

Communication from Public

Name: Amy Alkon

Date Submitted: 04/27/2023 09:58 AM

Council File No: 20-1074

Comments for Public Posting: My neighbor summed up the concerns of so many of us who are residents near a business with an Al Fresco license (and I share them so I've copied her letter in as my response as well). Many businesses behave like neighbors. Not all do. Al Fresco must not continue as a Wild West program with no means of enforcement. Businesses near residences must not be allowed to turn residents' homes and lives into noisy hells -- until all hours, violating Al Fresco noise restrictions. Noise is a pernicious attacker of health, causing elevated cortisol, preventing sleep, and causing many other issues. The California penal code prohibits disturbing the peace, yet homes around an abusive Al Fresco business are besieged with noise from 6pm to 2pm due to lack of enforcement of any kind, including lack of enforcement of time restrictions. Also, rowdy bars are being allowed to operate under the cover of being an Al Fresco dining establishment. A restaurant has a totally different noise profile than a bar. Before the business by my house realized they could cheat their way into being a bar pretending to be a restaurant, the noise went from minor to stadium-like for hours and hours. This is theft -- of a valuable intangible: They are stealing the peaceful enjoyment of our homes. Our sleep. Our ability to quietly read a book on the couch without hooting shouts. Additionally, a business allowed to violate the Al Fresco hours means rowdy drunks are blasting music in front our residences at 1 or 2am, waking us up. It is dangerous to confront them: to ask them to please be respectful. Please, make enforcement measures a priority. As a resident living less than 500 feet from Abbot Kinney Boulevard and 100 feet from a BAR that was issued an Al Fresco dining permit, fellow residents and I have serious concerns regarding the proposal of a permanent Al Fresco dining ordinance. When the temporary Al Fresco program was initially implemented in May of 2020, we residents had no say so in the matter. We residents were excluded from the process and the businesses quickly expanded their operations installing barricades onto public sidewalks, curbs and parking lots taking away valuable street parking. Parking is another issue that needs serious review and should not be ignored. Although there are metered and free public parking lots, the employees who work at the restaurants and stores on Abbot Kinney overwhelmingly prefer to park on the residential streets, straining the capacity for available street parking for residents and tourists, particularly at peak hours. While we understand the need for dining in the street during the pandemic, the time has now come to resume pre-Covid parking requirements. The BAR 100 feet from my residence is not a good neighbor. Take a look at the Al Fresco rules set down by LADOT Bureau of Engineering in the following link. <https://engpermitmanual.lacity.org/other-boe-permitsprocesses/technical-procedures/00-la-al-fresco-sidewalk-dining-program-rules-and> Scroll down to Rule # 10. Noise Restrictions: All temporary outdoor areas shall operate no later than 10:30 pm if adjacent to any residential areas (this included mixed-use) We residents are sleep deprived most weekends by the RAUCOUS cacophony coming from this BAR operating outside on their parking lot especially on weekends. Noise is a low priority for LAPD. LADBS complaints are closed or pending. BOE and Al Fresco punt complaints to BSS or LADBS and BSS punts complaints to LADBS. ABC and Planning signed off on the Al Fresco permit despite the fact the BAR is not a dining establishment and despite numerous complaints by residents they have not taken steps to mitigate the serving of alcohol outdoors. According to the Al Fresco Application Manual: All establishments must have a Conditional Use Permit - Alcoholic Beverages (CUB) from the city to serve alcohol as part of the Al Fresco Program. It was explained to me this business establishment does not have a CUP/CUX because it has entitlements to certain grandfathered rights issued by ABC. I'm not sure if these grandfathered rights hold exceptions protecting the BAR to new regulations in perpetuity despite the operator's flagrant disregard of the rules. The city set up the temporary Al Fresco dining program with no enforcement protocols! Rules and guidelines were written down however there isn't any enforcement whatsoever. Enforcement procedures need to be clarified and some kind of enforcement mechanism needs to be adopted to curtail the abuses inflicted by the BAR operating under the framework of the Al Fresco permit. According to the permanent Al Fresco ordinance, once a business had been approved for an AL Fresco permit, they will be able to renew it automatically and without enforcement protocols, we residents will be at the mercy of a business who believes they are above the law. Thank you for your assistance regarding this matter. Best regards, Amy Alkon

Communication from Public

Name:

Date Submitted: 04/27/2023 12:48 PM

Council File No: 20-1074

Comments for Public Posting: To Whom it May Concern: I expressed my concerns about the permanent AI Fresco ordinance that is being fast tracked to becoming a reality by early June in a previous email to Ms. Richardson. (see following) The one-size-fits- none” out door dining establishments being rushed through for the sake of expedience will not necessarily work for all, in particular the residents who live in the surrounding neighborhood and to assume this change will benefit all equally is a false assumption. Unfortunately, the lack of a concrete plan for enforcement protocols is a glaring example of what is not being addressed. Perhaps it’s the issue of the structure of which city agency oversees which portion of the AI Fresco ordinance but none oversees the implementation of the governance and how it can work as a whole. To require a business establishment to post a city issued identification and provide a phone number and an email address for complaints or concerns regarding the operation of the Outdoor Dining Area is basically giving free rein to self regulate with no real consequences for bad behavior! Thank you for your consideration. Mari Snyder, Venice resident P.S. FYI: previous letter sent to Ms. Richardson As a resident living less than 500 feet from Abbot Kinney Boulevard and 100 feet from a BAR that was issued an AI Fresco dining permit, fellow residents and I have serious concerns regarding the proposal of a permanent AI Fresco dining ordinance. When the temporary AI Fresco program was initially implemented in May of 2020, we residents had no say so in the matter. We residents were excluded from the process and the businesses quickly expanded their operations installing barricades onto public sidewalks, curbs and parking lots taking away valuable street parking. Parking is another issue that needs serious review and should not be ignored. Although there are metered and free public parking lots, the employees who work at the restaurants and stores on Abbot Kinney overwhelmingly prefer to park on the residential streets, straining the capacity for available street parking for residents and tourists, particularly at peak hours. While we understand the need for dining in the street during the pandemic, the time has now come to resume pre-Covid parking requirements. The BAR 100 feet from my residence is not a good neighbor. Take a look at the AI Fresco rules set down by LADOT Bureau of Engineering in the following link.
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Communication from Public

Name: Betsy Goldman

Date Submitted: 04/27/2023 02:47 PM

Council File No: 20-1074

Comments for Public Posting: I attended the Zoom meeting today and asked that an Al Fresco permit not be granted to bars because they are not dining establishments. I was informed that bars are covered in the ordinance because they are required to serve food. There seems to be some confusion about different types of "food". A restaurant is defined as a place where people pay to sit and eat meals that are cooked on the premises. A bar is defined as a place where alcoholic drinks and light refreshments are served. A person looking for a "dining experience" is not going to a bar for peanuts and pretzels. A bar does not serve the appropriate type of food that is covered under the Al Fresco ordinance and, therefore, should not be granted its benefits.