



# TOWN OF FAIRFAX

## STAFF REPORT

### April 5, 2017

**TO:** Mayor and Town Council

**FROM:** Garrett Toy, Town Manager *GT*

**SUBJECT:** Receive report on the monitoring of noise at Peri's Bar

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#### **RECOMMENDATION**

Receive report on the monitoring of noise at Peri's Bar.

#### **BACKGROUND**

In April 2017, the Town Council considered an appeal of the conditions placed on the Use Permit for live music at Peri's Bar by the Planning Commission. The Town Council granted the appeal, modifying the Conditional Use Permit (CUP) to allow the outdoor playing of amplified music on the covered patio for the months of May through October of 2017, on a trial basis. Two of the conditions imposed were: 1) Peri's have a decibel reader on hand at all times during outdoor performances to monitor to ensure the decibel levels do not exceed the established dba limit (94-98 dba) for outdoor performances, and 2) no outdoor music in the rear patio. Peri's also committed to take measures to ensure that the backdoor is closed during indoor performances.

At the conclusion of the trial period, the Town would conduct a hearing to review the CUP to determine if the dba limit was effective in addressing the neighborhood's concerns. If so, the appellant would invest in a permanent monitoring system.

#### **DISCUSSION**

At its April hearing, the Council indicated it would like a status report prior to the December meeting to review the CUP. Attached is the police log for noise complaints at Peri's. Of the 38 total logged complaints, 3 were regarding outdoor music complaints, 2 requested noise readings, 33 pertaining to indoor noise and requests to close the back door. The police log indicates that on 13 of those occasions the door was closed upon the officer's arrival. The review of the CUP conditions by the Council is scheduled for December 2017.

#### **FISCAL IMPACT**

Not applicable.

#### **ATTACHMENTS**

Police log

AGENDA ITEM # 5

PERI'S NOISE COMPLAINTS April 1st 2017 thru Sept 25, 2017

Inc #	Type	Date	Time	Location	INSIDE/OUT	NOTES
1704020035	NOISE	04/02/2017	21:53:45	29 BROADWAY	INSIDE	Request to close back door. Bar complied
1704220002	NOISE	04/22/2017	01:05:30	29 BROADWAY	INSIDE	Request to close Front door. Bar complied
1706040049	NOISE	06/04/2017	22:58:28	29 BROADWAY	INSIDE	Request to close back door. Bar complied
1706230065	NOISE	06/23/2017	23:33:03	29 BROADWAY	INSIDE	Request to close back door. Bar complied
1706240076	NOISE	06/24/2017	23:39:29	29 BROADWAY	INSIDE	Request to close back door. Door was closed on arrival
1706300058	NOISE	06/30/2017	18:59:37	29 BROADWAY	OUTSIDE	Noise reading requested on Domiga. Not in violation
1707010046	NOISE	07/01/2017	23:15:32	29 BROADWAY	INSIDE	Request to close back door. Bar complied
1707020001	NOISE	07/02/2017	00:09:33	29 BROADWAY	INSIDE	Request to close back door. No notation if door was open or closed on arrival.
1707040035	NOISE	07/04/2017	22:12:49	29 BROADWAY	INSIDE	Request to close back door. Bar advised, no notation if it was open or closed
1707110057	NOISE	07/11/2017	23:23:07	29 BROADWAY	INSIDE	Request to close back door. Officer arrived and saw door was closed
1707120066	NOISE	07/12/2017	23:30:59	29 BROADWAY	INSIDE	Request to close back door. Bar complied
1707150075	NOISE	07/15/2017	23:32:07	29 BROADWAY	INSIDE	Request to close back door. Officer arrived and saw door was closed
1707260063	NOISE	07/26/2017	23:54:57	29 BROADWAY	INSIDE	Request to close back door. Bar complied
1707290002	NOISE	07/29/2017	00:49:20	29 BROADWAY	INSIDE	Request to close all doors. Officer arrived and saw both front and rear were closed
1708050049	NOISE	08/05/2017	22:03:36	29 BROADWAY	INSIDE	Request to close back door. Bar complied
1708080050	NOISE	08/08/2017	23:39:37	29 BROADWAY	INSIDE	Request to close back door. Bar complied
1708230002	NOISE	08/23/2017	0:45	29 BROADWAY	INSIDE	Request to close back door. Bar complied
1708250048	NOISE	08/25/2017	19:43	29 BROADWAY	OUTSIDE	R/p advised they are allowed to play music outside this date. r/p declined decible reading. Several non amplified instruments observed
1708310063	NOISE	08/31/2017	23:00	29 BROADWAY	INSIDE	Request to close back door. Bar complied
1709020001	NOISE	09/02/2017	0:47	29 BROADWAY	INSIDE	Request to close back door. R/p took their own reading which was 43 db. Bar advised of complaint
1709020004	NOISE	09/02/2017	0:47	29 BROADWAY	INSIDE	request to close back door. Bar complied
1709020051	NOISE	09/02/2017	23:06	29 BROADWAY	INSIDE	request to close back door. Bar advised
1709020055	NOISE	09/02/2017	23:06	29 BROADWAY	INSIDE	2nd request to close back door. Doors were closed
1709030031	NOISE	09/03/2017	22:08	29 BROADWAY	INSIDE	Request to close door. Bar complied
1709030031	NOISE	09/03/2017	22:41	29 BROADWAY	INSIDE	2ND Request to close back door. Door is closed
1709030001	NOISE	09/03/2017	0:17	29 BROADWAY	INSIDE	Request to close door. Bar complied
1709030002	NOISE	09/03/2017	0:31	29 BROADWAY	INSIDE	2nd complaint. Decibal reading requested. Results were 38.5 38 36.9 37.3 39.7 during 15 minute reading
1709030036	NOISE	09/03/2017	23:24	29 BROADWAY	INSIDE	Request to close back door. Door was closed on arrival

TALLY OF REPORTING PARTIES  
 ANONYMOUS: 3 calls  
 R/P #1: 1 call  
 R/P #2: 2 calls  
 R/P #3: 32 calls

TALLY OF TYPES OF DISPOSITIONS  
 FOUND DOOR OPEN: 18  
 FOUND DOOR CLOSED: 13  
 UNKNOWN DOOR STATUS: 2  
 OUTSIDE COMPLAINT: 3  
 INSIDE COMPLAINT:  
 NOISE READING TAKEN: 2  
 NOISE VIOLATIONS: 0

1709050081	NOISE	09/05/2017	23:08	29 BROADWAY	INSIDE	Complaint of loud music and open doors. Officer responded. There was no band playing and doors were closed. There was a Request to close door. Door was closed on arrival bar advised of complaint
1709050082	NOISE	09/05/2017	23:59	29 BROADWAY	INSIDE	Request to close door. Bar complied
1709080052	NOISE	09/08/2017	17:32	29 BROADWAY	INSIDE	Anon complaint of outside band members using profanity
1709080056	MISC	09/08/2017	18:48	29 BROADWAY	INSIDE	Complaint of outside band playing past 8pm. Call came in at 8:02pm. We did not confirm the reported violation
1709080062	NOISE permit vio	09/08/2017	20:05	29 BROADWAY	OUTSIDE	Request to close back door. Door was closed upon arrival
1709080067	NOISE	09/08/2017	23:17	29 BROADWAY	INSIDE	request to close back door. Door was closed and no music on arrival.
1709090001	NOISE	09/09/2017	0:05	29 BROADWAY	INSIDE	Complaint of unusually loud music and request to close door. Officers advised the door was closed and music was not unusually loud upon their delayed arrival
1709090005	NOISE	09/09/2017	1:09	29 BROADWAY	INSIDE	Request to close back door. Door was closed on arrival
1709090078	NOISE	09/09/2017	23:31	29 BROADWAY	INSIDE	Request to close doors. Bar complied.
1709170001	NOISE	09/17/2017	0:54	29 BROADWAY	INSIDE	
38 total						