



## ARTS COMMISSION RECOMMENDATION 20210816-6.b.iv

Date: December 14, 2021

Subject: Arts Commission Recommendation to support Arts, Music and Culture through future Land Development Code drafts, including the establishment of definitions for LIVE MUSIC VENUE and PERFORMANCE VENUE and inclusion of a “reserve section” titled “Diversify, Sustain and Cultivate: Art, Music and Culture.”

### Recommendations

The Commission recommends support of the following in reference to any future land development code:

1. Include definitions of **LIVE MUSIC VENUE** and **PERFORMANCE VENUE** inside of future land development code drafts
2. Include a “reserved section” in any future land development code drafts titled **ARTICLE \_\_: DIVERSIFY, SUSTAIN AND CULTIVATE: ART, MUSIC AND CULTURE**

The Commission further endorses the attached letter from the Joint Arts & Music Commission Land Development Working Group, which outlines the request and provides detailed rationale based upon four (4) years of collaborative work between the commissions and community members.

### Description of Recommendation to Council

The Arts Commission took the following action at its August 16, 2021 Commission meeting:

Motion to support a recommendation from the joint Arts & Music Land Development Working Group, which includes the following recommendations: include definitions for Live Music Venue and Performance Venue in any new land development code drafts; reserve a section titled “Diversify, Sustain and Cultivate: Art, Music and Culture” in any future land development code drafts, and request the Mayor, Council and City Manager keep these two items top of mind.

Motioned: Flores      Seconded: Zisman  
Vote: 9-0  
Commissioners Barnes and Garza off the dais

### Rationale:

See attached letter from the Joint Arts and Music Commission Land Development Working Group.

### Attest:

Anne-Marie McKaskle-Davis,  
Arts Commission Staff Liaison

**Dear Mayor, Mayor Pro Tem, Councilmembers and City Manager,**

The purpose of this letter is to let you know of work being done by a joint workgroup of the Art Commission and the Music Commission that deals with land use. This Land Use Workgroup was formed in 2017 to give input on the Land Development Code (LDC) Rewrite, which, as you know, has been a start & stop process for the past few years. It is our understanding that some code elements will be going ahead later in 2021, and we are writing to express our wish that you implement certain elements from the later code revisions that would benefit the arts and music communities and, thus, also benefit the overall local economy and general quality of life for the citizenry. We also hope you would consider additional code elements to boost the housing stock for musicians and artists.

Very specifically, the suggestions forwarded from stakeholders during the Code Rewrite in 2019 - 2020 included new definitions for two land uses – Live Music Venue and Performance Venue – that set them apart from other uses such as Bar/Nightclub, and thus would likely be permitted in more zoning districts without a problematic Conditional Use Permit. By making it simpler and less expensive to open a live performance theatre or music venue, we can help creative industries recover from this recent disastrous pandemic by activating market forces. Furthermore, this could open opportunities to increase the diversity in venue ownership and range of performance types.

A second request is that you include in the changes made to the LDC the inclusion of a “reserved section” titled **Article \_\_: Diversify, Sustain, and Cultivate: Art, Music, and Culture**. In the current LDC and the rewritten drafts, there is a section titled **General Planning Requirements**, which lists elements of new land development that are considered public goods and thus wanted and needed in all parts of Austin. Currently, these include Parkland, Urban Forests, Clean Water, and Affordable Housing. It is in this section that a new section on Art, Music, and Culture would be added, listed in the table of contents and with a title page at the correct location in the text. As yet, the rules, requirements, and details for this section have not been written, but could be added in 2022 or soon thereafter. Some of the elements of this section that had been discussed by our Working Group and the Arts and Music Commissions in 2019 include: an intent statement that expresses the need and desire to diversify, sustain, and cultivate art, music, and culture; suggested steps to measure success in diversifying the arts and music industries; rules for where artists can live, work, and sell their wares; how to create and maintain arts and music districts; rules for the agent of change principle; accessory use provisions for theater and art venues; other land use issues.

Taking these steps help implement recommendations from the 2012 Imagine Austin Comprehensive Plan (IACP). In the IACP, Priority Program 5 (among 8 Priority Programs) is “Grow and invest in Austin’s creative economy.” A short term (1-3 years) work program item is: “Explore and reimagine existing City development tools, such as incentives, regulations, and financing options, with a focus on creative industries’ facility needs. Expand access to affordable and functional studio, exhibition, performance space, museums, libraries, music venues, and office space.” Other recommendations in the 2019 *Music & Creative Ecosystem Omnibus* and in the *Code Diagnoses* written by the Code Rewrite consultant all support taking steps in the Land Development Code to make creation of new art and music places easier.

In addition to taking steps to simplify creating places for artists and musicians to work, it is critically important to consider steps to preserve and increase the stock of artist and musician housing. In September 2016, Austin media outlets reported on stories titled “Musicians leaving Austin because of affordability” (Fox7, 9/16/2016) and “Save the music: Austin musicians leaving the city” (KXAN, 9/15/2016). Almost five years after these reports as Austin rent and home prices have dramatically increased, the situation is worse. Anecdotal data suggest that arts and music scenes in small towns around Austin are flourishing, but at Austin’s expense. We suggest that the City Housing and Planning Department (HPD) and Economic Development Department (EDD) staff use the City’s Cultural Asset Mapping Project and anonymized info on places artists and musicians live to take steps to preserve

existing housing, say, by land banking or facilitating building new nearby low-cost housing, and using similar info to plan new housing by incentivizing builders with parking relaxation and density bonuses to build new micro-unit artist/musician housing.

We would be very happy to meet with you or your staff to discuss these issues. We wish you success in your negotiations on the Code Rewrite, and offer you any assistance we can.

Best wishes and respectfully submitted,

**Working Group Members**

Zac Traeger, Community Member; Dave Sullivan, Community Member; Graham Reynolds, Music Commission; Christopher Limon, Music Commission; Jaime Castillo, Arts Commission; Michelle Polgar, Arts Commission