

# ENTERTAINMENT & AMPLIFIED SOUND COMPATIBILITY



**Music &  
Entertainment**

CITY OF AUSTIN  
ECONOMIC  
DEVELOPMENT

# Entertainment and Amplified Sound Compatibility

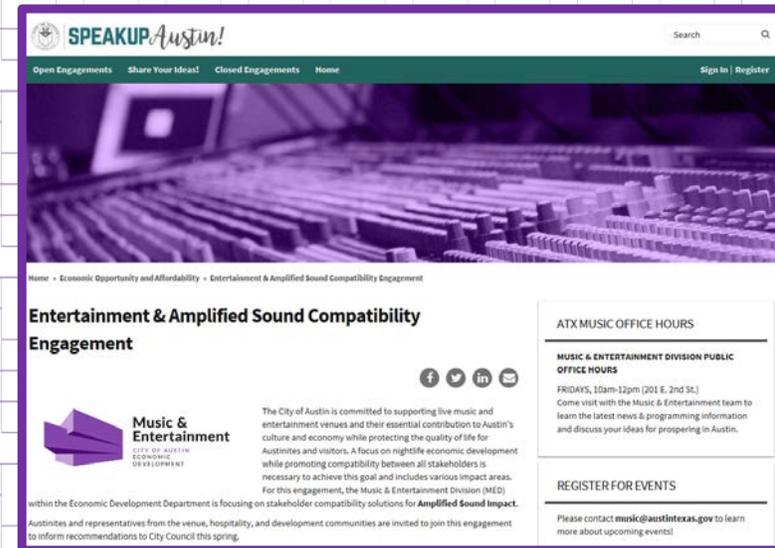
## Resolution 20181018-038

Propose programs, rules, and ordinances necessary to improve compatibility between residents, lodging establishments, and music-related businesses so that they may co-exist peacefully and amicably share in Austin's world renowned night time economy and to help live music venues and their communities to grow and prosper together.

## Project Consultant: Responsible Hospitality Institute

## Community Outreach Timeline

- Direct Communication with 320+ Individuals and Organizations
- Engagement 1: Share of International Best Practices, November 2018
- Engagement 2: Listening Session, December 2018
- Follow-up Survey of Questions from Listening Session, December 2018
- Proposed Solutions Survey, January 2019
- Engagement 3: Proposed Solutions Discussion, February 2019
- Music and Entertainment Sound Compatibility Ride-Along, February 2019
- Stakeholder Focus Group, April 2019
- Engagement 4: Presentation of Draft Recommendations, April 2019



# Entertainment and Amplified Sound Compatibility

## Community Feedback

THEME	SUMMARY
Compliance and Enforcement	The City must improve and then provide consistent enforcement of the sound ordinance.
Sound Standards, Monitoring and Mitigation	Establish amplified sound standards for all venues, increase publicly accessible and real-time sound monitoring, and increase City-led mitigation testing and efforts.
Agent of Change	Useful as a forward facing tool, while monitoring and enforcement is used to resolve current conflict.
Stakeholder Partnerships	Build on success of Red River Extended Hours Pilot Program, where venues and residents successfully worked together on agreements and self-regulation, while also considering other community-led groups to serve as problem solvers and advocates.

1 2 3 4

**AFFILIATION \***

Choose an option

**Other**

Please limit answer to 255 characters

**Zip Code \***

Please limit answer to 255 characters

**AGENT OF CHANGE PROPOSED SOLUTIONS**

An "Agent of Change" policy places responsibility for compatibility related to amplified sound on the new party, or "Agent" moving into an area with an established use, thereby making them responsible for mitigating sound impact. For example, if a new residential development builds within a certain distance of an existing live music or entertainment venue that is operating within their code allowances, the residential development is the new "Agent" responsible for mitigating sound impact affecting their tenants. If a live music or entertainment venue moves to an area with existing hotels or residential uses, the venue is the "Agent" responsible for mitigating sound impact emanating from their business. Typically these policies may involve elements as pre-built acoustic engineering report recommendations, sound mitigating construction standards, and sales/lease disclosures making tenants aware of nearby activity. Currently, there are no requirements typical of "Agent of Change" policies in Austin ordinances.

Please provide your feedback on the following proposed stakeholder solutions gathered thus far:

**Residential / Hotel Development Requirements**

There is currently no requirement or process for new residential and hotel developers to disclose intent to locate to nearby live music and entertainment venues or to mitigate existing code compliant sound impact from nearby live music and entertainment venues.



# What We Heard

## Compliance / Permitting & Enforcement

- Separation of duties desired between ESG's role and economic development role of EDD
- Inefficient approach to permitting that divides roles and responsibilities into multiple agencies
- Unpredictable enforcement of sound violations
- Gap: Implementation of permit suspension/revocation process
- Non-compliance with City Code and sound impact plans

## Sound Standards, Monitoring & Mitigation

- Gap: Lack of a dBC or Sound Impact Plan for indoor amplified venues
- Current City Code requirements does not place the burden of compliance on venue owners
- Outdoor Music Venue permits are included within the City's general noise requirements
- Gap: Sound mitigation program for residents



# What We Heard

## Agent of Change

- Gap: Acoustical study or consultation requirement for a new residential or hotel development
- Gap: Building standards to mandate sound mitigation standards
- Gap: Disclosures to potential residents or guests
- Gap: Notification procedures to alert different divisions about a new development

## Stakeholder Partnerships

- Gap: City-wide body that represents ALL perspectives impacted by nightlife – including venues, neighbors, city government and hotel development perspectives – on nightlife-related issues





## Recommendations:

### Compliance / Permitting & Enforcement

#### **Move Entertainment Services Group out of the Economic Development Dept. Music Division**

- Address separation of duties by aligning ESG with its roles and responsibilities
- Maintain collaborative relationships

#### **Centralize Outdoor Music Venue permit administration and enforcement in ESG**

- Agency responsible for compliance should be both issuing agency and primary enforcement agency
- Bring consistency to compliance and enforcement



## Recommendations: Sound Standards, Monitoring & Mitigation

### **Update sound code**

- Hire acoustical expert to determine appropriate dBC levels citywide or for various areas of Austin
- Add dBC to sound ordinance based on acoustical study and evaluate for improvements after implementation
- Move permitting procedures out of sound ordinance for clarity in enforcement

### **Support new and current sound mitigation programs**

- Creative Space Assistance Program
- Music Venue Loan Program
- Explore creation of program for residential sound mitigation



## Recommendations: Agent of Change

### **Develop Agent of Change legislation**

- Develop forward-looking policies that address compatibility of new residential, hotel, and venue developments
- Include acknowledgement of uses within 600', disclosures, and acoustical studies to inform development

### **Develop new building code standards for 2021 code change package**

- Add building standards to accurately reflect Austin's contemporary environment
- Require sound studies
- Meet indoor dBA/dBC standards with higher quality materials



## Recommendations: Stakeholder Partnerships

### **Create a Nighttime Economy Alliance**

- Convene an alliance of stakeholders to include ALL perspectives impacted by the nightlife economy
- Use as an advisory body to appropriate city agencies and City Council regarding ongoing nightlife policy issues

# Questions or comments

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