

Pursuant to our role as a resource for the Midtown community, the Midtown Neighbors' Association Liquor Licensing Committee has prepared the following general recommendations regarding Special Exceptions for Accessory Outdoor Amplified Music. This letter describes those recommendations as well as the reason for our decision.

As described in the District Regulations, the intent of the council in establishing the Midtown district is to "create an urban environment where people can live, work, meet and play," and "encourage a compatible mixture of residential, commercial, cultural, and recreation uses." (§ 16-18P.002). In order to meet these goals, the Regulations specify that some uses of property are permissible only by additional special permits. In particular, accessory outdoor amplified music is **only** permitted under special exceptions. (§ 16-18P.007).

Midtown Urban Environment

The Midtown community contains a diverse mixture of residential, commercial, and recreational properties, all of which are located in close proximity. With residents and businesses moving into the neighborhood everyday, it is imperative for the community to maintain a livable balance between the needs of residents and the needs of businesses. As described below, the zoning ordinance regarding outdoor amplified music is a valuable tool for maintaining that balance.

In particular, as new bars and restaurants open every month in locations of ever closer proximity to residences and businesses, the problem of excessive noise has grown considerably. Although many businesses that choose to violate the amplified music ordinance operate in a manner that is neither obnoxious nor offensive, the number of establishments using loud and disruptive music continues to grow. Thus, even as one business uses outdoor music in what might be considered a reasonable and responsible way, their neighboring businesses may continue to cause considerable disruption to the neighborhood.

Fortunately for the neighborhood, the amplified music zoning ordinance provides an enforcement tool whereby all businesses can be held to an equal and easily applicable standard. Because the level of noise caused by a business' amplified music may be instantly altered at any time of day, noise ordinances are notoriously difficult to enforce. Thus, if a precedent is established whereby businesses may receive special permits to play amplified music, the Midtown neighborhood will lose a potent weapon for protecting the quality of life of Midtown's residents.

Recommendations

The Midtown Neighbors' Association recognizes that there is no principled way whereby one business may be granted a Special Exception for playing amplified music while their immediate neighbor is denied the same exception. To do so would be violating the important principle that all of Midtown's rules and regulations need to be administered in a **fair and equal** way. Thus, because of the precedent that would be created by granting even one business a Special Exception could greatly diminish our neighborhood's ability to encourage a compatible mixture of residential and commercial uses, our committee respectfully recommends that Special Permits for Accessory Outdoor Amplified Music not be granted.