

PROPOSAL CONCERNING THE CREATION OF AN INTER-AGENCY TASK FORCE  
TO COORDINATE THE ENFORCEMENT OF THE CITY'S AL FRESCO DINING  
ORDINANCE

Just over two years ago, the city passed Ordinance 188073 establishing a system for the creation of permanent outdoor (al fresco) dining in Los Angeles. In an attempt to balance the financial interests of applicants and the quality of life of those living close to these new spaces, the ordinance, among other things, prohibits the use of outdoor speakers and screens, live music and karaoke, and imposes mandated closing hours of 10:30 p.m. on Sundays through Thursdays and 11:00 p.m. on Fridays and Saturdays, if abutting or across an alley from a residential zone.

As per Councilmember Park in a letter to City Council during the ordinance process, "...the ordinance must provide immediate enforcement mechanisms to penalize businesses with outdoor dining areas that generate excessive noise. Clear protocols should be in place to ensure that restaurant owners and operators are held accountable if they're too loud. Without the ability to hold businesses accountable for their actions, residents living near these establishments will have no capacity to get the owners to comply with the ordinance. The final ordinance should include provisions for immediate remedies such as escalating fines and a revocation process for repeated offenses. Our current system, which routes all general noise complaints to LAPD, has been marginally effective. City Planning has indicated that additional resources would be needed to properly enforce an expanded outdoor dining program and, as such, I want to affirm a commitment to fund enforcement agencies to ensure that the Al Fresco program is successful."

Since the adoption of the ordinance, there have been a large number of complaints concerning some of the Al Fresco Dining operators in Venice (which, at 102, has an extremely high density of these spaces). Unfortunately, LAPD has indicated they do not have the manpower nor the mandate to investigate these lower-priority calls, and LADBS is not open after hours and has no centralized way to process these complaints, despite there being a mandate to do so in the ordinance (see LAMC 12.12.2, subdivision 24(D)(1)(viii)).

Moreover, it is the position of LADBS that LADOT and BOE are the appropriate agencies for most enforcement since much of the conduct at issue occurs on the sidewalk or in the street. However, contacting LADOT directly results in an email indicating that the proper avenue is to use MyLA311. However, MyLA311 has no tab nor clear option for filing Al Fresco Dining complaints, and upon using the "Other" tab, complaints, even when citing the specific license being violated, are automatically closed. The State Dept. of Alcoholic Beverage Control (ABC) similarly points to City agencies as the proper channel through which to seek redress.

In laymen's terms this is what is called "the run-around." No one City agency has responsibility, and no one does anything. And as a result, operators operate with impunity.

### **A First Step Toward a Solution:**

The mandate in the ordinance for real enforcement should be realized. While there are many steps that can and should be taken toward this goal, a first step would be the establishment of an inter-agency task force dedicated to the enforcement of the Al Fresco Dining ordinance. This group would:

- Have designees from the BEST unit of Planning, and the enforcement units of LADBS, LADOT and BOE, who would have primary responsibility for investigating and enforcing violations of the Al Fresco Dining Ordinance. The task force would divide the work as they see fit.
- Receive all calls/complaints concerning Al Fresco Dining violations or noise violations emanating from a business, including those to an Al Fresco Dining hotline (yet to be designated), LAPD, My311 or to a designated email.
- Keep a publicly discoverable log of ALL complaints received, whether by phone or email, listing at a minimum, the name of the business, the address of the business and the nature of the complaint.
- Issue a monthly list of all businesses that have received multiple violations along with a notation about whether an investigation was conducted and/or an enforcement action was taken.

Simply compiling centralized data about the impact of Al Fresco Dining on neighbors and residents will go a long way toward balancing the scales. Due to a lack of complaint and enforcement options operators are currently allowed to ignore the rules with impunity, essentially requiring their neighbors, including other Al Fresco Dining operators, to pay the costs of their operation in terms of noise and disruption, while they retain the profits. That is not the balance of interests the ordinance aimed to achieve. Collecting comprehensive complaint information will also allow the kind of targeted and thoughtful enforcement that can help curb the most egregious offenders.

This is not a complete solution. It does not require a dedicated enforcement unit, nor does it explicitly allow evidence of violations from citizens to be used in enforcement actions. It also fails to toughen penalties and does not explicitly permit the aggregation of violations (street, sidewalk and LADBS) to suffice for disciplinary or revocation proceedings. But it is a good start.