

Altavista Condominium Unit Owners Association

900 North Stafford St., Arlington, VA 22203

March 12, 2014

County Board of Arlington County, Virginia
2100 Clarendon Blvd #300
Arlington, VA 22201

Dear Members of the Arlington County Board

On February 20, 2014 the Board of Directors of the Altavista Condominium Unit Owners' Association approved the attached statement concerning the draft Arlington County Noise Control Ordinance dated January 31, 2014. This statement, which includes a summary of recommended changes to the draft Ordinance, is hereby forwarded for your information.

While the draft in many ways is excellent, the Altavista Condominium Unit Owners' Association is deeply concerned that it fails to give our homes the same protection against abusive noise that it gives other residences in Arlington County. The limitation of Paragraph 15-6 sub-paragraph G to "R" districts leaves us without recourse against disruptive crowd noise, particularly impulsive, which while failing to reach extreme decibel levels can be severely intrusive within a private home. This is already a serious problem in part of our building and the advent of additional loud noise sources in our neighborhood could easily make it a problem in the entire building. As a community of 277 homes on a single city block – many more than on the average "R" district block— we feel that all homes in Arlington, whether part of larger structures or on individual lots, deserve the same protection against noise that rises significantly above ambient levels.

A group of homeowners from the Altavista and the nearby Berkeley has been working with County officials towards this objective. The Altavista Condominium Unit Owners' Association fully supports the improvements to the draft Ordinance recommended by the Altavista/Berkeley Ad Hoc Committee of Concerned Homeowners, submitted separately by them, and endorses the efforts of this group to make the new Ordinance fully effective in providing protection against disruptive noise to all homes in our communities.

Sincerely,



Stephen S. Roberts
President

Altavista Condominium Unit Owners Association

February 20, 2014

Statement on the Draft Arlington County Noise Control Ordinance

The Board of Directors of the Altavista Condominium Unit Owner's Association, having studied the draft Arlington County Noise Control Ordinance dated 15 January 2014, believe that overall it is an excellent document that will serve the County well. It is undermined, however, by the following weaknesses that, if not corrected, will make it ineffective in preventing noise disturbances from disrupting the quality of life within the Altavista and possibly degrading our property values.

1. "The Roar of the Crowd" is not covered adequately.

Excessive crowd noise, particularly impulsive, can be enormously disruptive in a residence. Even if it does not produce dramatic readings on instruments, it can have a visceral effect in locations that should be private such as one's own home, and is impossible to ignore. It is covered in Para. 15-6, Prohibited Acts, Sub-paragraph G, but only for "R" districts. The Altavista, which contains 277 homes, is in a C-O-A district, yet it contains more homes and residents than most if not all similarly-sized blocks in "R" districts, and excessive crowd noise is just as disruptive in our homes as in homes in "R" districts. The restriction of Sub-paragraph G to "R" districts should be removed. We note that it is absent from the matching Sub-paragraph F that covers artificially produced noise. "Yelling, wailing, shouting, or screaming above the level of conversation" should also be included in the definition of "Noise Disturbance" in Para. 15-3.

2. Standards are inconsistent.

Para. 15-6, sub-Paragraphs F and G prohibit the production of sound "in such a manner as to be heard within any dwelling unit, house or apartment of another person at least 20 feet from the source of the sound, or at least 50 feet from the source of the sound and either across any real property boundary or at the curb or on the edge of the pavement at any built street." This well thought out standard, however, is not reflected in Para. 15-5, "Maximum Noise Levels" or in the definition of "Noise Disturbance" in Para. 15-3, both of which are limited to decibel readings. It should be added to both.

3. Enforcement may be ineffective.

Unless establishments and their proprietors are held responsible for excessive noise produced on their premises, it may be difficult or impossible for law enforcement to identify and charge individual patrons of those establishments who generate that noise or to ensure that such violations will cease. To remove any legal ambiguity, Establishments and Proprietors should be explicitly added to those held responsible for violations under Para. 15-6 sub-Paragraphs F and G and to those liable for penalties under Para. 15-9, Criminal Penalties, and Para. 15-10, Civil Penalties. Penalties for violations should also be increased to a level appropriate for Establishments and Proprietors. Definitions of these two terms may also be necessary.