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Fwd: PUBLIC COMMENT

1 message

Candy Rosales <candy.rosales@lacity.org>
To: Daniel Luna <daniel.luna@lacity.org>

Thu, Nov 9, 2023 at 2:19 PM

Candy Rosales | Legislative Assistant

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From: **A.E. Penn** <anne1penn@gmail.com>
Date: Thu, Nov 9, 2023 at 2:17 PM
Subject: PUBLIC COMMENT
To: <candy.rosales@lacity.org>

NAME Nearby Neighbors
FILE# 20-1074 s4

As residents who live within very close range of al frescos, we support the Alternate Ordinance, given the two choices. However we hope planners will consider including, in both ordinances, an amplifier-free noise buffer zone for neighbors living within very close range. Or perhaps this could be included in the CUP. Some of us live 15 feet from al frescos. Outdoor amplified sound is designed to carry. It is almost always audible nearby and has a life-changing impact on neighbors, due to its excessively long durations of 8-11 hours or more over a period of days, weeks, years, lifetimes. In these conditions any audibility is exponentially greater. This can be solved by retaining the current prohibition of speakers within a distance of about 100 ft of residences, a fraction of the 500 ft currently required.

We aren't requesting anything extra -- only to retain a normal environment without the addition of amplified sound, as enshrined in both the LAMC 111 and California Health & Safety Code 46000. The EPA's website says "The fact that you can't see, taste or smell (sound) may help explain why it has not received as much attention as other types of pollution, such as air pollution, or water pollution." (Clean Air Act Title IV - Noise Pollution, updated 8-08-23)

OUTDOOR AMPLIFIED SOUND IS ALMOST ALWAYS AUDIBLE NEARBY

Evaluating decibels & ambience involves acoustic variables that behave dynamically with results that can be ambiguous & potentially contentious, according to 2 separate Los Angeles acoustic engineers in recent unpaid phone conversations. These and other experts report that a difference of 5 decibels is audible. We don't know how effective noise regulating devices & methods will be at nearby locations. There hasn't been time or opportunity to see how acoustic complications might play out in real life, and there will be thousands of new amplified restaurants in densely populated areas. It's a bleak prospect for residents, who would find themselves in a bad situation after it has already become law, with enforcement resources stretched thin.

HEALTH HARM

Physiological effects of excessive, chronic noise are well documented. A New York Times article serves as an overview, backed by 26 sources including Harvard Medical School & other top university medical & research centers, as well as independent research laboratories & government health information agencies.

The article describes brain scans of unpleasant noises entering the ear and being relayed to the brain's stress detection center, the amygdala. Brain scans show the body's chain of reactions as people "listened to unpleasant sounds, styrofoam rubbing, nails on a chalkboard, a dentist's drill..." Chronic overstimulation of the endocrine center releases too much cortisol, adrenaline and other chemicals. The sympathetic nervous center begins raising heart rate and blood pressure and the production of inflammatory cells.

(<https://www.nytimes.com/interactive/2023/06/09/health/noise-exposure-health-impacts.html>)

WALKING DISTANCE NEIGHBORS ARE AL FRESCOS' BUILT-IN CUSTOMER BASE

Residents in close range of al frescos believe their noise protection rights can be preserved without impacting the al fresco program. Encouragement of foot traffic has been a goal of the program, and people in close walking distance are potentially among the most reliable customers. Good food & customer service are highly valued and much harder to find than amplified music.

In fact, music was absent among the top 20 valued amenities in a Yelp survey of more than 6000 U.S. restaurants, and noise level was the 2nd most valued, obviously referring to preference for lower noise level.

(What Amenities are Significant to Restaurant Ratings https://rstudio-pubs-static.s3.amazonaws.com/123482_ffd4886c34d044bc8fb34a210e7cb946.html)

As a practical approach, the best models of al frescos close to R-zones may differ from those of locations farther away. The variation in type might address possible competition among a proliferation of al frescos.

Music isn't necessarily a feature at casual lunch style restaurants of the kind that is, according to a recent CNN article, becoming more popular post-covid. Customers have returned "but still prefer to get meals via the drive-thru, a pickup window or delivery more than they did before."

Popular and gourmet food trucks remain a beloved Los Angeles genre where amplified music isn't expected (<https://www.timeout.com/los-angeles/restaurants/best-food-trucks-in-los-angeles>).

Quiet al frescos will be greatly appreciated by neighbors, a restaurant's best walk-up customer base. A synergistic relationship also depends on avoiding harm to one of the parties. To this end, nearby neighbors request a fair balance of residential and commercial interests with the inclusion of an amplifier-free noise distance buffer.