



TOWN OF FAIRFAX

STAFF REPORT

September 7, 2016

TO: Mayor and Town Council

FROM: Garrett Toy, Town Manager *GT*

SUBJECT: Receive report on noise from Peri's Bar

RECOMMENDATION

Receive report on noise from Peri's Bar allowed under its use permit

DISCUSSION

At its July 2016 meeting, the Council directed staff to agendize for discussion the noise from Peri's bar based on concerns raised by a resident during open time. The resident's concerns involved the Planning Commission's (PC) approval of a use permit allowing Peri's to have live music in its front and rear patio areas and the type of allowed music.

Since the Council meeting, the PC, at staff's request, clarified at its August 18th meeting the conditions of the use permit for Peri's. The PC clarified that the restrictions for the front patio also applied to the rear yard area. Specifically, activities in the rear yard are allowed to have acoustic music with only voice amplification from 4:00pm to 8:00pm on Thursday through Sunday. The PC clarified that the entertainment group size is limited to no more than 3 members for the rear area. The PC indicated it would like to evaluate the overall use permit sooner than the initial six-month period (i.e., prior to January 2017). The use permit review is scheduled for the October PC meeting.

Staff has informed the business owner of these conditions (please see attachment). It should be noted that the resident who voiced the concerns also attended this PC meeting.

ATTACHMENT

Notice of Planning Commission Action dated August 23, 2016



TOWN OF FAIRFAX

142 BOLINAS ROAD, FAIRFAX, CALIFORNIA 94930
(415) 453-1584 / FAX (415) 453-1618

August 23, 2016

Adam Jepson
Peri's Bar
29 Broadway
Fairfax, CA. 94930

NOTICE OF PLANNING COMMISSION ACTION

RE: 29 Broadway; Application # 83-UP-32

Clarification of what types of occasional private uses are permitted by Use Permit # 83-UP-32, approved June 16, 2016, in the outdoor back-yard area of the bar; Central Commercial (CC) Zone; Charles Peri, applicant/owner; CEQA categorically exempt, § 15301.

Dear Mr. Jepson,

At its meeting on August 18th, 2016, the Fairfax Planning Commission clarified the parameters of Use Permit # 83-UP-32 approved on June 16th, 2016, as follows:

- Only non-amplified music is allowed in the backyard area with the exception that a single singer can be amplified. Amplified Disc Jockey music is not approved.
- The music and entertainment is approved in the backyard from 4:00 PM to 8:00 PM only. Music or entertainment prior to 4:00 PM and after 8:00 PM is a violation of the Use Permit and can result in the Use Permit being reviewed for modification or revocation.
- Only two (2) to three (3) entertainers or musicians are approved to play in the back yard at any one given time.

The Commission suggested that you talk to your employees, musicians, etc. to see if you can come up with some ways to ameliorate the sound being broadcast out to the neighborhood from the backyard area. Two suggestions to minimize noise from the backyard were to erect some type of baffling or noise barrier on the fence, and directing any speakers to face the rear of the 29 Broadway building, away from the neighborhoods located to the south.

The Commission also indicated that they want to review the entire Use Permit to further clarify their approval for the side, semi-enclosed, patio area and the backyard. They requested a report from the Fairfax Police Department sooner than the

previously scheduled 6-month review in January of 2017. The matter has been scheduled for the October, 20th, 2016 Planning Commission meeting.

If you have any questions regarding the Planning Commission action please feel free to contact the Fairfax Planning Department.

Sincerely,

Linda Neal
Principal Planner