

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

Re: Feedback on Proposed legislation bill XX-23; Late Night Business Safety Plan

I am writing in response to the recently proposed legislation bill XX-23; Late Night Business Safety Plan.

My wife and I purchased our condo in the Lofts24 building on Fenton Street in 2015, and were thrilled to live in the midst of a vibrant, diverse and lively urban community. Since that time, we have come to feel as though we are living in a war zone, with frequent deadly shootings, and stabbings, and, stray bullets ENTERING OUR BUILDING. To all the Council members I would ask how recently you have had stray bullets enter your home?

This year, one of our adult daughters has become afraid to visit us except during the day. This is not new, it has been going on for years now, and getting progressively worse, despite increased police presence. The council needs to decide whether it wants this neighborhood to be a safe and welcoming place for families to live and businesses to thrive, or just a hot spot for irresponsible businesses that are catering to criminals. It cannot be both. If you choose the latter, we will sell the condo and move someplace where government is more responsible and responsive to the needs of residents.

It seems quite tragic really, in that Silver Spring from the early 70's until recently had achieved so much in becoming a great downtown that attracts people from all over to enjoy it's many attractions. This happened at no small expense, but DTSS is now becoming just a haven for criminals and a place that people are afraid to go. What a waste of so much time, money and effort from so many, if you allow this to continue.

This proposed bill falls short in addressing concerns previously raised by area residents. While we welcome a vibrant night life with restaurants and bars, it should not be at the expense of safety and quality of life for area residents.

Questions and issues raised by this proposed bill's plan include the following:

- Late-night businesses are still permitted to stay open 24 hours therefore not addressing the impact for increased criminal activity during hours when police resources are reduced or the significant noise disturbances that occur routinely between the hours of 2am and 6am, when area residents, young and old, are trying to sleep.
- The loitering of customers leaving the late-night establishments directly contributed to at least three shootings on or near Bonifant Avenue in 2021. Specifically, in late July 21, around 3 a.m. a shooting caused a stray bullet to enter the bedroom of a unit in my building after a scuffle broke out involving late night patrons loitering in the street. In early December 2021, at 2 a.m. five businesses on Bonifant in the same block as my building were riddled by stray bullets as a result of a shooting involving patrons from a nighttime establishment and in late December 2021 around 4 a.m., mere feet away from my building, a shooting occurred involving patrons milling around in front of one off the late-night restaurants on Bonifant Street. The latter incident led to police shooting with the involved shooter and resulted in 4 officers being placed

on administrative leave for many months until cleared of wrongdoing. Note that all these incidents occurred after 2 a.m.

- The level of detailed oversight and verification required of the police in achieving uniformity in the application of the Late-Night Safety Plan Policy is substantial and raises questions as to how police will routinely monitor a plan that is reissued every 3 years. The bill requires no uniformity in requirements such as surveillance, security personnel, or training and implies that some businesses may or may not be required to include all of these items in their plans. ***It also raises concern on how the police will monitor the quality of the technology and manpower employed by all the businesses to prevent crime.***
- The police force is already significantly understaffed. Resources would be better served elsewhere. Closing late night business specifically near residential between 2-6am would reduce the need for police resources to respond to both nuisance calls and criminal activity. ***It is the most effective and efficient plan of action to maximize resource allocation and minimize crime.***
- The county has widely supported smoking restrictions in public areas to meet health standards of its population. It is difficult to understand why the county is in support of Hookah lounges where patrons can smoke 24 hours/day, 7 days a week and not be concerned with the health aspects of this permissive policy, not to mention the loitering, disturbances, and noise it causes in the late hours nearby residences.
- We applaud those business owners who are compliant and have proactively implemented safety measures. However, there are already businesses that have been identified as less cooperative. County agencies like ABS have been lenient with some of these same businesses and in our opinion have not aggressively monitored and enforced establishments for violations. How can we be assured that the Late-Night Safety Plan will be enforced, and non-compliant businesses will be immediately shut down?

In summary, the proposed plan addresses concerns of the business community - that they continue to be allowed to operate all night - but does not account for the impact all night hours have on our ability to feel safe in our homes and be free of nuisances which are a by-product of these businesses and include illegal parking and regularly being awakened by loud music and clientele who frequent these establishments. In addition to restricting hours of late-night businesses, exploring zoning that places ALL-NIGHT businesses in areas that do not affect residential quality of life should be another option that is considered.

We live here in downtown Silver Spring, and we are your constituents. Many of the customers who patronize the local all-night businesses do not reside in downtown Silver Spring. Our feedback should matter.

Sincerely,

Tom and Tracey Nagle
Lofts24 Residents