

## Communication from Public

**Name:**

**Date Submitted:** 10/05/2023 04:07 PM

**Council File No:** 20-1074-S4

**Comments for Public Posting:** Council Members, Please vote NO to admitting the ambient music amendment into the revised Al Fresco permanent ordinance presented to the City Council's Planning and Land Use Management (PLUM) Committee on June 7th 2023. The music amendment will in effect disable the Los Angeles County Municipal codes governing noise regulations and the mechanisms for enforcement. City Planning reported that outdoor amplified music has been standard practice by the food and beverage operators during the temporary Al Fresco program. They presented data from LADBS concluding there was no substantial negative noise impacts affecting most of the residents in the city of Los Angeles. Crucial data from the Los Angeles Police Department is missing in this analysis. Most people call LAPD with noise complaints, not LADBS. During Covid lockdown, city employees were furloughed or took early retirement and LADBS policy was to take no action with non-safety related complaints and currently they are behind in their investigations. Presently, there is no central city agency overseeing the enforcement of violations being committed by non-compliant businesses operating under the temporary Al Fresco program. During lockdown, an email I sent to Al Fresco dining was replied to by the Department of Transportation Mobility Deputy at the Council office who then re-directed my complaints to the Al Fresco dining team at City Hall who never responded. The Mobility Deputy also sent website links to the Los Angeles County Health Department and to MyLA311, the latter agency closed complaints immediately. The Bureau of Engineering posted the guidelines for the Al Fresco dining program on their website but it was impossible to reach their enforcement division without a passcode. As a resident living 100 feet from a bar that was issued an Al Fresco dining permit, despite no dining, fellow residents and I are alarmed with the proposed music amendment. Over the years, we residents in the surrounding neighborhood have endured amplified music, both live and pre-recorded along with screaming patrons from this bar operating outside on their adjacent 6,492 square foot parking lot and serving only alcoholic beverages. It is not a dining establishment. Dining establishments have limitations on the hours they are able to operate outdoors but this business ignores the 10:30 PM curfew guidelines under the Al Fresco program and

operates under the conditions of their ABC license. The amplified music violations were characterized in the report as key to providing an enjoyable experience when in fact many of the non-compliant operators should've been cited, fined and even had their Al Fresco permit revoked. Instead these restaurant/bars will continue to be rewarded for their bad behavior with future assurances that their Al Fresco permit would be renewed automatically when the ordinance becomes permanent waiving CUB and RBP requirements allowing them to bypass the public hearing process. Noise is a low priority for LAPD. As it is, many residents who attempt to reach the LAPD non-emergency dispatch line are being forced to endure wait times in the 50-90 minute range. Most patrol officers will give a verbal warning to violating businesses and leave. It will take many complaints over many, many months to coordinate an investigation with LADBS who with LAPD have to observe the violation, measure the noise levels with the proper equipment administered by the LAPD noise enforcement team, before they can establish proof a violation has risen to the level of a code violation to initiate legal enforcement involving the city attorney. The suggestion by the PLUM committee to enlist LADBS to create a hotline specifically for noise complaints related to restaurants outdoor dining spaces, and to tally and record those complaints for future reference will not realistically address or mitigate the non-compliant operators exceeding the noise levels inflicted upon residents residing in the surrounding neighborhoods. We need to evaluate the current temporary Al Fresco program before implementing a permanent outdoor dining ordinance. Data from other city agencies such as the Los Angeles Department of Transportation, Department of Planning, and the Department of Public Health may be helpful. Key to all this is public input. Feedback from residents, in particular those who have been directly impacted by the temporary out door dining program must be included in the final analysis before establishing a permanent outdoor ordinance with out door amplified music. Thank you for your consideration. Sincerely, M. Snyder, Venice resident