



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) 974-2941.

CASE NO. 50-2013-0055

VENUE NAME Lucy's Retired Surfer Bar and Restaurant

VENUE ADDRESS 506 West Ave
Austin, TX 78703

CITY CONTACT Viktor Auzenne

SECTION OF CODE APPEALED: 9-2-39

DATE APPEAL FILED 3/22/2013

YOUR NAME Ian Inglis

SIGNATURE Ian Inglis

YOUR ADDRESS 800 W 5th St Apt 805
Austin, TX 78703

YOUR PHONE NO. (512) 472-1950 WORK

(512) 656-2936 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
- ☐ I am the applicant or agent representing the applicant
- ☒ I am a representative of a neighborhood association and submitted my opposition in writing (date) 2/24/13, 3/4/13. Austin City Lofts Neighborhood Association
- ☐ 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)

- ☒ Approval of an Outdoor Music Venue Permit
- ☐ Denial of an Outdoor Music Venue Permit

Date of Decision: 3/12/13

Date of Decision: _____

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:

See attached 2-page statement.

(Attach additional page if necessary.)

**Notice of Appeal from Granting of OMV Permit to
Lucy's Retired Surfer Bar and Grill
506 West Ave
Austin, TX 78703**

March 22, 2013

Case Number SO-2013-0055

Permit Number 2013-013098 SO

Austin City Lofts Neighborhood Association, as an interested party under Austin City Code §9-2-55, hereby appeals the decision of the City of Austin's accountable official in granting an outdoor music venue permit to Lucy's Retired Surfer Bar and Grill (Lucy's). Austin City Code §9-2-56(F) specifies boundaries within which neighborhood associations may not appeal a permit-approval decision. Lucy's is located **outside** the western boundary; thus, *this appeal is authorized*.

The grounds for this appeal are as follows:

Lucy's building and patio directly abuts our 12-story residential building that has 84 residential units

Lucy's continuously has operated an outdoor sound system with pre-recorded music without an OMV permit since they opened.

Prior to Lucy's opening, its ownership was informed about the Austin Noise Ordinance, with its requirement for an OMV permit in order to produce amplified outdoor sound. It was pointed out that even after obtaining the permit, Lucy's would have to abide by cut-off times and decibel limits. Nonetheless, without obtaining a permit, Lucy's placed outdoor speakers on the front and back patio areas and continuously has played loud music through the speakers since opening the bar. The bar plays outdoor sound beyond the cut-off times specified by the ordinance and often has exceeded the 85-decibel limit specified by the ordinance.

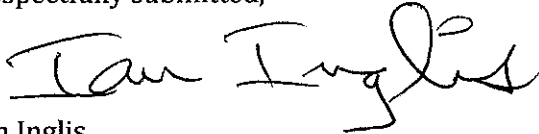
Individual residents of Austin City Lofts have met with Lucy's owners and management in an effort to get Lucy's to quiet down and be a better neighbor. That has not worked.

Lucy's often hosts live music on a soundstage in the bar with the speakers pointed toward our building. Bass and drum noise easily penetrates the thin metal walls and large glass roll-up windows of Lucy's into our building and can be heard clearly by residents on almost all floors during performances. Lucy's typically rolls up the large windows during these performances, increasing the noise and functionally turning Lucy's into an outdoor music venue.

For the above reasons, the Austin City Lofts Neighborhood Association urges the City Council to take the following actions:

1. Deny Lucy's an OMV permit.
2. Restrict Lucy's from opening its "garage doors" during any live music performance inside the bar.
3. Make clear to Lucy's that amplified sound broadcast from within the building through open doors or windows is considered outdoor amplified sound and is subject to OMV permits as well as cut-off times and decibel limits provided by the Austin Noise Ordinance.

Respectfully submitted,

A handwritten signature in black ink, reading "Ian Inglis". The signature is written in a cursive, flowing style with a large loop at the end of the last name.

Ian Inglis
President, Austin City Lofts Neighborhood Association