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## RE AIFresco Ordinances

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Name: Neighbors Near AIFrescos

File: 20-1074

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"All Californians are entitled to a peaceful and quiet environment without the intrusion of noise..." HSC 46000, State of California Noise Control Act

Re AIFresco Primary Ordinance & Alternate Ordinance

Dear Councilmembers,

As neighbors within 15-100 ft of outdoor restaurant amplifiers we urge Vote NO on any version of the ordinance that does not include:

(1) In both ordinances retain a speaker-free distance for nearby residences (within about 100 ft)

(2) Add to Alternate Ordinance same or similar enforcements as the Primary Ordinance

The al fresco program has a mandate to remove obstacles for restaurants, which seems unavoidably likely to create significant pressure to grant CUPs for speakers. A consequently large population of speakers combined with weak enforcement are the same conditions causing the last 3 years of amplified noise. For this & the following reasons, please require speaker-free distances close to residences & implement effective enforcement for violations:

(1) Effects of noise regulations can't be known until after they're law.

Noise regulating proposals on pages of the Ordinance haven't had time or opportunity for reality-testing in dense populations with sparse enforcement. With much uncertainty & much at stake, there is no reason to completely eliminate the current 500 foot noise buffer distance at R-zones instead of retaining at least some portion of it.

(2) Close-range amplified sound creates significant noise impact. Amplified sound carries, especially outdoors. By the time a restaurant's music is loud enough to be heard above its 65 decibel conversation level, it's too loud at a nearby neighbor's 47 dB level.

City reports mention 5 decibels as a permissible level by which to exceed neighboring ambience, however the difference is audible at nearby residences. These seemingly minor increments can make an exponential difference for close-range residences due to extremely long hours of broadcast.

(3) Duration, inescapability & permanence of amplified sound intensify noise impact.

Focus has been on decibels & ambience, but duration exponentially increases noise impact. Endurance of amplified music over hours, days, and decades reaches the level of excessive, and excessive becomes noise, as proscribed in LAMC 111: "It is hereby declared to be the the policy of the City to prohibit unnecessary, excessive and annoying noises."

(4) Health Harm of Chronic Noise : 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. Brain scans showed that chronic noise overstimulates the endocrine center, which then releases too much cortisol, adrenaline&other chemicals. The sympathetic nervous center begins raising heart rate, blood pressure & production of inflammatory cells. (<https://www.nytimes.com/interactive/2023/06/09/health/noise-exposure-health-impacts.html>)

(5) Damage to Property Value & Rentals Quality: "Aside from school quality & view, noise is among the most significant locational factors affecting the value of residential property." (A. Szczepan ska et al./Transportation Research Part D 36 (22015) 167-177).

(6) Underrepresentation of nearby residents

It's probable that a comparatively smaller percentage of residents are represented in public forums, due to lack of advocacy compared with that available to restaurants.

California Restaurant Association and The Independent Hospitality Coalition (IHC) vigorously promote industry interests "through aggressive lobbying," according to their statement of purpose. Both have been active advocates of restaurants' interests in regard to the Al Fresco program. In February CRA requested a list of Los Angeles temporary al fresco permits in order to help restaurants "advocate for policy solutions..."

Professional advocacy can serve a good purpose. The point here is that residents' lack of anything comparable probably diminishes their percentage of representation & not necessarily their lack of concern about noise.

The City reports that it has no statistics per se on al frescos close to R-zones. Without this data the noise impact designation of "Less than significant" is uncertain. Knowing it would address 2 issues. If there is an insignificant number, the City might be willing to allow these few areas to retain a reasonable minimum of their current 500 ft. speaker-free distance. And if the number is "substantial" per the CEQA standard, that too would be noteworthy. Either way, "All Californians are entitled to a peaceful & quiet environment without the intrusion of noise..." per the State of California Noise Control Act, HSC 46000. This policy is intended for all California & Los Angeles residents, with no need to exclude anyone.