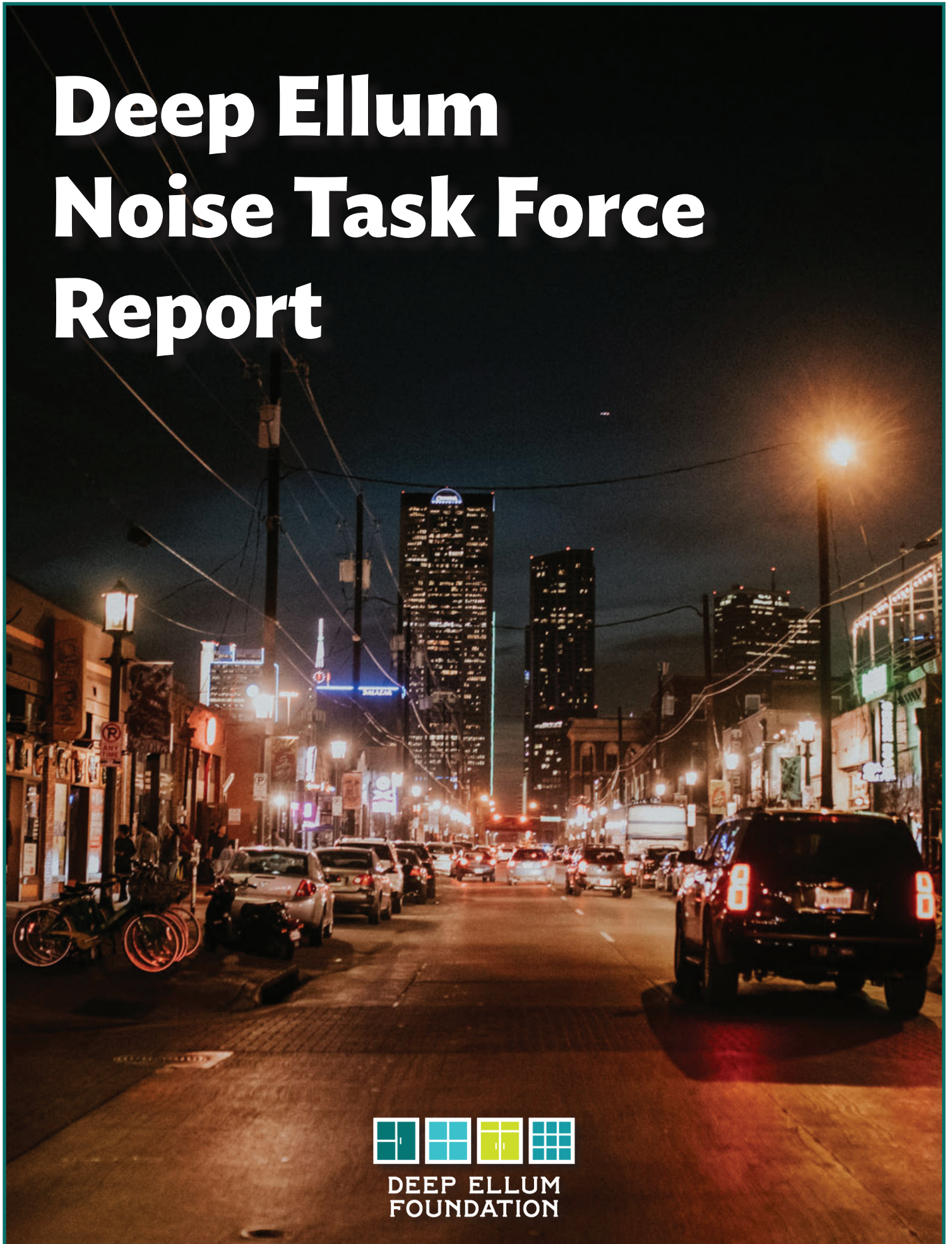


Deep Ellum Noise Task Force Report



DEEP ELLUM
FOUNDATION

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INTRODUCTION

A Letter From Councilman Jesse Moreno

The City of Dallas has a rich and often under-recognized legacy as a home and launchpad for some of the greatest musicians of the past century. In District 2 specifically, Deep Ellum was the birthplace of jazz and blues in North Texas. The neighborhood was instrumental in shaping the blues genre with greats including Blind Lemon Jefferson, Robert Johnson and Huddie “Lead Belly” Ledbetter. To date, Deep Ellum has kept that legacy alive as live music can be heard every single night of the week.

Beginning in the summer of 2021, I formed a task force to find a Deep Ellum Cultural District-specific solution within citywide noise ordinances. In April, the City of Dallas took steps to improve noise abatement strategies through Code Compliance Services to address city-wide concerns regarding noise and disruption of quality of life. While the City’s premier entertainment district has been coming back to life as the pandemic recedes, it was time to tailor this new strategy to enable the Cultural District to continue to thrive and serve the entire region.

The lifeblood of Deep Ellum is the business community and especially its independent businesses and cultural institutions. Business owners who have been operating for more than 20 years, and more recent entrepreneurs alike, agree 2020 was the most challenging time they have ever faced doing business in the district.

COVID-19 shuttered local restaurants, bars, galleries, theaters, live music venues and other small and independent businesses who rely upon them. Now is a critically important time to support local businesses as they continue to recover and to ensure the history and culture that make our communities special are able to continue to thrive even as the City of Dallas enters a new normal post-pandemic.

The Deep Ellum Noise Task Force sought to find solutions that allow businesses to thrive and maintain quality of life for their neighbors and nearby residents who have been drawn to the Deep Ellum District to enjoy these rich amenities. Over several months, this has been the work of our Task Force, convening music venue operators and local businesses, as well as residents and local community organizations in partnership to find joint solutions to noise.

I am proud to present the results of this group’s efforts. In this report, we share the findings of the Task Force’s research within Deep Ellum as well as lessons learned from comparative communities across the globe. The Task Force offers specific recommendations tailored to the unique case of Deep Ellum as it serves as a popular residential community, an important historic and cultural destination, and the premier entertainment district in the entire region. I look forward to working with my colleagues and City staff to advance these solutions that in turn will reinforce Dallas’ place as a music-friendly city and benefit all Dallasites who live, work or come to enjoy the incomparable experiences Deep Ellum offers.

EXECUTIVE SUMMARY

As the birthplace of jazz and blues in North Texas, Deep Ellum has an unmatched history as a home for music and musicians in Dallas. That legacy has been kept alive as the Cultural District continues to serve as a bastion for the creative arts and nightlife. At the same time, the neighborhood residential population is rapidly expanding: New apartment offerings increased by more than 75% between 2018 and 2020.

The Deep Ellum Noise Task Force convened between August and November 2021 with the goal of balancing these two uses and their respective needs and finding solutions befitting the neighborhood's unique position as the premier entertainment district in the region. Over the course of several months, the Task Force conducted a series of walk-throughs to gather quantitative data utilizing decibel readers. The Task Force also issued online surveys as well as conducted numerous personal interviews with music venue operators, residents and other area stakeholders. Finally, the Task Force partnered with the Dallas Police Department and Department of Code Compliance to understand recent complaints and safety issues related to noise. It was found that Deep Ellum is louder than current city ordinances allow at most times of day, especially nighttime. It was also found that the vast majority of residents, as well as other stakeholders, are both aware and supportive of this differential noise in light of the unique cultural role of the district. Through

input from City staff as well as feedback from the community, it was identified that, on the whole, Deep Ellum has had a small number of complaints generated around a limited number of locations. Based upon both the quantitative and qualitative input and data synthesized, the Task Force crafted specific recommendations to affirm and enable entertainment, performance and music uses in Deep Ellum while also respecting neighborhood residents' needs. The recommendations are summarized as follows:

- Create an **overlay district** featuring multiple tiers of allowable noise within the Deep Ellum Cultural District, distinct from general City of Dallas allowable levels (see map):
 - » Tier 1 will allow the core of the Deep Ellum entertainment district to have higher noise levels up to **92** decibels until 12 p.m. weekdays and 2 a.m. on weekends.
 - » Tier 2 will allow the historic Deep Ellum commercial and entertainment corridor to have noise levels up to **78** decibels until 10 p.m. on weekdays and 12 p.m. on weekends.
 - » All other areas within the Deep Ellum Cultural District will allow noise levels in accordance with existing City of Dallas noise ordinances.
- Clarify, standardize and codify in the overlay district that Code Compliance's

EXECUTIVE SUMMARY CONT.

practices to enforce these allowable noise levels must include:

- » The decibel reading taken from across street or a **minimum of 45 feet from a business**, and
- » The decibel reading taken, as an average, over **8 minutes**.
- **Limit speakers that are pointing toward the public right-of-way**, including streets and sidewalks to be a minimum of 5 feet or more away from the property line.
- Institute **musician loading zones** in a limited number of important locations in district (three existing or previously planned, one new) utilizing the public curb to make it significantly easier for venues and bands to load in and out. Create distinct City signage to identify these targeted use zones.
- Establish ongoing practice of **residential information sharing** via fliers provided by DEF to new residents and residential communities, educating them upon the overlay district rules, as well as contacts and opportunities for recourse in cases of abuse of the rules.
- Establish ongoing practice of **business information sharing** via fliers provided by DEF to new businesses and property owners educating them upon the overlay district rules, as well as contacts and opportunities for recourse in cases of abuse of the rules.
- Support the promotion of Dallas as a **Music-Friendly Community** and resource

sharing opportunities as part of Dallas' Music-Friendly-Community designation.

In these recommendations, the Task Force recognized Deep Ellum's unique position within and serving the entire City of Dallas. Creating a **new overlay district** featuring several tiers of allowed noise levels will better reflect and enable the district's historic entertainment uses while also protecting residential areas and introducing clarity and consistency for all. Supplementing these new, tailored and simple rules with strong and ongoing communications to both residents and businesses alike regarding Deep Ellum's unique noise regulations, conflict resolution options and recourse for persistent issues will minimize complaints and foster greater community cohesion as the district continues to grow. These recommendations are offered to the City of Dallas and Dallas City Council. As Dallas has just been recognized as a Music-Friendly Community by the State of Texas, it is an opportune time to act to reinforce Dallas' commitment to its musical heritage and ongoing legacy in Deep Ellum.

UNDERSTANDING THE DEEP ELLUM CONTEXT

Deep Ellum History: A Music Destination for More than a Century

Deep Ellum's main claim to fame has always been its music. Deep Ellum was established in 1873 as both a residential and commercial neighborhood. As one of Dallas' first commercial districts for African-Americans and European immigrants, Deep Ellum is one of the most historically and culturally significant neighborhoods in the city.

By the 1920s, the neighborhood had become a hotbed for early jazz and blues musicians. Over the next several decades, it would host the likes of Blind Lemon Jefferson, Robert Johnson, Huddie "Lead Belly" Ledbetter, Texas Bill Day, Blind Willie Johnson, Lightnin' Hopkins, Alex Moore and Bessie Smith, among others. During this time, nightclubs, cafes, theaters and domino parlors dominated Deep Ellum's landscape. Deep Ellum is now home to more than 30 live music venues, making it one of the biggest entertainment districts in the state and the heart of the music scene in Dallas.

Following World War II, the growing presence of the automobile led to the removal of the Houston and Texas Central railroad

tracks to make way for Central Expressway. By 1956, the streetcar line had been removed. Businesses closed, residents moved to the suburbs, and the music all but stopped. In 1969, a new elevation of Central Expressway truncated Deep Ellum, completely obliterating the 2400 block of Elm Street, viewed by many as the center of the neighborhood. By the 1970s, few original businesses remained.

In the 1980s, Deep Ellum's music scene was reignited, helping to launch local bands such as the Old 97s, the Toadies, Tripping Daisy, the New Bohemians and countless others. In 1990, the music venue Trees opened and became a favorite for seeing local bands, as well as nationally known acts such as Nirvana, The Flaming Lips, Radiohead, and Pearl Jam. Club Dada, Deep Ellum Live and many other music venues also opened in Deep Ellum, attracting musical artists and fans from all over the world.

Today, Deep Ellum continues to have a highly dynamic music scene, with a reborn Trees and Club Dada in addition to venues such as the nearly 100-year-old Sons of Hermann Hall, Adair's Saloon, The Bomb Factory, Ruins, Three Links, Reno's, the intimate All-Good Cafe, the funky trailer-park meets live music scene at Double Wide and a dynamic jazz and blues destination at The Free Man.

UNDERSTANDING THE DEEP ELLUM CONTEXT CONT.

Deep Ellum's Recent Growth

The Deep Ellum Cultural District has experienced tremendous growth in the past few years and is expected to continue to grow at an exponential rate. Prior to 2018, the district was home to fewer than 1,700 residents. Between 2018 and 2020 alone, residential units increased by more than 75 percent, and the district continues to attract new residential development. Meanwhile, Deep Ellum saw more commercial openings than closings in 2020, despite the global COVID-19 pandemic. New bars, restaurants and entertainment venues continue to make Deep Ellum home. By and large, new residential development has encircled the historic entertainment district rather than arisen squarely within it. New offices, as well as residences, are emerging around the bustling commercial center, which serves as a key amenity. Most residents are still a few minutes' walk away from the majority of music venues and other nightlife establishments. Commercial ventures, meanwhile, are expanding in every direction, including south, east, west and especially to the north. While Deep Ellum has

long been home to both residents and music venues, with residences in increasingly close proximity to nightlife, noise complaints are expected to continue to rise as well as other challenges, such as trash volume related to nightlife economies and residents living in and adjacent to them.



DEEP ELLUM NOISE TASK FORCE MEMBERS

The Deep Ellum Noise Task Force comprised representatives of both the residential and business communities as well as local organizations, DPD and the Department of Code Compliance.

- Allen Falkner, Nines Bar and Deep Ellum Community Association
- Jessica Brodsky, RoPo & Logan and Deep Ellum Community Association
- Kelly Saunders, Resident and Deep Ellum Community Association
- Trey Carmichael, Resident
- Scott Beggs, Three Links and Resident
- Kaia Beggs, Three Links and Resident
- Israel Herrera, Dallas Police Department
- Carl Simpson, Department of Code Compliance
- Jose Ruiz, Department of Code Compliance
- Taylor Adams, Writer and Deep Ellum Advocate
- Stephanie Keller Hudiburg, Deep Ellum Foundation
- Jon Hetzel, Madison Partners and Deep Ellum Foundation
- Bryan Tony, 24Hour Dallas
- The Hon. Jesse Moreno, Councilman, District 2



TASK FORCE EFFORTS

The Deep Ellum Noise Task Force utilized several methodologies to research and understand the use of music and sound across the district as well as multiple means of communication to gather business, resident and patron feedback.

Quantitative Data on Music & Sound Across the District

The Deep Ellum Noise Task Force conducted multiple walk-throughs, including several in partnership with the Department of Code Compliance, to take decibel readings across the district. Readings were taken at varying times of the night, days of the weeks and during different seasons beginning in June. Several task force members met to gather readings and compare them July 10, July 30 and Sept. 17. Findings are outlined below.

Complaint & Code Department Data

The Department of Code Compliance shared data upon complaints received and actions executed by City staff. During spring 2021, the Department of Code Compliance investigated noise issues and issued warnings and citations in the district based upon complaints received via 311 as well as verbal-

ly once already on site in the district during regular sweeps. Several noise-related warnings and citations were issued ancillary to violations of occupancy including as identified by Dallas Fire & Rescue.

The majority of complaints were received in relation to venues operating upon Good Latimer Expressway. Additional complaints were levied against businesses operating upon Elm and Main streets within the six-month time period studied in 2021. Anecdotal data provided by the Deep Ellum Foundation collected as part of its SUP recommendation process indicates that complaints between 2018 and 2021 were also levied against businesses upon Commerce and Canton streets. Very few complaints were noted in 2020 by the Deep Ellum Foundation. This was likely due to the COVID-19 pandemic and related business closures.

During the time frame of this Task Force's efforts between the summer and fall of 2021, the Department of Code Compliance found that the majority of nighttime establishments would have received at least one citation if the City codes were executed as currently written. Those in violation included not only music venues and bars but also restaurants with noise levels similar to the ambient noise levels upon streets and sidewalks throughout the district. The ambient noise throughout the district was also consistently found to be higher than currently

TASK FORCE EFFORTS CONT.

allowed by City ordinance, simply due to the high level of activity in Deep Ellum at night. In light of this Task Force's ongoing efforts, The Department did not distribute citations during this time but rather continued to educate the business community as well as Task Force members.

Venue, Resident & Patron Surveys

Between August and September 2021, the Deep Ellum Noise Task Force conducted two surveys to solicit feedback online through a web-based form. One survey was directed toward and shared with music venue operators. The other was directed toward residents and patrons. The surveys were shared via email with music venue operators and the residential community managers of the majority of multifamily developments as well as individual residents. They were additionally shared upon social media across various groups and pages to businesses, residents, and other Deep Ellum stakeholders as well as the general public. Together, across both surveys, more than 400 responses were received.

Community Meetings & Meetings with the City of Dallas

In addition to online feedback solicitation, the Deep Ellum Foundation and Deep Ellum Community Association solicited and discussed input provided by the community via both in-person and virtual meetings hosted or attended in June, July, August and September. Community meetings included:

- Informal Business Owners Meeting: June
- Deep Ellum Community Association Board Meeting: June, July and August
- Deep Ellum Public Safety Monthly Meeting: August
- Deep Ellum Foundation Board Meeting: July, August and September

Meetings between Deep Ellum leaders, elected officials and representatives of the City of Dallas in relation to sound in Deep Ellum were also conducted throughout the summer beginning June 8 with then-Mayor Pro Tem Adam Medrano. The Deep Ellum Safety Task Force convened by Assistant City Manager Jon Fortune, in partnership with the Deep Ellum Foundation, also discussed noise as an agenda item in August to gather insight from DPD, the Department of Code Compliance, the City Attorney's Office and other safety-related agencies.

TASK FORCE EFFORTS CONT.

Individual Resident & Business Interviews

As a final means to gather in-depth input from both business and resident stakeholders in the Deep Ellum Cultural District, Task Force members conducted a limited number of individual interviews. The Task Force held calls or meetings with both businesses that had been issued noise citations and warnings and those that had not received noise-related visits from the City of Dallas. Task Force members also spoke with both residents living upon the busiest commercial corridors of the district and residents who have made the perimeters of the district home. Insights from these conversations were additionally critical to the Task Force's recommendations.

Noise Task Force Meetings

On top of conducting the walk-throughs, the Deep Ellum Noise Task Force met as a full body four times in August, September and December, while subcommittee calls relative to the business operator, resident and City staff perspectives were also conducted over the course of nearly six months.



TASK FORCE FINDINGS

Current City of Dallas Ordinances & Enforcement Practices Related to Noise

Noise and noise disturbance is currently addressed in City of Dallas ordinances, including Chapter 51A and Chapter 30.

Chapter 51-6

Chapter 51-6 identifies specific decibel levels of noise allowed in the City of Dallas based on different land uses and times of day. For office, retail and parking districts, 63 decibels is the maximum permissible daytime decibel limit allowed. Comparatively, 65 decibels is the maximum permissible daytime decibel in light and heavy commercial districts, while 70 decibels is the maximum permissible daytime decibel limit allowed in industrial districts, for instance. Across uses, the ordinance also currently stipulates that there must be a 7 decibel decrease if the noise is present at nighttime or if the noise is impulsive (meter reading changes at a rate greater than 10 decibels per second).

Chapter 30

Chapter 30 allows for a more subjective interpretation of noise and noise disturbance. The Department of Code Compliance has primarily utilized Chapter 30 in its enforcement since the spring of 2021.

The code states:

Ch. 30-1

“A person commits an offense if he makes or causes to be made any loud and disturbing noise or vibration in the city that is offensive to the ordinary sensibilities of the inhabitants of the city. (Ord. Nos. 13744; 24835; 26022)”

Chapter 30 also outlines specific guidelines as it relates to proximity to residences, as opposed to simply setting allowed levels by land use as in Chapter 51A.

Ch. 30-4

“(a) A person commits an offense if he operates or causes to be operated any mechanical loudspeaker or sound amplifier in a public place or upon any public sidewalk, street, alley, or highway of the city in violation of any of the following limitations and requirements:

(1) No mechanical loudspeaker or sound amplifier may be operated within 150 feet of the property line of the premises of a residence, except between the hours of 8 a.m. and sunset, as designated by publication in a local newspaper of general circulation.”

Together, Chapter 51A and Chapter 30 provide the baseline City of Dallas standard for the Deep Ellum Noise Task Force’s recommendations.

TASK FORCE FINDINGS CONT.

Recent Changes to Enforcement of Noise

In the spring of 2021, the City of Dallas made several important changes to its methods of enforcing local noise ordinances. First, rather than the Dallas Police Department, which traditionally has handled noise complaints, the Department of Code Compliance began to address noise issues. Second, the Department of Code Compliance shifted focus to the use of Chapter 30 in enforcement, removing the requirement for decibel readings and, instead, relying more heavily upon disruption to “ordinary sensibilities” as the gauge for issuing warnings and citations. This shift in enforcement methods was outlined to the Dallas City Council Public Safety Committee in a briefing April 12, 2021. The briefing states:

“Enhanced enforcement with the use of additional provisions within Chapter 30 and enhanced considerations will provide the following:

- “Ordinary sensibilities” removes the requirement for a decibel reading and multiple inspections
- Increases response and efficiency
- Supports DPD and enhances the ability to respond to noise complaints within commercial venues
- Allows for relations to be established

between owners/persons in control and city staff

- Improve the quality of life for the residents

The briefing included recommendations and also outlined the use of new enforcement teams designed to address entertainment venues specifically:

- Create an Entertainment Venue enforcement team (E-Team) to include the following departments:
 - » Code
 - » Sustainable Development and Construction
 - » Fire
 - » Police

Enhancement Recommendations 9
Enhanced E-Team Areas of Focus:

- Current Commercial CCS Enforcement
- Registration
- Fire Code
- Food & Safety
- Building Codes
- Crime
- Parking
- Crowd congestion
- Noise

TASK FORCE FINDINGS CONT.

Deep Ellum Baseline Level of Noise is Higher than Currently Allowed by Dallas Code

Deep Ellum is louder than other districts and neighborhoods in Dallas. As such, the Deep Ellum Noise Task Force took decibel readings that were not directed at any specific business but intersections, streets and sidewalks to gauge the typical level of ambient noise across the district at various times of day and days of the week. On a weekday, decibel readings may vary from the high 50s to the mid-70s. Upon weekend nights, specifically between 10 p.m. and midnight, the level of noise rises substantially to a baseline of readings in the mid 60s to over 90. At some of the busiest intersections in the district, including at Elm and Crowds streets, Main and Crowds streets, and Commerce and Crowds streets, the decibel reading by Sept. 17 was 83, 72 and 67, respectively.

In addition to high pedestrian activity, vehicular traffic is a major generator of noise in Deep Ellum. Example readings included a single motorcycle at 93, a Party Bike at 95 and a fire truck (utilizing sirens) at 100 decibels. With multiple such vehicles in addition to non-commercial vehicles passing by at once, readings above 80 and 90 were not uncommon upon the sidewalks of Deep Ellum.

Even from several stories above the street, Task Force members noted decibel readings well above 60 (between 65 and 68) from one of Deep Ellum's longest standing residential communities. Even from several stories above the street, Task Force members noted decibel readings well above 60 (between 65 and 68) from one of Deep Ellum's longest standing residential communities.

In addition to measuring ambient noise levels, the Deep Ellum Noise Task Force measured levels of noise generated by specific sources common to Deep Ellum nightlife, such as voices talking and vehicles driving through the district. In addition to high pedestrian activity, vehicular traffic is a major generator of noise in Deep Ellum. Example readings included a single motorcycle at 93, a Party Bike at 95 and a fire truck (several blocks away but utilizing sirens) at 100 decibels. With multiple such vehicles in addition to non-commercial vehicles passing by, readings above 80 and 90 were not uncommon upon the sidewalks of Deep Ellum.

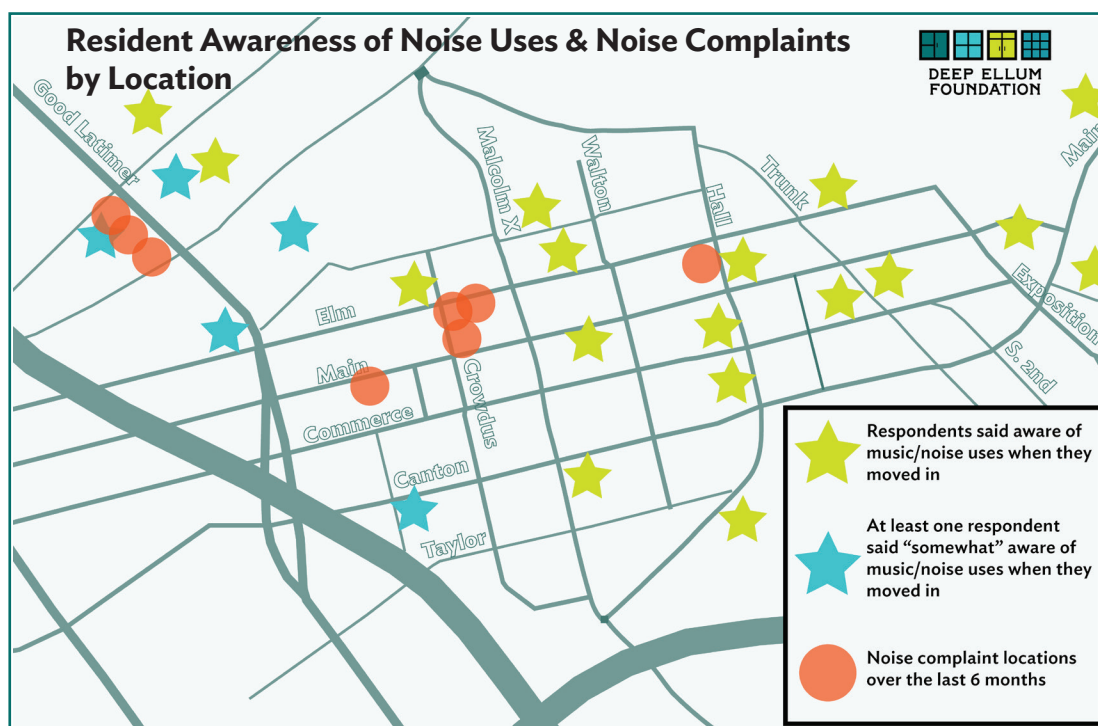
Finally, the Task Force measured decibel levels emanating from specific businesses across the district. The Task Force found that most businesses playing music were in violation of current city code, with decibel readings higher than 63 as taken from the front entrances of the establishments. Music venue and bar readings ranged from the low 70s to higher than 110. Task Force members

TASK FORCE FINDINGS CONT.

also noted variability in decibel readings (between 5 and 10 decibels) even within a single song, for instance. Differing vocal stylings and bass levels, for instance, contributed to the variable readings as well as the exact location from which the readings were taken in relation to the venue in question.

Strong Resident Awareness of Noisy Neighboring Uses

Of more than 150 resident respondents, only two said they were not aware Deep Ellum was an entertainment district featuring frequent music and other amplified performances (one also stated they were not aware they lived in Deep Ellum). Eleven stated they were “somewhat” aware of this when moving in while the vast majority, more than 90%, stated they were aware. The respondents stating they were not aware or only somewhat aware who also provided their residence location largely live upon the perimeters of the Deep Ellum Cultural District, the Task Force found.



TASK FORCE FINDINGS CONT.

Significant Business Impact of Noise Regulation Enforcement

The Deep Ellum Noise Task Force learned that music is critical to many local businesses' operations and revenue streams. More than 90% of venue-operator survey respondents agreed amplified music heard outside their venues draws in business and generates revenue. When asked what loss in revenue they'd expect "if required to not allow any music or noise to be heard from your venue on the streets/sidewalks," more than 60% of business respondents estimated they would lose between 16 and 50% of their revenue. Over a quarter of venue-operator respondents believed that over half of their revenue would be at risk.

Small Number of Noise Complaints in Deep Ellum

In Deep Ellum, live music and amplified music can be heard every night of the week. The Deep Ellum Noise Task Force's survey of venues indicated more than 20% host shows seen days per week while more than 60% host shows between four and seven days per week. Even amidst this high frequency, more than 90% of survey respondents had never

requested Dallas Police or Code Compliance visit a Deep Ellum business in relation to a noise complaint.

Of the more than 400 total respondents, 34 had made a noise complaint to the City of Dallas between 1999 and September 2021. While property owners, patrons and other businesses had all lodged complaints, over 80% of complaints were generated by residents (and 65% stated the noise they reported on was disturbing to residences). Of the 153 resident respondents, 28 (18.3%) stated they had made a noise complaint to the City. At least 12 of those were from one multifamily residential property and all the relevant complaints were made in 2021 after recent business openings with adjacency to that specific residence.

Data supplied by the City of Dallas Code Compliance staff participating as members of the Deep Ellum Noise Task Force identified that complaints within the last six months have been generated by a limited number of venues. Department of Code Compliance staff also noted that patios and open-air venues as well as speakers directly upon or adjacent to property lines facing the public right-of-way were the most frequent sources of complaints.

TASK FORCE FINDINGS CONT.

High Proportion of Code Compliance Visits to Businesses

While 78% of business and venue operator respondents had not received a complaint from another Deep Ellum stakeholder regarding noise at their establishment, 64% had been visited by Dallas Police or Code Compliance officers in relation to a noise complaint. Of those visited, in turn, 85% had been cited or ticketed for noise.

City of Dallas Code Compliance staff participating as members of the Deep Ellum Noise Task Force noted that once Code Officers visit one district business due to a noise complaint, it is protocol to visit all the surrounding businesses playing music, as well. This is the current best practice to avoid “selective enforcement,” according to staff. Code staff also noted that oftentimes, when visiting a business, they receive complaints from the operator regarding nearby businesses or questions as to why they are being addressed rather than their neighbors (Interestingly, questions and complaints to City staff by one business regarding another rarely occurred between directly adjacent businesses).

As part of neighborhood “sweeps” intended to abate multiple code infractions including illegal vending, building safety, overcapacity and other issues, it has not been an uncom-

mon practice for the Department of Code Compliance to visit the majority of businesses playing music upon a full block of given street in Deep Ellum, such as Elm Street. Businesses may also be cited for noise as an ancillary citation when being addressed for another infraction, such as overcapacity.

In this way, a significant proportion of Deep Ellum business visits by the Department of Code Compliance and resultant warnings or citations relative to noise do not originate as part of the original 311 complaint.

Favored Local Solutions

Over half of music venue operators who responded to the Deep Ellum Noise Task Force survey favored setting neighborhood standards for cooperation among businesses to avoid noise complaints or neighborhood standards for decibel readings. Nearly a quarter (23.1%) agreed setting a Deep Ellum-specific decibel level was the most important change of policy or practice the City of Dallas could undertake to enable continued business operation with live and amplified music while maintaining neighborhood quality of life. Among seven multiple choice offerings, nearly a quarter of respondents also favored requiring new residential developments to mitigate sound internally.

Results of the task force’s survey of residents, patrons and other Deep Ellum stakehold-

TASK FORCE FINDINGS CONT.

ers mirrored those of the venue-directed survey. Respondents felt both the City of Dallas and business community could mitigate noise issues through setting a clearly defined decibel level limit appropriate to Deep Ellum. The Noise Task Force survey asked how the City of Dallas could change policies and practices to enable continued business operation with live and amplified music while maintaining neighborhood quality of life. The second most frequent response stakeholders selected among 6 multiple choice offerings was to set Deep Ellum-specific decibel levels (over 15%). The most selected recommendation was to require new residential developments to mitigate sound internally (33.5%). In response to the question of how businesses could mitigate noise complaints without government intervention, survey respondents similarly favored defining decibel levels. Setting a neighborhood standard of decibel level as a best practice was the second most selected option (17%). The most favored option of 6 multiple choice offerings was to set a neighborhood standard of cooperation, avoiding complaints against neighbors when possible (29%).

These survey findings were echoed in individual interviews of venue owners. In speaking with multiple businesses, they stated they needed clarity in the rules and consistency of enforcement. Setting specific decibel level limits, many felt, would afford them

that clarity and consistency to plan for and operate their establishments.

Another popular response and the only other multiple choice option, receiving over 10% of respondents in favor, was to establish a fund either via the City of Dallas (12.5% supported) or privately supported (11.3%) to assist businesses in installing noise absorption and mitigation materials.

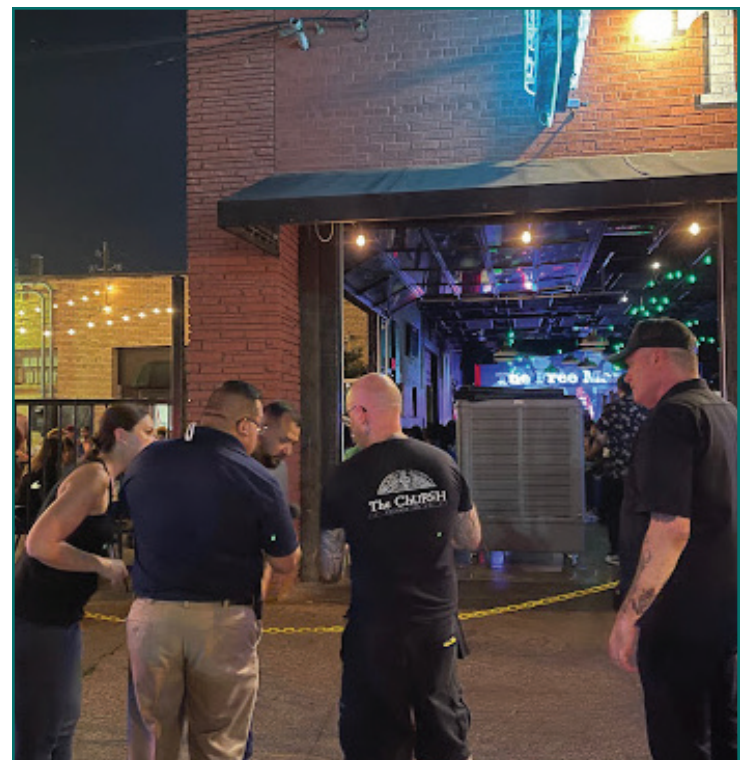
Other recommendations from the business community included to consider limitations to allowing music including profanity to be heard outside establishments. Such limitations, it was cited, would be most appropriate for daytime when greater numbers of children and families frequent the district. Additional suggestions offered by residents included requiring enforcement of cruising vehicles that play loud music, rev engines and often loiter in Deep Ellum, including near multifamily developments. Residents highlighted disturbances caused by both non-commercial and commercial vehicles, such as “party bikes.” Multiple residents stated these vehicles were a greater nuisance causing noise disturbances than the venues. Many resident survey respondents suggested implementing strategies to educate residents regarding the district’s noise at the point of leasing. Interestingly, several residents even suggested requiring new residents to sign a disclaimer upon moving in or residential properties to have a clause within their lease-

TASK FORCE FINDINGS CONT.

es reflecting their awareness that Deep Ellum is an entertainment district with higher than usual levels of noise.

Comparison of International Best Practices

In addition to sourcing local solutions, the Deep Ellum Noise Task Force considered national and international best practices related to facilitating nighttime businesses and residents coexisting peacefully. In [New York City](#), a new and distinct office of “the night mayor” has been established to serve as a one-stop-shop resource within City Hall for businesses operating primarily at night. At one time, the first and current Night Mayor of New York City operated the business with the highest number of noise complaints in the city. In [London](#), new requirements have been established for residential development within entertainment districts to insulate residents from the noisiness of the neighborhoods they move into. In [Paris](#), local neighborhood task forces have limited powers to report and enforce noise issues locally. To gain local perspectives on these best practices in cities across the world, the task force cited several of these examples within multiple choice questions upon the Deep Ellum Noise Task Force surveys.



RECOMMENDATIONS

With both broad and deep insights into stakeholder views, quantitative data from the Department of Code Compliance as well as the Task Force's own collection efforts, and international best practices considered, the Deep Ellum Noise Task Force devised and offers a series of recommendations. These recommendations are intended to better reflect historic practice in the Deep Ellum Cultural District prior to recent alterations in the City's enforcement methods, as well as account for new best practices in condensed cities and bustling districts similarly balancing the needs of residents and businesses. As is typical of Deep Ellum, a continuous font of innovation, several recommendations are also unique to the district's own peculiar needs and current opportunities.

Establish Distinct Decibel Level Limits for the Deep Ellum Cultural District

The first and most important recommendation of the Deep Ellum Noise Task Force is to establish decibel level limits in Deep Ellum distinct from the current levels allowed by the City of Dallas codes. Deep Ellum serves as a music hub and entertainment destination for the entire region, and it has done so for more than 100 years. This unique cultural position must be upheld, preserved and

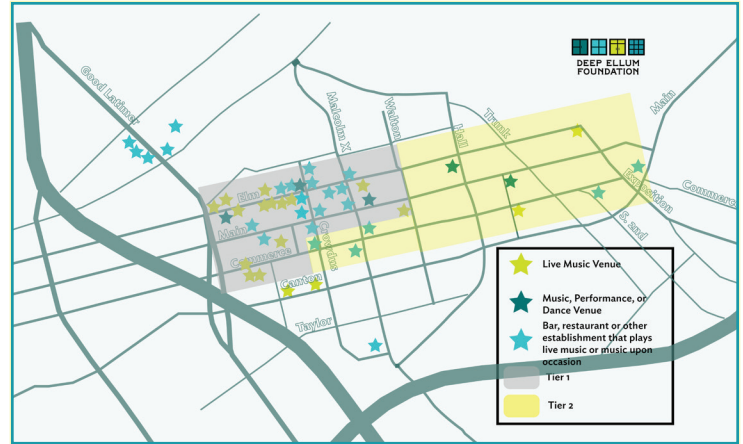
enabled to thrive. At the same time, there are pockets within Deep Ellum that have served as residential nodes for several decades. While located within a commercial district, these residential areas have not hosted significant numbers of music and other night-life venues in recent years. To reflect and respect both these varied uses in Deep Ellum, the Deep Ellum Noise Task Force proposes a three-tiered system of limits upon decibel levels within the district. A new overlay district will be established and supersede existing City of Dallas code including relevant sections of Chapter 30 and Chapter 51A. The overlay district will stipulate:

- Up to 92 decibels between 6 p.m. and 12 a.m. on weeknights and between 2 p.m. and 2 a.m. on weekends shall be allowed within the historic core of the Deep Ellum entertainment district (see map, Tier 1).
- Up to 78 decibels between 6 p.m. and 10 p.m. on weeknights and between 2 p.m. and 12 a.m. on weekends within the historic commercial corridor of Deep Ellum shall be allowed (see map, Tier 2).
- All other streets and areas within the Deep Ellum Public Improvement District continue to reflect current City of Dallas code limitations upon decibel noise level.

RECOMMENDATIONS CONT.

	Tier 1 Level	92 db	Tier 2 Level	78 db
	Start Time	Stop Time	Start Time	Stop Time
Monday	6 p.m.	12 a.m.	6 p.m.	10 p.m.
Tuesday	6 p.m.	12 a.m.	6 p.m.	10 p.m.
Wednesday	6 p.m.	12 a.m.	6 p.m.	10 p.m.
Thursday	6 p.m.	12 a.m.	6 p.m.	10 p.m.
Friday	6 p.m.	2 a.m.	6 p.m.	12 a.m.
Saturday	2 p.m.	2 a.m.	2 p.m.	12 a.m.
Sunday	2 p.m.	12 a.m.	2 p.m.	10 p.m.

Deep Ellum Venues & District Noise Levels by Tier



Method of Taking Decibel Readings Must Be Consistent, Accurate and Reflect Impact to Complainants

Importantly, this Task Force recommends that official readings of decibels must be taken from across the street or at a minimum of 45 feet away from the venue or business under review. This will better ensure consistency and accuracy of readings as well as more closely reflect the impact to aggrieved parties. The Deep Ellum Noise Task Force learned that readings can vary wildly when taken directly adjacent to a business. For example, readings might be very high when

taken in front of an open doorway but four feet in one direction or the other, the readings might be up to 10 decibels lower even though technically taken the same distance from the venue. Moreover, the Task Force thoroughly scrutinized the question of who is inconvenienced or disturbed by noise, and it was identified that taking a reading directly in front of or adjacent to a venue is not likely to reflect the impact to the aggrieved party or parties. A person standing directly outside of a venue is likely to be an employee or patron either visiting that venue or a nearby destination. Conversely, most residences are not directly atop of or adjacent to venues but rather a short distance away. An aggrieved party may be a nearby neighboring business but, as described above, complaints from a directly adjacent neighboring business have

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been very rare in the district. This may be because neighboring businesses are more likely to simply work out any issues among themselves or have higher levels of camaraderie.

To further ensure accurate readings, this Task Force recommends utilizing the current City of Dallas-established standard of taking an average reading over a period of 8 minutes. This 8-minute average should be utilized as the basis in issuing any formal warnings, tickets or citations. Taking the average over such a time period will mitigate inconsistencies or challenges related to variations in noise level. For instance, the Task Force found that certain voices may reach higher decibel levels for very short time frames. Noise level can also vary widely when doors are opening and closing at a venue.

The City of Dallas has standard decibel reading meters that should continue to be utilized to further encourage consistency and accuracy.

Limit Speaker Use Facing and Directly Adjacent to the Public Right-of-Way

During Deep Ellum Noise Task Force walk-throughs, it was noted that some of the high-

est decibel readings as well as music that felt too loud according to the “ordinary sensibilities” of Task Force members emanated from speakers and amplifiers directly upon the public right-of-way or directly adjacent to and facing the public-right-of way. Examples included buskers using amplified noise upon city sidewalks, speakers affixed above doorways and directed toward the adjacent sidewalk, and speakers placed facing out of windows to attract customers into businesses. Similarly, Department of Code Compliance staff noted that a significant proportion of complaints are traced back to such practices of directing amplified music to the public-right-of way. Strengthening these findings, several venue operators shared that they succeeded in reducing complaints after simply altering the direction their speakers faced, even when not lowering their volume.

Based upon these findings, it is the recommendation of the Deep Ellum Noise Task Force to prohibit speakers being placed and used upon or directly over the public-right-of way, including public sidewalks and streets. Furthermore, the Task Force recommends limiting the use of speakers facing the public-right-of way within five feet of the property line. For example, speakers facing out a window towards the public sidewalk within five feet of the property line would be prohibited.

Conversely, if speakers are set up within two

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feet of a property line (for instance along the wall, a window or patio entrance) but are facing into the venue toward customers inside, that would not constitute a violation.

Ensure Resident Awareness via Strong Communications to Incoming Residents

A consistent recommendation and favored solution among those with commercial interests, patrons and residents alike was to focus upon educating residents regarding the higher levels of noise and nightlife activity upon moving into the district. The Deep Ellum Noise Task Force found that the vast majority of residents are already aware the district is home to music venues and other establishments utilizing amplified sound. Once new decibel level limits are codified for the Deep Ellum Cultural District, there are multiple means by which residents may be made aware of the differing rules for Deep Ellum, reflecting its history as a music and entertainment hub.

To encourage accuracy and consistency of information shared, the Deep Ellum Noise Task Force will craft an educational flier to be distributed to all multifamily, residential developments within the district. This in-

formational flier will include details about the new local regulations as well as contact information for residents to seek recourse should a persistent noise issue exist. This educational flier will then be incorporated into the Deep Ellum Foundation's regular distribution of "Welcome to the Neighborhood" packets provided to residential development leasing offices each year. See sample flier on the next page.



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Sample Informational Flier for New Residents

IT MIGHT GET LOUD

HI NEIGHBOR! Welcome to the Deep Ellum Cultural District! We hope you enjoy living in the entertainment capitol of North Texas. In Deep Ellum, you may hear **LOUD MUSIC** from various venues on Elm, Main and Commerce Streets **UNTIL 12AM, 4 days a week and 2AM on weekends.**

In Deep Ellum, we are a community. Residents and venue owners are strongly encouraged to work together in a spirit of cooperation and tolerance to make everyone's experience in Deep Ellum a comfortable and prosperous one. For ongoing issues and any violations, DEF will endeavor to connect you to the owners and work toward resolution.

IF YOU ARE EXPERIENCING CONSISTENT AND EXCESSIVE NOISE DISTURBANCES

- Reach out directly to the business and property owners.
- Contact the Deep Ellum Public Safety Hotline at 214-449-1493 24-hours per day and you'll be directed to Deep Ellum Foundation's security team.
- Call the City of Dallas at 311 to report abuses of the noise ordinance

As a historic center of music, arts, and entertainment for over 100 years, Deep Ellum has distinct rules and local noise ordinances grant higher volumes than allowed in the rest of the city

LEARN MORE AT [DEPELLUMTEXAS.COM/NOISE](https://www.deepellumtexas.com/noise)

RECOMMENDATIONS CONT.

While a popular solution utilized by at least one other comparative city, as well as favored by survey respondents, was to encourage or require residential communities to install noise absorption materials: This particular solution is not offered as a primary recommendation of the Deep Ellum Noise Task Force for several reasons. First and foremost, it would not address noise in existing and recently developed residential complexes. Since Deep Ellum has recently experienced such a boom in residential development, nearly doubling the residential population, it is likely that such a recommendation would not impact the majority of residents for the foreseeable future. Moreover, the expense and regulatory changes to the development code that would need to be carried out were deemed impracticable. Finally, the Task Force was wary of unintended consequences of such a new requirement including potentially raising the cost of living. The cost of living has already increased significantly in Deep Ellum and in the City of Dallas more broadly in recent years. As such, the Task Force determined that a solution that would likely not impact the majority of residents but likely pass on cost burden to new residents was not a sound one.

Establish a Standard of Business Cooperation to Address Neighboring Business Disputes

The most highly favored local solution identified via the Deep Ellum Noise Task Force surveys was to establish a standard and practice of cooperation between neighboring businesses to address noise complaints. As the Task Force identified that complaints or questions related to fairness of enforcement from neighboring businesses resulted in a significant proportion of the visits by the Department of Code Compliance over the last six months, an effective strategy to reduce the need for such visits will be to encourage businesses to address noise concerns among themselves.

Venue owners upon the Task Force suggested a series of methods businesses could use to resolve disputes with other local businesses. The Deep Ellum Noise Task Force will create an educational flier to distribute within the business community to encourage a standard and cooperative approach. Similar to the educational materials for residents, the flier will outline the new, more objective regulations specific to the Deep Ellum entertainment district. It will also offer several steps to address issues with neighboring businesses, as well as provide contact infor-

RECOMMENDATIONS CONT.

mation for City officials, should such steps not be successful in resolving disputes. To continually educate new businesses entering the district, this educational flier will be incorporated into the Deep Ellum Foundation's regular distribution of "Welcome to the Neighborhood" packets provided to new businesses opening in the district.

The Deep Ellum Noise Task Force also explored options within existing City practices as well as policy changes to better mitigate complaints and encourage cooperation. One suggestion included requiring businesses to publicly disclose their names upon registering a complaint with the Department of Code Compliance. The notion was this policy would remove the anonymity of complainants and thereby encourage complainants to directly address any concerns with their neighbor. Another suggestion offered by Task Force members was to consider requiring businesses to officially log a complaint by calling 311 or otherwise stating that they wished to "report an official complaint." This would add a layer of formality that may encourage business complainants to consider the gravity of their complaint and whether it were necessary. It would also serve to clarify to businesses that when they inquire about neighboring businesses' noise during such time that they themselves are being visited by the Department of Code Compliance that their inquiry is frequently what necessitates Department officials vis-

iting all of the surrounding businesses. It became clear through the Task Force's work that neither venue owners serving upon the Task Force nor other bar and venue operators within the district were aware that such informal complaints trigger official action by the City. Ultimately, the Task Force did not determine to recommend policy changes related to disclosure or formality of complaints based upon the guidance of the Department of Code Compliance participants upon the Task Force. Staff advised that requiring public record of complainants' names or other process changes for citizens making complaints would not be consistent with citywide procedures nor be likely to be approved by the City Attorney's office due to privacy concerns.

Maximize New Music Friendly Community Designation

During the convening period of the Deep Ellum Noise Task Force, Dallas was officially named a "Music-Friendly Community." With this new statewide designation, Dallas joins Fort Worth, Austin, Denton, Arlington, Grand Prairie and more than 20 other Texas cities. To acquire the designation, Dallas was required to form a music office/liason position within a division of City government (city office, economic development corpora-

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tion, CVB/destination tourism office). This office, to be housed within VisitDallas, will be responsible for monthly reports concerning the progress of local music industry development programs. The Deep Ellum Noise Task Force recommends raising awareness of this new City resource within the industry, including by specifically publicizing the new position and its intended purpose to music venues, producers, musicians and other members of the industry.

Furthermore, the Deep Ellum Noise Task Force recommends this new office/liaison within the City of Dallas track and raise awareness within local government of challenges faced by music venue operators, producers and musicians doing business in Dallas.

While improving consistency and clarity in



Take Practical, Low-cost & Impactful Steps to Reinforce Deep Ellum as the Premier Music-Friendly District by Creating New Music-Loading Zone Signs

enforcement for businesses and maintaining quality of life for residents are the focus of this body's recommendations, a final recommendation of the Deep Ellum Noise Task Force is to improve conditions for musicians themselves. One simple, cost-effective means to directly improve the experience of musicians and music venues operating in the Deep Ellum Cultural District would be to create newly designed street signs designating loading/parking zones for playing musicians' use.

A common challenge over the years for Deep Ellum's musicians and, in turn, the music venues hosting them, has been finding and securing parking or curbside loading space. Musicians often travel with their own equipment including heavy speakers, instruments and other gear. Moreover, many bands tour via sizable vans and buses to transport these

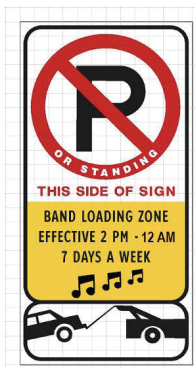
RECOMMENDATIONS CONT.

significant loads. Deep Ellum's limited parking and tight grid developed during the trolley car era have often made it difficult for bands to efficiently access the venues they play at. It is not infrequent for a musician or band to necessarily schlep heavy gear down the street when playing Deep Ellum. Needless to say, this can be a major hassle and can discourage musicians from booking shows in the district.

musicians loading or parking in spaces they understood were there for their use.

To reinforce Deep Ellum as the heartbeat of Dallas' music scene and elevate Dallas as a music-friendly city, the Deep Ellum Noise Task Force recommends the creation of new, uniquely designed street signage codifying designated use by musicians for loading and parking. While the majority of needed locations have already been identified and used in practice, the signage will increase clarity for parking enforcement professionals, venues and musicians alike. In turn, the new signs will significantly reduce the inconsistent ticketing of musician vehicles and increase musician access to the venues they play. Such a simple, cost-effective and impactful move would raise Dallas' profile as a city intentional about supporting music.

The new signage will be developed and installed in partnership with the Dallas Department of Transportation. Pre-existing and pre-identified locations for such music van loading and parking (as documented via the Deep Ellum Foundation and the Deep Ellum Parking Task Force originally convened by Mayor Pro Tem Adam Medrano) will feature the signs. Just a select few such locations throughout the core of the historic entertainment district will mark a meaningful change and improvement to the operation of local music venues and quality of life of Deep Ellum musicians.



Over the years, Deep Ellum businesses, including as assisted by the Deep Ellum Foundation, have identified various methods of carving out nearby parking or curb space to serve the district's unique need to provide access to musicians. Some venues rent parking meter spaces. However, this method carries uncertainty as spaces are not always available for rent due to competing rental, construction or other reasons. Others have partnered with the City to establish commercial loading zones intended to serve the purpose of music van loading or parking, especially at night. This method, too, has come with uncertainty as many parking enforcement agents are unaware of Deep Ellum's unique uses of commercial loading zones for music van and bus access. Moreover, changes in not only staff but the structure and chain of command of the parking enforcement department within the City of Dallas have resulted in intermittent ticketing of

RECOMMENDATIONS CONT. & CONCLUSION

Challenges, Policies and Practices Identified for Further Research ***Conclusion***

The Deep Ellum Noise Task Force identifies several challenges, current policies and practices that could potentially benefit from further research. One serious concern and consistently cited nuisance to residents was vehicular noise as compared to venue noise. There exists an opportunity to further understand how consistently loud commercial vehicles that frequent Deep Ellum, such as party bikes as well as privately operated vehicles cruising, racing or revving their engines, may be better regulated to reduce the direct negative impacts upon resident quality of life as well as indirect consequences, including encouraging venues to raise their noise levels simply to compete with ambient vehicular noise in the district.

Deep Ellum is an unrivaled cultural destination and economic powerhouse within the City of Dallas driven by music. Creating a new overlay district featuring several tiers of allowed noise levels will better reflect and enable the district's historic entertainment uses while also protecting residential areas and introducing clarity and consistency for all. Supplementing these new, tailored and simple rules with strong and ongoing communications to both residents and businesses alike regarding Deep Ellum's unique noise regulations, conflict resolution options and recourse for persistent issues will minimize complaints and foster greater community cohesion as the district continues to grow. Finally, raising awareness of Dallas' music liaison/office and advancing a practical solution to a common challenge through creating new music loading/parking zone signs specifically for playing musicians' use in Deep Ellum will make sharing music in Deep Ellum significantly easier.

