



December 4, 2017

Dear Music Commission,

On behalf of the venue community we request that you recommend to adopt a new land use for music venue, distinct from the current category of bar/nightclub, in Austin's land use code. We have been working closely with staff, as well as Dave Sullivan, member of the CodeNEXT advisory group, and have consensus that there is good reason to make this designation.

As Austin becomes a larger and potentially denser city, there will be times when policy that could be applied to preservation of venues, does not fit for all bar/nightclubs. We are seeking this new land use to serve as an anchor for further venue preservation policy, such as Agent of Change, density bonuses, possible locations for new venues, and initiatives that will become apparent in the future.

The Music Venue Alliance has deliberated over several months the essential elements of what it means to be a music venue. After discussion and debate, we have arrived at a definition that we would like to be used in any context that will have an impact on music venues.

We understand definitions take varying forms in different contexts. Therefore, we are comfortable with changes to the format, as long the essential elements are not altered.

Music Venue Definition

Preamble

Defining a cultural asset requires a general "common sense" reading that can be flexible over time. Verifiable elements must show that music is the primary driver of business, and/or the business is a music destination. This can be shown by the existence of a combination of factors that show a relationship with the musicians that does not exist in businesses that provide music as atmosphere.

1) This begins with a process by which the venue clearly articulates to the artist the ability of an artist to receive payment for work by **percentage of sales** (bar and/or door cover) *i.e. sales performance payment, guarantee* (in writing) *i.e. standard contract*, or another mutually beneficial formal agreement, and

2) A factor test.

A retail business that is a destination for live music consumers and its music programming is the primary driver of its business, as indicated by the presence of at least five (5) of the following: (1) defined performance and audience space, (2) mixing desk, PA system, and lighting rig, (3) back line, (4) at least two of: sound engineer, booker, promoter, stage manager, security personnel, (5) applies cover charge to some music performance through ticketing or front door entrance fee, (6) marketing of specific acts through gig listings in printed and electronic publications, (7) hours of operation coincide with performance times.

We appreciate your support for the venue community, and are available to assist in the process of achieving this important step in stabilizing an important part of Austin's heritage.

Thank you,

Rebecca Reynolds
President
Music Venue Alliance Austin