## Email message

Date: Wed, 21 Nov 2012 1:15:03pm From: To: Moni Dosanjh < **CC:** Robert Aronson < >, Jake Kaufman < Subject: Re: meeting on conditions

Thank you very much Moni, I'll read this right away.

Also, at the AdCom meeting Monday night, the Chair asked about the Zoning hearing. I believe you said something about a meeting or hearing in January. Can you please refresh my memory on what that was? Cheers

On Nov 21, 2012, at 12:35 PM, Moni Dosanjh wrote:

See responses in red below.

On Nov 21, 2012, at 11:04 AM, wrote:

Hi Moni,

If it's going to be by phone then I'm going to take some time and get our proposed condition changes written out, to make it easier to talk about. I'll let you know when I've had a chance to do that.

Meanwhile, can you please check your files for me and see if the phone number you have for Greg Shoop is (213) 978-1243, and if not, what number you have?

That's the number I have as well.

Actually, you might be able to save me a call to him if you have the answers I'm looking for re. the Certificate of Occupancy, etc. below. If you could call me in the next hour, that would be great! See attached for a copy of the C of O.

1. What is the rationale of using the exact percentage of 40% to attribute the service area and why is the applicant being allowed to use 41%? Is it correct or allowed for the percentage of service area to exclude the ADA POT? The 40% was determined by Greg Shoop based on his past experiences and him consulting with his senior staff who had visited the prior restaurant and were familiar with the prior layout.

We are not being allowed 41%. This was a typo on our Architects part. We have a total of 1,560 sq. ft. of building area and we are proposing to not exceed 624 sq. ft. (40%). Our plans current show 548 sq. ft. of service area, however; we were advised at the LUPC we should request for the maximum 624 sq. ft. so that we can secure the maximum number of "grandfathered" parking spaces.

2. What is the factor used in getting from 624 square feet of service area to maximum occupancy (between the plans and Robert's staff report, it's not clear what is being proposed, 41, 56, 60, another number?)? I.e. what are you proposing that the sign on the wall will say? How could it be 41 as per the chart on the plans, if indoor seating alone allows for 43?

Factor used was  $1,560 \text{ sg. ft.} \times 40\% = 624 \text{ sg. ft.}$ 

The occupant load sign that will be posted will read 41 occupants.

Because the seat count and occupant load have nothing to do with each other. The Occupant load is the determined the egress widths and number of exits not to limit the number of people allowed in the building. You can review the CBC and CFC as well as the NFPA to verify this.

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3. Why isn't maximum occupancy as per the application for the Certificate of Occupancy being used (43), especially as this document is the basis for the grandfathering of no parking, etc?

Because our occupant load is not 43 it is 41 based on the Code. We can't legally say our occupant load is higher then what our floor area calculations show. The Fire Marshall will not allow this.

Do you know what the "129" on that document signifies and why the building area of 1,460 is different than your 1,560 (it looks like someone made a correction on line 11, but not on the building area line)?

The 129 was the prior occupant load allowed when the roof deck dining was permitted. It was the total occupant load for the first floor and the roof deck dining.

See attached Zimas report for verification that 1,560 is the correct square footage. Also if you review the permit it says that space is  $29'-8" \times 52'-10" = 1,560 \text{ sq. ft. } +/-$ 

4. Do you agree that "maximum occupancy" includes all people in the building?

No. As mentioned above the occupancy load is to determine egress widths and number of exits.

5. Can you tell me the definitions/descriptions of G-2 and B-2 (so I don't have to look them up)?

These are old occupancy classifications from the older CBC. They used to refer to eating / food establishments. The ICC has since reclassified them to A groups.

6. Just to the right of "purpose of building" there is a little chart with four choices. Can you tell me what the heading says (??? activity) and what the choices are?

What document are your reviewing?

7. Where it says "parking spaces" and there is a 0, do you know if parking was not required at all back then for restaurants, or if they got some kind of a variance or exemption? (I wonder why they would even have that box on the form.)

From what were have been told no parking increase is generated from our project that is why there is a "0". Also the City will require use to show the required and provided parking and that is why this is on the plans.

8. Is there another approval required for the outside seating? I don't see that that was included in the original building permit.

No additional permit is required since we are not encroaching onto the ROW.

9. The application for the Certificate of Occupancy mentions "One-Story w/Roof Deck" on the attachment and simply One Story on the form. The Certificate of Occupancy mentions One Story and nothing about a roof deck. In this case, is it normal to assume the roof deck was also approved, or would the certificate need to say that? Shouldn't it just be treated like any other roof on a one story building?

We are not using the roof deck for anything besides storage of bulk items as currently being done by the current tenant. Not sure what the policies were when the Permit and C of O was issued by the City on descriptions.

10. The applicant has said that there is no documentation of any kind which establishes the size of the restaurant in 1971, but what exactly has been done, if anything, to try to determine whether there is any documentation of the size of the restaurant built after its approval in 1971? Do we know when it changed from a restaurant to a retail store, and why (restaurant moved to larger, C&O space?)?

We visited Records at least 5 times, We visited the ABC office twice, we visited the County Records Department, we visited the County Assessors Office and even reached out to the Venice Historical Society.

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Not sure when the current tenant moved in or why the C&O moved over.

11. Has the City or the applicant had any interaction with the Coastal Commission or do you know if you are going to need to have any review by them as a part of your application? I assume so, as the building is being rebuilt, or at least a signifiant portion of it is being redone. If so, what kinds of things will they need to approve? Do they "weigh in" on path of travel, and if so, what are their requirements or concerns?

We have spoke with them and since there is not change or use or CDP required we do not need to get any permits from them. We will only need to file a SPE when we submit for our building permits. The Mayor's office has also confirmed this for us as well.

Per the Greg it is the City that determines parking factors and items such as path of travel. As mentioned during the LUPC meeting this is an item that the City and Coastal have been discussing for some time now and all other projects have removed the path of travel from the area calculations as we are proposing.

12. What is the requirement for number of bathrooms/toilets (is it building & safety or health department?)?

Per Table 4-1 of the Code

13. Please tell us who are the owners of the land, of the building, and of the restaurant?

Claude Rafflo owns the property and building Simmzy's, LLC owns Simmzy's.

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Additional questions for Moni:

1. On the plans I have, the top box of the legends is cut off. Can you please tell me what circles 1 and 2 are?

1= Kitchen Equipment by others 2 = ADA Compliant Restrooms

2. What will the roof storage be used for and how often will it be accessed? If frequently, how will any related noise in doing so be controlled?

Bulk storage of linens, cups, glasses and other dry goods. The number of visits will determine on the volume of sales so it's hard to say at this point but I'd imagine a few times a day.

3. Can you please explain the "Occupant Load" chart to me?

Not sure what more you need on this. Breaks down the areas and the occupant load factors uses for each area. If you have specific questions I can answer them for you.

4. What is your plan for employee parking and management/ownership parking?

We are going to encourage carpooling and use of bikes. The manager will be local and will usually walk to the store.

5. Someone mentioned washing the dumpster. Who will wash it, when and where? (Yuk!) : )

Yes, the dumpers will need to be cleaned on a regular to not cause any rodent problems or smells. This will be done by our operations team at the dumpster site.

Also, please help me understand how you will have both TV's and background music. Will they be staggered? No, usually the TV is on mute and music is playing. If there is a event on TV and guests want to hear the event we would turn the music off/lower so the TV can be heard. Related to the sound, what are your plans for installing baffling or other sound mitigation measures during the construction, which I highly recommend is necessary in order to meet your conditions regarding noise limits (cannot be heard beyond north boundary)? That condition (#9) is related to the operations of the restaurant. As far as construction noise we will work within the allowable limits of the Noise Ordinance which I believe is 7am - 6pm. We will not have any loud machinery used during the morning and will only use them during the day to limit the amount of noise being geared during construction.

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And in addition to that condition in the LUPC motion, I assume that you are aware of the City sound ordinance that indicates that you can't make any noise after 10 pm within 150 feet of a residence, which you of course are. Yes the Code has limits on the DB levels allowed and we will stay below those allowable limits and comply with all conditions of approval.

As a prelude to our discussion, I want to point out a couple of key things. As I said to you on Monday night, many of the neighbors don't want any alcohol served at all and/or insist on adding parking if there will be alcohol served. The parking squeeze that an additional restaurant is going to add to our area is HUGE, as it's clear that a reasonably high percentage of your patrons will be driving, as with the other restaurants in this area, and unless they are REQUIRED to use the valet, this will result in an even larger deficit of parking in the area and the associated consequences for all of us. Residents are ticketed right and left for parking in ways that have been agreed on by the City or may be a grey area or only a slight violation. It's outrageous. And yet the City continues to allow more building/uses without parking. This is unacceptable and attaching parking to an intensification of use for serving beer and wine is an opportunity for us to improve the situation instead of making it significantly worse. Therefore, if we can get comfortable supporting the use of beer and wine in your restaurant, please understand that we must also be 120% comfortable that not only is your maximum occupancy agreed, understood and carefully controlled, thus my detailed questions above, but also that your restaurant not have any attributes of a bar ("looks like a duck...."), i.e. no bar, must eat and be sitting down to drink alcohol or be served alcohol (but also, can't come in and order a cup of soup and then drink for 2-3 hours), same hours as other restaurants in the area (see chart attached), etc. ALSO, we would like to work with you to be sure that your conditions will be effectively self monitored, as we are not comfortable relying on a process to which the City may or may not agree (requesting a plan review if three violations can be proven). I have some specific ideas in that regard that I think you might like and that are much lower cost than any City process would be. I hope we can work together to come up with a simple proposal, as enforcement is not the answer, from your point of view or the community's.

Understood. Let's try to connect via phone today to discuss the above.

Also, in the interest of full disclosure and our comfort level in working with you, we would like to know who the people are who came to the LUPC meeting to speak for the application.

We never met any of them prior to that meeting. They were there for a different agenda item. If you recall they all stayed back after we left for the agenda item after us.

Are these future employees? Are they friends of the owners or yours? Do they live anywhere near the applicant's site? We would like to know if you knew them or why they would come to speak in favor of the application and how they know so much about "land use" and other issues.

As stated above we never met them prior to that meeting and have no ties with them therefore I cannot speak to how much they know about land use.

Lastly, attached is a chart showing the hours of the Washington Blvd Restaurants/Bars. just finished it and I haven't had a chance to review and check it, but I'm including it for your reference. I'll send you another copy if I have any changes. Please let me know if you see any discrepancies.

Thanks. We also have a chart and a few of the hours do not match what we were told by the restaurants when we called them to verify. I'll send you our notes once they are completed.

<WashBarsRest.pdf>

I look forward to hearing back from you!!

Cheers,