YOUR NAME Conne Todd: Term Tod |
| | SIGNATURE Connie Todd |
| VENUE ADDRESS 1415 South Congress | YOUR ADDRESS 1403 South Congress (78704 |
| Austre, TX 78704 | 10001 wild Dunes, Austri 78747 |
| CITY CONTACT Clara Hilling | YOUR PHONE NO. () WORK |
| SECTION OF CODE APPEALED: 9-2-23, 9-2-55, 9-2-27 | (S12) 443-5861 HOME |
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| SIGNATURE Connie Todd |
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| Austin, TX 78704 Filing for 1402 Nickerson (7870) |
| CITY CONTACT Clara Hilling YOUR PHONE NO. () WORK |
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| STATEMENT: Please provide the decision being appealed and the specific grounds for the appeal. If specific grounds are not provided appeal will not be considered valid: An pealing approval of DMV for HS Pizza In believe to 1402 Wickerson residence I own |
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(Attach additional page if necessary.)

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OUTDOOR MUSIC VENUE APPEAL

If you are an applicant and/or property owner or interested party, and you wish to appeal a decision on an Outdoor Music Venue permit, the following form must be completed and filed with the Director of Planning and Development Review Department, City of Austin, at the address shown above. The deadline to file an appeal is 14 days after the decision was issued by the accountable official. If you need assistance, please contact at (512) 974-2686.

| 00 | 32 |
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| CASE NO. 2012 - 012691 SO - 2012-00 | DATE APPEAL FILED March 26, 2012 |
| VENUE NAME Home Slice 81229 | YOUR NAME Sharon Long Dique Pre |
| | SIGNATURE Sun won Ifin |
| VENUE ADDRESS 1415 S. Conquess | YOUR ADDRESS 205 Park Lane |
| Austu TX 78704 | Austin, TX 78707 |
| CITY CONTACT Gara Hilling | YOUR PHONE NO. (\$12)442 2806 WORK |
| SECTION OF CODE APPEALED: | (НОМЕ |
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OUTDOOR MUSIC VENUE APPEAL

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SO-2012-0032

CASE NO. 2012-01269150

DATE APPEAL FILED Match 23, 2012

| VENUE NAME Home Slice Pizza | YOUR NAME MARY LOVE! |
|--|---|
| VENUE ADDRESS 14155. COMPLESS AUSTRICKS AUSTRICKS | YOUR ADDRESS 1401 S. Charces AUSTIN TX 78704 |
| CITY CONTACT (Lava Hilling | YOUR PHONE NO. (32) 282-28/8 WORL |
| SECTION OF CODE APPEALED: $4-2-23+6$ | 9-2-55 512)282-2818 HOME |
| INTERESTED PARTY STATUS: Individual how your qui following criteria: (Check one) | 1 + 4.7-4 / |
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Exhibit A

Appeal of Home Slice Pizza's OMV Specific grounds why approval of Home Slice Pizza's outdoor music venue permit should be denied:

Joseph Strickland, owner of Home Slice promised in Dec. 2004 SRCC meeting that he wouldn't have outdoor music. This will be a credibility issue for future promises or compromises.

SRCC general membership voted unanimously at our March annual meeting to oppose Home Slice having an OMV. *See attached excerpt of minutes.

There is a lack of sufficient space for audience in outside area at Home Slice to host concerts. Adjacent residents shouldn't be denied use and access to their homes or off street parking due to an outdoor music venue added draw of more customers.

Parking issues specifically in the S. Congress area have been problematic and years of study and months of mediation including merchants & neighbors have not provided any solutions or increased capacity for the visitors we already have, particularly on weekends. Adding outdoor music to Home Slice will make situation even worse.

Home Slice is bordered on north side by SF use (an historic property, owned by same family for many, many decades,) on the east side after a 16ft. alley by SF zoned & used, and within the HS block nine of the 12 lots are SF use with 13 households within earshot.

Please note, there has not been signs produced at 1410 Nickerson in decades, it is an SF use (and has been continuously used by same family since 1957) and HS vendors & customers already frequently block the garage to the property.

There are too many SF properties within 200 to 600 ft. that will be negatively impacted by the noise and more crowds from outdoor music.

More entertainment venues will negatively impact the retail, personal services, and other varied day uses along the Avenue. The mix of businesses along S Congress and the many hours of use align with Greater South River City's Neighborhood Plan & Bouldin Creek's NP and adding more outdoor music will obstruct sustainable commerce.

There have been complaints against HS vendors & visitors blocking the alley, making access to residents' houses impossible. There have also been complaints about volume Home Slice canned music from speakers attached to the fence adjoining the SF use. These complaints were not routed to APD but directly from the homeowner to HS. Conditions have not improved in this regard over the years.

There were multiple complaints on March 16, 2012 for over permitted dbs that were called into 311. There were also calls to 311 for blocking the alley during HS's carnival November 2011. In addition, speakers and amplification were used within 20ft. of SF zoned and used properties, contrary to City Sound Department's instructions to Home Slice for that event.

It is not possible to mitigate adverse impacts of the proposed venue on adjacent residential and still permit for the peaceable enjoyment of the resident's homes. It is not possible to protect the health and safety of residents living in areas adjacent to the proposed venue.

Exhibit A

The substantial investments homeowners have made into the properties should not be discounted for the interests of one commercial enterprise that will negatively impact the residents, other businesses, churches and schools. Our residents have invested time, energy and funds to improve the entire neighborhood and should not bear the burden of becoming the new entertainment district. Many of the most involved and invested residents are families with young children, and keeping the neighborhood diverse and one that will populate our public schools is desirable and smart long-term planning.

The single family zoned and used lots along S Congress are half block in on either side of the Avenue, and if this OMV is not overturned, one would expect that Perla's, Hop Doddy, South Congress Café, Wahoo Fish Tacos, Magnolia's, Doc's Motorworks, Zen, Amy's and future restaurant foot prints to follow as outdoor music venues. We have a good and truly diverse demographic of interesting visitors already and shouldn't do something that will make South Congress akin to Sixth Street or like SXSW throughout the year.

Given the peculiar problems we already experience in South Congress area with parking and safe walking along the side streets, this is a very bad addition to a single family neighborhood.

*SRCC General Meeting Minutes March 6, 2012

NEW BUSINESS

9. 7:40 Home Slice Pizza Outdoor Music Venue Request

Presenter: Mary Lovell, Member

Home Slice has applied for an outdoor music venue permit despite being within 100ft of a private residence. Some residents only have access to their homes via the alleyway next to Home Slice and expect a large outdoor event will make getting home difficult if not impossible.

MOTION: Mary Lovell / Russell – to register the SRCC as an interested party and to oppose the outdoor music permit for Home Slice = PASSED

Exhibit A



OUTDOOR MUSIC VENUE APPEAL

If you are an applicant and/or property owner or interested party, and you wish to appeal a decision on an Outdoor Music Venue permit, the following form must be completed and filed with the Director of Planning and Development Review Department, City of Austin, at the address shown above. The deadline to file an appeal is 14 days after the decision was issued by the accountable official. If you need assistance, please contact at (512) 974-2686.

| | CASE NO. <u>SO -2012-0032</u> DATE APPEAL FILED <u>3</u> |
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| | VENUENAME Home Slice Pizza Your NAME Mare Hopkins |
| | SIGNATURE MASO HOOF ON |
| | VENUE ADDRESS 1455. LONGIESS AVE YOUR ADDRESS 201 Park Lane |
| | Austin TX 78704 Austin TX 78704 |
| | CITY CONTACT Clara Hilling YOUR PHONE NO. () WORK |
| × | SECTION OF CODE APPEALED: 9-2-8026 Cell 512 512 448-040ME |
| | INTERESTED PARTY STATUS: Indicate how you qualify as an interested party who may file an appeal by the |
| | following criteria: (Check one) |
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| | I am the applicant or agent representing the applicant |
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There are so many Sections in the papers sent out. I hope this is the correct one.