

December 6, 2018

Sunset Advisory Commission  
1501 North Congress Avenue  
6<sup>th</sup> Floor  
Robert E. Johnson Building  
Austin, TX 78701  
Attn: Emily Johnson, Project Manager

## **Background**

We have lived in Houston for many years and enjoy the vibrant city life. Like all great things in life there should be limits on when and where people participate in their nightly activities. Sadly, we have seen for ourselves the deterioration of our communities as more and more bars are allowed to operate seemingly unchecked. Our complaints to the TABC appear to go ignored, and local law enforcement seem to be overwhelmed with more pressing and dangerous issues. In the meantime our streets are filled with bar patrons' parked vehicles, and our homes are filled with the sounds of whatever song or sporting event is being broadcast, at all hours of the night. We hope that the Sunset Advisory Commission is able to use some of the items we discuss below to improve our quality of life, and the safety of our streets.

## **Request for Additional Time to Submit Evidence**

We recently had a chance to review the published report by the Texas Sunset Advisory Commission that highlighted a few issues that we would also like to see changed. There are several additional points that we hope improve soon. We want the Texas Alcoholic Beverage Commission to adopt a more thorough process when deciding when to grant and renew licenses.

Their approach needs to be more transparent and inclusive to the communities in which the licensee is seeking to operate. Residents must be allowed more notice and opportunities to weigh in on the process because they are the ones that must live with the negative consequences.

### **Repeated Violations of TABC Code and Enforcement Problems**

Hundreds of complaints have been filed against bars regarding noise, trash, crime, and parking violations. Only a small percentage result in written violations and none that we are aware have resulted in any real consequence to the bar, i.e., no major fines or liquor licenses withdrawn by the state. Texas has one of the highest DUI rates in the country<sup>1</sup> and the TABC's relaxed approach to licensing is only making it worse. We have personally witnessed and are aware of multiple violations of both TABC Administrative Rules and the TABC Code<sup>2</sup> that have gone ignored.

The lack of enforcement has become a very serious issue. Part of the problem is the conflict of interest between the TABC, the bars, and the police. TABC revenue is tied to the issuance of liquor licenses. Local off-duty police officers are often employed by these bars. Furthermore, police officers are busy dealing with drug wars, gang activity and violence surrounding the bars, so a noise complaint is understandably not their priority when they are dealing with limited manpower.

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<sup>1</sup> <https://www.houstonchronicle.com/local/article/Houston-s-roads-drivers-are-nation-s-most-12865072.php>

<sup>2</sup> See attached exhibit 1 - Violations of TABC Rules, Subchapter D., Section 35.31

## Proposed Changes

- The current TABC rules require that all residents within 300 feet of the bar receive notice of the pending permit application and information on when they can publicly object to it. Historically, the rule stated that those living within 1,500 feet also had the right to be notified and the chance to be heard. However, people well beyond 1,500 are affected by crime, traffic congestion, noise, and trash. We recommend that everyone 1500 feet receive notice of the permit application, and anyone who feels they are affected by the bar's activities be given an opportunity to be heard by the TABC.
- If those residents within 300 feet cannot be reached by mail, the TABC allows for notification by publication in a local newspaper; meaning the TABC can fulfill their notice requirement by putting an ad in any local paper even though most will not see it. Sending an email, Certified Mail Return Receipt Requested, or messenger to each resident within 1500 feet of the proposed bar would be far more effective and is not burdensome to implement.
- The current TABC standards state that "creating excessive noise"<sup>3</sup> will be punished – this is vague, thus enforcement is difficult. We recommend that the provision include a definition that would ban any noise that disturbs a resident, especially if that disturbance occurs late at night or very early in the morning when most people are sleeping. The city of Houston's code of ordinances<sup>4</sup> sets forth a great standard on noise that the TABC could also adopt.
- Limit the number of bars allowed in block radius. When each bar is allowed to blast music at a level of 85 decibels (which science tells us damages hearing), that noise level is compounded when several bars are next to each other all playing music at that level. It is beyond disturbing and damaging.
- The requirement for parking should be tied to the certificate of occupancy, not square feet occupied.

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<sup>3</sup> [https://www.tabc.state.tx.us/laws/standard\\_penalty\\_chart.asp](https://www.tabc.state.tx.us/laws/standard_penalty_chart.asp)

<sup>4</sup> See City of Houston Ordinance Section 30-2 and Section 30-4

allows far more people to use the bar than the parking lot can support. On any given night, but especially the weekends, the roads are completely congested as cars continually drive in circles looking for parking. The streets, sidewalks, and driveways of residents are also littered with parked cars who will park almost anywhere and risk a parking ticket, due to the lack of parking. The TABC should either lower the certificate of occupancy or require more parking.

- If the certificate of occupancy is greater than 100, the bars must have security outside of the property.
- No outdoor loudspeakers.

## Conclusion

We are grateful for all the work that the Commission has already put forth in their effort to better the TABC. Improving any of the issues listed above would hopefully have a profound impact on our quality of life. We'd like to thank the Sunset Advisory Commission for allowing us to comment on the review of the Texas Alcoholic Beverage Commission.

Sincerely,

By: /s/ Aimee M. Robert

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