



TOWN OF FAIRFAX

STAFF REPORT

February 5, 2014

TO: Mayor and Town Council

FROM: Garrett Toy, Town Manager GT

SUBJECT: Discuss and accept status report on the neighborhood meeting regarding noise from Deer Park Villa

RECOMMENDATION

Discuss and accept the status report.

DISCUSSION

At the October 2013 meeting, the Council listened to noise concerns raised by residents living near Deer Park Villa. Based on those concerns, the Council requested staff to meet with the neighbors and the owner of Deer Park Villa to discuss the issues. The Town Manager and Police Chief met with interested neighbors and the owner at the facility to discuss the issues. About 30 people attended the meeting.

The primary concern of the neighbors was the noise generated by outdoor events caused by amplified music and speeches (e.g., wedding speeches). The dilemma is that the owner's efforts to grow the business is related to the use of the outdoor venue (e.g., wedding, parties), which probably creates more opportunities for amplified sound. The owner, as well as his staff who attended the meeting, indicated their willingness to try to address the issues, including retaining a sound expert to evaluate the venue and suggest methods for attenuating the sound from outdoor events.

The owner indicated his commitment to the following in an email (bullet points and italics added):

- *Management has been and will continue to help control volume for all of our events. They will be assisted by our staff. The goal is to improve the effectiveness of these efforts.*
- *We do answer calls about noise and will continue to do so. Our staff is instructed to be professional at all times.*
- *Outdoor amplified music is currently at a 10 pm ending time. In almost every case we will try to end earlier. Indoor music will continue as always with a special concern for keeping our doors and windows shut and monitored by staff.*
- *We are consulting with a sound expert as previously communicated to you.*
- *We currently monitor the property perimeter and take sound readings.*
- *The use of an in-house DJ will be more common place with some flexibility for our clients.*
- *We are consulting with sound experts to help minimize noise levels.*
- *Residents are invited to Deer Park Villa. We are open to the public. Sight tours can be set up to see our operations.*
- *We are already implementing measures to reduce and mitigate. We will be assessing costs associated with these measures.*
- *I can personally be reached at almost any time or with a quick response time.*

The owner has stated he will continue to comply with the noise ordinance. Since the neighborhood meeting, the Town has received 3 reported complaints of noise (e.g., incident report prepared). While the owner has made good faith efforts to try to address the neighborhood's concerns, there will

always be some noise complaints because the property will continue to be a restaurant with an outdoor venue surrounded by residential homes. However, staff will continue to monitor the situation.

With regard to the enforcement of the noise ordinance, a question was raised by a resident at the January Council meeting regarding the interpretation of Section 8.20.050 (B) (1) (see attached). Staff's position on the noise ordinance is that it is poorly written with many inconsistencies. Staff intends to bring to the Council at a future meeting amendments to the Noise Ordinance to eliminate these inconsistencies and to reflect the policies discussed in the General Plan's Noise Element. As a result, staff will continue to enforce the Noise Ordinance based on its current practice until the ordinance is amended.

FISCAL IMPACT

None at this time.