



Memorandum

Date: July 14, 2021

To: Mark D. Israelson, City Manager
Shelli Siemer, Deputy City Manager, Administrative Services

From: Rachel C. Patterson, Director of Environmental Health & Sustainability (EHS)

Subject: Noise Ordinance Update

Background

At the city council preliminary open meeting on July 26, 2021 I will be asking for direction on whether the noise ordinance should be revised to include a permit process for music venues. In August 2020, I was given direction by council to create a process by which a music venue could operate for extended hours at a higher threshold than what current regulations allow. This presentation will review an option for this process.

Additionally, and since that time, we have had concerns voiced by residents of high-rise residential buildings within mixed-use developments regarding noise from music/entertainment venues. For council awareness, I will also report procedural changes that have been made in response.

Permit Process

After multiple internal discussions on the best way to approach allowing music venues to operate in a less restrictive way, we are proposing a permit process. The process is loosely based on the way the City of Austin handles music venues within entertainment districts/venues.

In general, the steps are as follows:

- Music venue submits application and sound impact plan prepared by a professional acoustical consultant.
- EHS reviews application for completeness, prepares a recommendation, and sets date for hearing at the P&Z Commission (PZC).
- Surrounding neighbors within a certain number of feet (consistent with zoning requirements) are notified of the application and meeting.
- Following PZC hearing, application and recommendation are sent to City Council for review.
- If approved, the department (EHS) issues an annual permit.
- Renewals are reviewed by the P&Z Commission annually and approved/denied.
- Enforcement process includes potential for suspension or revocation of permit.

High-Rise Residential

In the past year or two, EHS and PD have responded to increased noise complaints from residents of high-rise residential buildings located within mixed-use developments. This is a recent phenomenon as the number of these types of residential establishments have increased.

When taking noise measurements, you may recall that they are taken at the boundary of the property receiving the nuisance, closest to the noise source. However, when dealing with high-rises, noise acts differently and many times there are other buildings between the residential building and the noise source which helps to mitigate noise at the ground/street level. This method of measurement does not take into consideration the height of the building and the fact that there is a more direct line of site between the residence and the noise source at higher elevations.

I will report what we did to research this issue and the procedural changes the department has made.