

To:
County Executive Marc Elrich
President County Council Evan Glass
Councilmember Kate Stewart

Re: Feedback on Proposed Late Night Business Safety Plan

I am writing in response to the proposed Late Night Business Safety Plan (Bill 14-23).

The idea of having a safety plan for late night businesses is a step in the right direction. However, I am concerned that the bill isn't quite detailed enough or well-thought-out enough to ensure meaningful accountability on the part of the businesses that it covers, and I want to urge County leadership that any final version contain answers to the following questions and issues that came to mind while reading it:

- How will members of the public know that the safety plan contains to be able to bring to the authorities' attention violations or non-compliance with its terms? Will the text of each business' safety plan be available online?
- The level of detailed oversight required of the police in preventing noncompliance with safety plan obligations is substantial. How will police routinely monitor a plan that is reissued every 3 years, given that the police have repeatedly indicated that they are stretched thin?
- The bill also raises the question of how the police will evaluate the quality of each proposed safety plan. The bill states that "the features of a late night business plan would depend upon the business," and lists many things a plan could, but is not necessarily required to, include. How will the police determine if steps being proposed by a business are appropriate/sufficient for that particular business? Will the police have the resources, data, and expertise necessary to develop benchmarks or requirements that can be applied to each safety plan application to approve or reject proposed safety plans? Will there be a way for community members to comment on a proposed plan?
- It strikes me that there needs to be some teeth to the bill that will allow for a business to be seriously reprimanded (more than just a small fine) where its plan is demonstrably inadequate to address the level of crime related to that business. If violent crime occurs in the close vicinity of any one business and is related to patrons of that business more than two times (as one example, Sweet Sweet Kitchen at the corner of Bonifant and Fenton Street), that business' plan should be deemed ineffective and the business should be shut down or forced to relocate to a non-residential area, if any can be found. It isn't fair to residents and to the business owners that are actually taking efforts to prevent crime and ensure safety if businesses that are non-cooperative can continue to operate in a way that disregards human life and makes the area less safe for everyone.
- In addition, while this is a comparatively minor note, the plan does not address noise disturbances caused by late night businesses. While this issue does not affect me personally, I know neighbors who state that music at nearby establishments at around 3am on weekend nights is so loud that they are unable to sleep.

- While this proposed bill is certainly welcome, I do wish that other action—such as restricting or preventing all-night businesses from operating entirely within 200 feet of a preexisting residential building—would also be considered as an option. I understand the goal is to create a vibrant downtown, but I’m not entirely convinced that the proliferation of so many all-night businesses in mixed-use areas is leading to the kind of vibrancy intended. I’ve lost track of the number of the late-night dangerous criminal incidents that have happened at my address (8310 Fenton Street) alone in the past 2 years, which I believe includes but is not limited to the following:
 - an unsolved incident where someone crashed through and destroyed a section of fencing in my parking lot;
 - a shooting from across the street where two bullets struck the couch in my living room and ricocheted into my wall;
 - at least 3 incidents where someone pounded on and tried to break into my front door at 3-4am (they tried to turn the handle to get in but the door was locked);
 - a shooting where my neighbors’ apartment units were damaged by gunfire;
 - two shootings that did not strike my building but that resulted in hospitalizations and/or deaths that occurred within a block feet of my apartment, including one that occurred yesterday at the building next door;
 - a shooting/armed robbery in the Safeway parking lot next door;
 - 5+ instances of graffiti and/or vandalization of property;
 - a drunken car crash outside my living room window that damaged a neighbor’s car;
 - an incident where someone tried to open the door of my neighbor’s apartment;

This does *not* include a few instances of drunk individuals defecating and urinating on the porch outside my front door. While I understand that crime is unpredictable and not always controllable, this still seems a like a lot for such a short period of time in a single location.

I continue to beg for meaningful, urgent action from our elected representatives before any further loss of life or serious injury occurs.

Sincerely,

Stefan Babich