

Council Meeting of
December 18, 2012

PUBLIC HEARING

SUPPLEMENTAL #1 TO ITEM 13A

Honorable Mayor and Members
of the Torrance City Council
City Hall
Torrance, California

Members of the Council:

SUBJECT: SUPPLEMENTAL #1 TO COUNCIL AGENDA ITEM 13A
MOD12-00007, PRE12-00014: Mesko Restaurant Group (Riviera
Village Properties)

The attached correspondence was received after the item was completed.

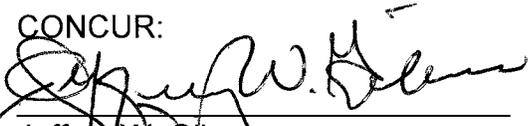
Respectfully submitted,

Jeffery W. Gibson
Community Development Director

By 

Gregg D. Lodan, AICP
Planning Manager

CONCUR:



Jeffery W. Gibson
Community Development Director

NOTED:



LeRoy J. Jackson
City Manager

Attachments:
Correspondence

Yumul, Soc Angelo

From: Lodan, Gregg
Sent: Tuesday, December 18, 2012 11:46 AM
To: Yumul, Soc Angelo
Subject: FW: Supplemental for Item 13A - Support for Rock & Brews
From: carolyn laliberte [mailto:4laliberte@gmail.com]
Sent: Sunday, December 16, 2012 8:33 PM
To: Werner, Margie
Subject: Support for Rock & Brews

To Whom it may Concern:

I am writing this letter in support of the proposed build of a family friendly restaurant Rock & Brews in Redondo Beach on the corner of PCH and Palos Verdes Drive. As a resident of the Hollywood Riviera I believe this will be an added improvement to the local community creating a place for families to eat and enjoy the surrounds. The renderings of the restaurant that I have seen are much needed and improved appearance of what currently exists. I can see no reason why this would not be a positive for locals. I do not believe there is loud bands that will play nor do I believe it would cater to those of the partying crowd. Many of the people I have spoken with in our neighborhood would look forward to this restaurant for many reasons, one of having an great experience and food from a similar one in nearby El Segundo. I fully support this project moving forward.

Thank you,
Carolyn LaLiberte
Hollywood Riviera resident
310.780.3169
90277

Yumul, Soc Angelo

From: Yumul, Soc Angelo
Sent: Tuesday, December 18, 2012 10:17 AM
To: Yumul, Soc Angelo
Subject: FW: Concerning the Zislis planned bar/restaurant

From: Murphy/Perkins [murphyperkins@gmail.com]
Sent: Sunday, December 16, 2012 8:40 PM
To: Scotto, Frank; Barnett, Gene; Brewer, Tom; Furey, Pat; Numark, Cliff; Sutherland, Bill; Rhilinger, Susan
Cc: Herbers, Sue; Jackson, LeRoy
Subject: Concerning the Zislis planned bar/restaurant

Dear Mayor Scotto and Torrance City Council,

When Manhattan Beach decided to develop the former Metlox site near its downtown it determined that there would be two restaurants and a "small" "quaint" bed-and-breakfast inn. At the time, no approval was given for a restaurant in the hotel to compete with the other planned restaurants. Mike Zislis said he would build that small inn and instead he built a nightclub and restaurant with an inn attached. Without initial permission from the city to offer food or drinks he built a bar and restaurant. The approved small jacuzzi on the roof for guests turned into a noisy party scene around a rooftop pool and bar. The downstairs restaurant spread outside with only a canvas curtain to shield the restaurant noise from the ears of his neighbors. Amplified music and drunken party noises disturb residents across the street from the planned quiet inn. To their complaints Zislis answered that this is a commercial area and they chose to live next to a commercial area.

Mr. Zislis will no doubt have lots of people write and come and talk to you about how he is a nice person and how he runs a good restaurant. All this may be true but as elected officials you should keep in mind that Mr. Zislis is in this business to make money and he does not care if he takes away the quiet enjoyment of their homes from those neighbors who live near his establishments.

Michelle Murphy
4420 The Strand
Manhattan Beach, CA 90266
310-545-6751<tel:310-545-6751>

Herbers, Sue

From: Dori Giuliano [vincana1@yahoo.com]
Sent: Sunday, December 16, 2012 8:49 PM
To: Herbers, Sue
Subject: Rock & Brew Restaurant

REC'D

2012 DEC 17 PM 9:24

To whom it may concern,

It is our opinion that The Restaurant on the corner of PCH and Palos Verdes Blvd (known as Oliver's) which is to be Rock & Brew would not be conducive for the neighborhood. The noise level, extra traffic and late hours is not fit for the area.

Thank you,

Larry Johnson
131 Palos Verdes Blvd
Redondo Beach, CA 90277

Sent from my iPad

Yumul, Soc Angelo

From: Lodan, Gregg
Sent: Monday, December 17, 2012 10:38 AM
To: Yumul, Soc Angelo
Subject: FW: MOD12-00007,PRE12-00014

From: Ruth Vogel e [mailto:RuthVogel@earthlink.net]
Sent: Monday, December 17, 2012 8:36 AM
To: Jackson, LeRoy; Gibson, Jeff
Subject: MOD12-00007,PRE12-00014

I am just resending these comments to your direct emails. Please excuse if already received.
Thanks very much,
Ruth Vogel

As a 50 year Riviera resident and retired Realtor, I am opposed to this proposed project with the following comments:

- Any residence or business affected by a continual barrage of loud music & patron noise until 11PM or later will be financially affected. Noise & nuisance activities will need to be disclosed to any prospective buyer or renter when adjacent or nearby property owners decide to sell their properties.
- My research has indicated that in Manhattan Beach there has been an ongoing & long history of noise issues & complaints from nearby residents regarding Mr. Zisliss' Shade Hotel. Shade is an "upscale hotel w/bar & rooftop deck." I ask you to google Shade Hotel Noise Issues to read of the ongoing saga. Apparently, most of the noise comes from the open front door entrance, driveway, open courtyard & parking lot.
- Mr. Zisliss continues to apply to the City of MB for approval for an assortment of special events designed to bring up to 250 people. Ex. A USC Trojan broadcast, an Oktoberfest celebration. Even though Mr. Zisliss has cooperated & agreed to making changes, the neighbors are still aghast at the amount of noise that continues to come from Shade. Interesting that the City of MB commissioned it's own acoustics study, which proposed mitigations, even though the study indicated that the noise from the Shade Hotel does not exceed their municipal code noise standards. Nevertheless, the study recognized that there is potential for the noise standards to be exceeded. The study went on to indicate that music & shouting noise might be reduced noticeably but doesn't mean that noise is reduced to a level no longer an issue for residents. The report also indicated that noise level limits may be exceeded if open at later hours due to lower ambient noise levels during later hours. (Ex. Decrease in traffic noise can increase the impact of other noise sources.) The acoustic report did recommend that Shade's outdoor terrace area should be enclosed as fully as possible w/ solid walls.
- During a 15 month period between July 2008 & October 25, 2009, MBPolice Deptment responded to 125 calls related to Shade. 37 of the calls were related to noise from music or a party with an average of 2 or 3 calls per month primarily later in the evening on Friday & Saturday nights.
- Noise levels & ordinances may be difficult to enforce. Police may be busy with more important things.
- Proposed closing hours for this project have kept changing from 11PM as stated by Planning Staff to 12PM & 1PM. Apparently, 2PM is possible on that site. These shifting times came from the applicants when they met with neighbors and concerned citizens. It seemed impossible to pin them down.

- Is our Torrance PD concerned about possible excessive drinking & public safety issues with Rock & Brew's close proximity to PCH & PV Blvd?
- Riviera Village is hugely different from the project's El Segundo site, where it is located on Main Street in a mainly commercial/industrial area & also, close to LAX & very close to the oil refinery. When I visited the site, take off & landings, as well as the hum & odor of oil fumes from the refinery could be felt. In El Segundo, Rock & Brew sits at the bottom of a fairly gradual but steep hill. This hill effectively blocks prevailing offshore winds which flow West from the ocean and to the East where the R&B sits. There is no residential neighborhood east of the El Segundo site. Unlike the Riviera site, where almost continual off shore breezes will carry noise eastward into the residential neighborhood with nothing to block or stop them.
- Also, at the El Segundo site there is no residential area within sight in any direction. The closest residential neighbor lives in a multi use building, but has a front porch which sits considerably uphill, perhaps 500 feet. In front of this porch, sits a very wide, tall & large, solid structure, which would operate as a sound barrier, obviously buffering the porch from any intrusive noise. Sitting on that front porch, it would be virtually impossible to see R&B. Coincidentally, this is the same neighbor who came forward at the Planning Commission hearing in support of Rock & Brew, stating that he was initially concerned but actually hears no noise.
- I have spoken with Michael Morales, who owns a business, Harmony Works, in Riviera Village. Mr. Morales, is the Riviera Village Representative to the Redondo Beach Chamber of Commerce. Also, he is President of the Riviera Village Business Association and has been for the past 12 years and has headed the Riviera Village Business Improvement District for 8 years. He currently chairs the multi-city South Bay Association of Chambers of Commerce. Mr. Morales informed me that there have been noise issues with 2 previous establishments near the intersection of Catalina Ave. & Avenue I. Catalina Grill which was on the south west corner of Ave. I & Catalina had a long history of noise issues with the neighbors involving complaints regarding indoor music. The City of RB made them cut down on the music, but complaints continued. Eventually, Catalina Grill went out of business. The other establishment was a Sports Bar where the current Chez Melange resides. The Sports Bar had loud indoor music and many ongoing complaints from nearby residents & the City eventually shut them down.
- Considering that the proposed Rock & Brew project is on the periphery of the Riviera commercial area, I do believe that it will have a more profound effect on the residential neighborhood which sits due east & in the heart of prevailing winds, as well as a deleterious effect on the mixed use neighbors next door.
- Unfortunately, the Rock & Brew folks do not seem to be amenable to completely enclosing the proposed patio.

- For all these previous reasons, I feel that this project is wrong for this site. Please listen to the residents, who would support a more compatible project. Kay White concurs with what I have set forth and we are both sorry not to be able to attend the hearing.
- Finally, as a Certified National Garden Club Landscape Consultant, it is my hope that who ever occupies this site will submit adequate landscape plans as laid out by Planning Staff and further, that larger trees of an appropriate size will replace the existing Ficus trees. This might also help mitigate potential noise as well as soften what might be a harsh exterior. Of course, the trees should not eventually obstruct views.

Thank you very much.

Ruth Vogel

114 Via La Soledad

Redondo Beach, CA 90277

ruthvogel@earthlink.net

Herbers, Sue

From: Dannisell@aol.com
Sent: Monday, December 17, 2012 9:58 AM
To: Herbers, Sue
Cc: NoOpenAirBeerGarden@yahoo.com
Subject: MOD 12-00007, PRE 12-00014

RECEIVED

412 DEC 17 PM 10

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: SAVE

PETITION OF MESKO RESTAURANT GROUP (RIVIERA VILLAGE PROPERTIES), 340 VISTA DEL MAR.

Dear City Council,

We are residents of the Riviera, and are strongly opposed to the creation of an Open Beer Garden in our area, which is a quiet residential paradise we all love and chose for its peacefulness.

Please deny this petition.

Thank you,

**Richard and Dannith Selway
127 Via Buena Ventura
RB 90277**

Herbers, Sue

From: Brewer, Tom
Sent: Monday, December 17, 2012 11:13 AM
To: Herbers, Sue
Subject: FW: Rock & Brews (Torrance)

REC'D
DEC 17 11:13 AM

FYI
Regards,
Tom Brewer,
Councilmember,
City of Torrance

From: Jason Cervantes
Sent: 12/17/2012 10:23 AM
To: Brewer, Tom
Subject: Rock & Brews (Torrance)

Mr. Brewer,

I am sending this to show my support for the proposed Rock & Brews location in Torrance on PCH and Palos Verdes Drive. It is a great place and would be nothing short of an asset to our community. It is a misconception to believe that a restaurant like this would be in any way troublesome for neighboring residents. I hope we don't find ourselves in a position where a small fraction of people from Torrance are allowed to speak on behalf of the rest of the city and are allowed to stop this great place from happening here.

Thank you,
Jason Cervantes
1608 W 226th Street #4

RECEIVED

DEC 17 2012

From: (310) 798-2400
Cynthia Kellman
CHATTEN-BROWN & CARSTENS LLP
2200 Pacific Coast Highway
Suite 318
HERMOSA BEACH, CA 90254

Origin ID: HHRA



J12201209200325

Ship Date: 14DEC12
ActWgt: 0.1 LB
CAD: 3818508/NET3300

Delivery Address Bar Code



City of Torrance
City Clerk's Office

SHIP TO: (310) 798-2400 X 6

BILL SENDER

City of Torrance
City Clerk
3031 Torrance Blvd

TORRANCE, CA 90503

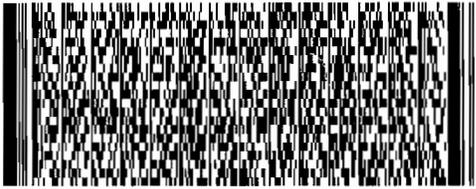
Ref # rocknbrew
Invoice #
PO #
Dept #

MON - 17 DEC A1
FIRST OVERNIGHT

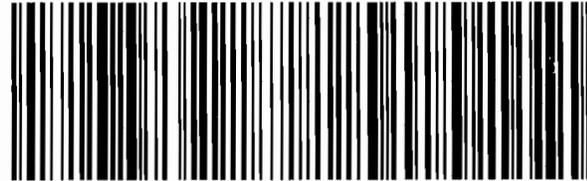
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CHATTEN-BROWN & CARSTENS LLP

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 HERMOSA BEACH, CALIFORNIA
www.cbcearthlaw.com

E-mail:
 DPC@CBCEARTH.LAW.COM

December 14, 2012

City Council
 City of Torrance
 3031 Torrance Boulevard
 Torrance, CA 90503

Re: Opposition to Appeal of Mesko Restaurant Group (Riviera Village Properties); Modification, MOD12-00007; Precise Plan of Development, PRE 12-00014 Regarding 340 Vista del Mar

Honorable Councilmembers,

On behalf of a group of residents who live in the Hollywood Riviera area of Torrance including Robert Keller, we strongly urge you to uphold the decision of the Planning Commission to deny the modification of a Conditional Use Permit (CUP) and Precise Plan of Development for the Mesko Group proposal at 340 Vista del Mar (the Project).

The requested CUP modification would likely lead to significant adverse noise and other impacts that could be avoided by maintaining the existing indoor restaurant use of the property. The Project has also been opposed by numerous neighbors and neighborhood organizations including the Riviera and Riviera Villas Homeowners Associations.

The Planning Commission's decision denying the Project was a well-supported and appropriate one. The Planning Commission properly found:

(c) That the proposed use may impair the integrity and character of the neighborhood because the outdoor area may impact the surrounding residential uses in the area;

(d) That the proposed location, size, design, and operating characteristics of the proposed use may be detrimental to the public interest, health, safety, convenience or welfare, or the property of persons located in the area;

(e) That the proposed use may produce the following results:

Nuisance from noise, Hazard occasioned by unusual volume or character of traffic or the congregating of large numbers of people or vehicles.

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 December 14, 2012
 Page 2

(Planning Commission Resolution No. 12-070, Agenda Item 13A at Planning Commission hearing of November 7, 2012.) “It is undisputed that members of the planning commission are experienced in matters of planning and development. . . . Therefore, [a planning commissioner’s] expressed opinion during a formal hearing . . . is significant.” (*Stanislaus Audubon Society, Inc. v. County of Stanislaus* (1995) 33 Cal.App.4th 144, 155.) The well-supported opinion of the Planning Commission should be heeded in determining first whether or not to uphold its denial of the Project and second in determining whether or not to conduct environmental review to consider the Project further.

The California Environmental Quality Act (“CEQA,” Pub. Res. Code Section 21000 et seq.) requires that prior to approval of a discretionary action such as the CUP modification, the City prepare an adequate environmental impact report to disclose and identify ways to reduce or eliminate potentially significant environmental impacts such as noise. CEQA does not require environmental review of projects which a public agency “rejects or disapproves.” (Pub. Resources Code § 21080 subd. (b)(5); CEQA Guidelines § 15378.) Therefore, if the City Council considers overruling the decision of the Planning Commission, adequate environmental review would have to be undertaken before a decision approving the Project could legally be made.

There is currently no valid basis for approving the Project. Instead of preparing adequate environmental review pursuant to CEQA, City staff relied upon an exemption from CEQA set forth in section 15303 of Title 14 of the California Code of Regulations. This exemption is not applicable. Section 15303 sets forth an exemption for new construction or conversion of small structures. Among the examples it sets forth are “A restaurant or similar structure. . . not exceeding 2500 square feet in floor area.” (Title 14, Cal.Code.Reg. (CEQA Guidelines) § 15303 (c).) This exemption is not applicable because the restaurant for which a CUP modification is sought is 5,826 square feet. By the terms of the exemption itself, it is not applicable. A lead agency’s finding that a project falls within an exempt category of projects must be supported by substantial evidence. (*Banker’s Hill, Hillcrest, Park West Community Preservation Group v. City of San Diego* (2006) 139 Cal.App.4th 249, 267.) “Exemption categories are not to be expanded beyond the reasonable scope of their statutory language.” (*Mountain Lion Foundation v. Fish and Game Commission* (1997) 16 Cal.4th 105, 125.) Exempting a 5,826 square foot facility does not fit within the exemption provided by section 15303.

Even if an exemption from CEQA were applicable, further environmental review would be required before approval of the Project because there is a reasonable possibility a project will have a significant impact due to unusual circumstances (CEQA Guidelines § 15300.2(c)). “[A]n activity that may have a significant effect on the environment cannot be categorically exempt.” (*Mountain Lion Foundation v. Fish & Game Com.*

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(1997) 16 Cal.4th 105,124.) Courts have emphasized that “[i]t is the *possibility* of a significant effect ... which is at issue, not a determination of the actual effect, which would be the subject of a negative declaration or an EIR.” (*Azusa Land Reclamation Co. v. Main San Gabriel Basin Watermaster* (1997) 52 Cal.App.4th 1165, 1200, italics in original.) Since the Planning Commission’s resolution, as well as evidence submitted by numerous residents opposing the Project, provides substantial evidence that there may be significant impacts, the requested Project cannot be approved without full environmental review in an environmental impact report.

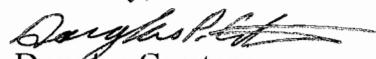
After the Planning Commission’s disapproval of the Project, the Project proponent obtained a noise analysis from Davy & Associates, Inc. that include various proposed mitigation measures, thus implicitly recognizing that there could be noise impacts without the inclusion of the mitigation measures. However, this analysis does nothing to change the correctness of the Planning Commission’s findings that a nuisance may be produced, and the Davy Report analysis cannot form the basis of an approval of the Project. A public agency may not mitigate its way into an exemption from CEQA since it may not decide a project is eligible for an exemption “when mitigation measures are evaluated.” (*Azusa Land Reclamation Co. v. Main San Gabriel Basin Watermaster* (1997) 52 Cal.App.4th 1165, 1199-1200.)

Furthermore, the Davy Report analysis is insufficient to establish that the Project will comply with Torrance noise ordinance and will not create significant noise impacts. (Enclosure 1.) On the contrary, acoustical engineer Neil Shaw of Menlo Scientific Acoustics, Inc. concluded that the Planning Commission’s finding that the Project may be detrimental to the surrounding community and may produce a nuisance from noise is correct. (Enclosure 1, p. 4.) In order to support a potential approval of the Project, its potential impacts must be examined in an environmental impact report so that the public may review and critique the analysis.

We urge you to affirm the decision of the Planning Commission denying approval of the Project and deny the appeal of the Mesko Restaurant Group. Please also inform us of any future environmental reviews or hearings related to this Project pursuant to Public Resources Code section 21092.2.

Thank you for your consideration.

Sincerely,


 Douglas Carstens

Enclosure:

Peer Review of Acoustical Analysis Report for Rock & Brews by Neil Shaw of Menlo Scientific Acoustics, Inc. dated December 13, 2012

ENCLOSURE 1

MENLO SCIENTIFIC ACOUSTICS, INC.

Consultants in Acoustics and Communication Technologies

13 December 2012

Mr. Douglas Carstens
CHATTEN-BROWN & CARSTENS LLP
2200 Pacific Coast Highway
Hermosa Beach, California

Subject: Acoustical Analysis Report for Rock & Brews
Prepared by Davy & Associates, Inc.

Dear Mr. Carstens:

The undersigned reviewed the subject report in regards to the noise impact of the proposed Rock & Brews restaurant at Pacific Coast Highway and Palos Verdes Boulevard in Torrance California. Please note the following items that need further clarification and analysis in the subject report:

A. Item 2.0 - Project Description

1. The shell of the building, including the roof mentioned in the report, appears per the drawing A-3.0 Elevations prepared by EB.E Associates Inc., and dated 12/05/2012, is a metal composite product called Alucobond Plus. This product is 4 mm (0.15 inches) thick, has a surface weight of $7/6 \text{ kg/m}^2$ (1.55 lb/ft²), an STC= 30 (a single number metric for sound transmission loss between rooms defined by ASTM E413) and an OITC = 24 (a single number metric for interior/exterior sound transmission loss defined by ASTM E1332).

2. Per drawing A3.0 “the openable doors” appear to be roll-up or garage type doors. No description of the manufacturer, model, or acoustic performance is provided.

B. Item 3.0 - City of Torrance Noise Ordinance Requirements

1. The applicable sections of the Torrance Municipal Code, division 4, chapter 8, article 7, section 46.7.2 a) 1) provides the noise level limit at the adjoining residential property and those nearest the proposed project. Levels at the proposed project boundary, may be in addition to, but cannot supersede, those in section 46.7.2.a) 1), therefore the lower level must be observed.

C. Item 4.0 - Residential Property Noise Analysis

1. The report describes some measurements made at the El Segundo Rock and Brews, but the reporting of the results does not allow for proper peer review.

First, the report does not include any graphic that locates the position described (the edge of the parking lot west of at a distance of 71 feet). Is this at the south end of the parking lot, the north end, or somewhere else? The location relative to the existing facility is important to determine shielding effects, sound radiation from openings in the building, etc.

Second, the report mentions the Leq metric, but does not specify the time period. A more accurate representation of the noise impact would be to look at the time history using a time period for the Leq measurement, for example a 1 minute over a period of 30 or more minutes, and reporting the results.

Third, the report does not present the levels measured at the parking lot of the El Segundo location. This parking lot is on two levels. Both sections of the parking lot are shielded from the open areas by windows, buildings, or both. The upper portion of the parking lot is at a higher elevation and is additionally shielded by a low block wall. More importantly, the level in the facility or in the patio adjacent to the facility is not reported as being measured or recorded.

Fourth, the assumptions used to calculate the levels presented in Table 2 are not described. For example, how was the measurement from the El Segundo facility manipulated to determine the noise at the proposed facility? The interior level used for the calculations is not reported. This is very important as the CUP should state the maximum level in the Torrance facility that will not exceed the levels in 46.7.2 a) 1) considering the limited transmission loss of the proposed exterior partition material, the number of garage type roll-up type doors, and the windows facing the nearby residential units.

Fifth, the locations described in Table 1 are not located on a vicinity map. For example, was the measurement location 4 on Camino de Las Colinas, which is shielded by the residence to some degree from the proposed project, or the rear second floor bedroom closer to the proposed project? Similarly, what was the elevation for locations 1, 2, and 3? Were they the closest points along the property lines to the source of the noise? As such the levels in Table 1 may not accurately present the noise impact.

Sixth, the character of the noise was not described. The A-weighted Leq, especially over a long time period, does not characterize the intermittent, impulsive nature of many types of popular music. Low-frequency noise propagates further than higher-frequency sounds and is more difficult to contain, especially with flimsy lightweight exterior partitions.

Seventh, on page three, for data taken over a period of time, such as the Leq metric, the time history of the measurement should be presented as well as the Leq time period. To say the Leq is valid "over any time interval" is incorrect and could be misleading to non-technical readers. The Leq is the sound level corresponding to a steady-state, A-weighted

sound level containing the same total energy as a time-varying signal over a given sample period. Leq is the "energy" average noise level during the time period of the sample. As mentioned above, the A-weighting discounts low-frequency sounds that may be perceived by a listener.

Eighth, Leq is not defined nor used in the TMC. Although Leq could be a useful metric, the time period for the measurement, as well as some spectral data is needed for the measurement to be useful in determining the impact of the noise.

Ninth, the report states that the "measurements taken in El Segundo were used to calculate the sound power (acoustic energy) of the measured noise levels. How the El Segundo outdoor noise level corresponds to the acoustic energy of the noise in the proposed project is not described, nor is the calculated sound power reported. As such, the accuracy and veracity of the levels in Table 3 can be questioned as accurately describing the noise levels presented.

Tenth, the distances used and the shielding assumptions are not presented to justify the levels presented in Tables 2, 3, 4, 5, and 6.

Eleventh, Tables 5 and 6 do not address the south property line.

Twelfth, noise from patrons, mostly at closing time in the parking lot just outside the bedrooms of the condominiums at the south property line (boisterous loud talking, shouting, car doors closing, maybe even horn-honking) is not addressed.

Lastly, the prevailing winds at the proposed project are not mentioned. The prevailing winds are from the Northwest and will exacerbate the noise impact from the project to the Riviera residences.

D. Item 6.0 Restaurant Noise Mitigation Measures

§6.1 - The addition of acoustic absorption in the dining area may help to improve the acoustic environment in this area. The sound isolation benefit from lightweight fiberglass panel is near zero and will not improve the limited performance of the Alucobond Plus panels. And they will not improve the performance of the operable garage-type doors.

§6.2 - noted.

§6.3 –There should be a drawing that shows how this is to be done. A large portion of these walls are clear glass and the proposed treatment, as described, would appear to cover these glass elements. How this treatment will increase the mitigation, which is due mainly to the height of these wall, is unclear.

§6.4 and §6.5 – ¼" laminated glass has an STC rating around STC=35. The Alucobond Plus panel technical data sheet lists the STC performance of these panels as STC=30. The major portion of the building envelope has sound isolation performance less than that

of the proposed windows. How this change in glazing for a small area of the building shell will increase the mitigation, and therefore the noise impact from the proposed project, is unclear.

§6.6 – The exact implementation of this recommendation is unclear without a drawing that details the location of this wall. In any event, how changing the wall type, or even increasing the height to 10', will lessen the impact of the second floor residences to the south is unclear.

§6.7 – How this recommendation will lessen the impact on the residences at an elevation higher than the top of the gate is unclear, even if this is an emergency exit. If not an emergency exit, this gate will be open during business hours.

E. Item 7.0 Ambient Noise Measurements

Ambient noise measurements at the proposed site are not a determining factor in applying the City's general noise limits. Instead the City's Municipal Code specifies the applicable noise limits in Section 46.7.2.

F. Item 8.0 Summary

For the reasons stated above, the information contained in the subject report is not sufficient to allow for independent verification that the project will comply with the City of Torrance Noise Ordinance. On the contrary, the Planning Commission's finding that the project may be detrimental and create a nuisance from the subject project is correct.

Sincerely,

MENLO SCIENTIFIC ACOUSTICS, INC.

Neil A. Shaw

Neil A. Shaw, FASA, FAES

NAS:sk

MENLO SCIENTIFIC ACOUSTICS, INC.

Consultants in Acoustics and Presentation Technologies

Neil A. Shaw, FASA, FAES - Principal

Neil A. Shaw, FASA, FAES, consultant in acoustics and communication technologies, has over 37 years of experience in noise and vibration control for performance, production, and academic spaces as well as corporate meeting and conference facilities, sacred spaces, sports facilities, and research laboratories.

His noise control projects and commissions include work for community groups, governmental agencies, and owners. Since 1976 he has prepared noise control evaluation and mitigation reports, documented via measurement and analysis the noise from various activities for many types of projects, and proposed mitigation measures to lessen the impact of these projects.

He has researched, prepared, and has reviewed the noise element of environmental impact reports for many projects. Recent commissions include an oil field in Kern County, a high school athletic field in Van Nuys, an athletic facility in West Hollywood, a roof top restaurant/club in West Hollywood, a residential development in Marina Del Rey, sports facilities in Cupertino and San Jose, and a retail development in Malibu.

He studied Electrical Engineering at the Cooper Union and received his BS Engineering and MS Engineering degrees in 1977 from the University of California, Los Angeles.

He was the author of, and was the adjunct faculty for, acoustics courses at the Southern California Institute of Architecture, and was a member of the adjunct faculty at the Thornton School of Music at University of Southern California. He has presented invited papers for the Acoustical Society of America and the Audio Engineering Society.

He is a Fellow of both the Acoustical Society of America and the Audio Engineering Society. He is a Senior Member of the Institute of Electrical and Electronic Engineers and a member of the Institute of Noise Control Engineering.

Herbers, Sue

From: Brian Sachse [briansachse@hotmail.com]
Sent: Monday, December 17, 2012 11:30 AM
To: Herbers, Sue; noopenairbeergarden@yahoo.com
Subject: MOD12-00007, PRE12-00014: Petition of Mesko Restaurant Group (Riviera Village Properties) at 6300 Palos Verdes Blvd (340 Vista del Mar)

Dear Mayor Scotto,

I am writing in relation to the petition for the "Rock & Brews" music venue that is proposed to be built at 6300 Pacific Coast Highway. This is directly across the street from our residence at 108 Palos Verdes Blvd. I previously sent a letter to the City Planning Commission and was relieved when they denied the petition. I remain deeply concerned about the following effects this proposed projects would have on our neighborhood and our daily lives:

1. The increased noise this will create until well into the night;
2. The increased congestion on an already busy corner; and
3. The effect on the visual appeal and community character in Riviera Village.

The proposed barn-like structure is bright red and is designed as an open air structure with patio seating and lots of signage. They will play rock music on big screen via 360 degree speakers and the patio will be open into the night hours. This is going to create a great deal of additional noise. This is unacceptable in this location as it is adjacent to several residential buildings on two sides including our own. We already have the existing noise from traffic and can clearly hear the music from the Bull Pen at night every time their back door is open. The addition of an open air rock & roll venue (which would be much closer than the Bull Pen) would be clearly audible and would greatly add to the noise level into the night. If this business is to be allowed to build in Redondo Beach it should be planned for a location where the noise will not be a problem for existing residential neighborhoods.

Additionally, I am concerned with the additional congestion that this would create on an already busy corner. Currently, it is hard to even cross the various converging streets at this intersection without getting run over. The addition of a rock & roll venue on this corner would increase the congestion and also would result in parking issues for the adjacent neighborhood streets and parking lots for all the neighboring businesses.

The proposed structure is also out of tune with the visual appeal of Riviera Village and would surely change the perception and character of Riviera Village. This is especially true as it would be the first thing that people saw in Riviera Village as they approach from the south on PCH or from the east on Palos Verdes Blvd. Knowing that a great deal of time, effort and money has been put into improvements of Riviera Village, including the beautiful renovation of the Esplanade, planters & bicycle parking accommodations, it would be unfortunate to have a big red barn with billboard type signage at the doorstep of the Village. Respectfully,

Brian M. Sachse

108 Palos Verdes Blvd, Apt. 2

Torrance, CA 90277

Yumul, Soc Angelo

From: Gigi Gonzalez [ggonzalez310@me.com]
Sent: Monday, December 17, 2012 12:58 PM
To: Yumul, Soc Angelo; Herbers, Sue; Sutherland, Bill
Subject: Rock & Brews, December 18th Council Meeting
 Subject: Deny Rock & Brews in our neighborhood

To Whom It May Concern:

I recently wrote to Honorable Mayor Scotto and Council Members on November 8, 2012.

In the event it did not make it into your staff report for tomorrow I am sending along the below.

Although I am in favor of privately owned business in my neighborhood I am not in favor of a (most recently partially) Open Beer Garden. I am giving the Applicant wonderful reviews on their efforts to make this look different or better or ???, but honestly it, in my opinion it isn't enough.

We do not live along the portion Pacific Coast Highway where businesses sport banners & flags to promote their business. You typically see and even expect that around the Car Dealerships in the City of Torrance.

I am not in favor of a Rock & Brews Beer Garden in my neighborhood, Love the idea, just not here !!

I am asking that you carefully review this business before voting yes.

I believe that this property is a gem and deserves different.

I am including the original letter sent on November 8, 2012. Although it is only partially relevant as of today.

Thank you for your service,

Gigi (aka: Virginia)

November 08, 2012

Dear Honorable Mayor Scotto, City Manager LeRoy Jackson, City Clerk Herbers, Council Liaison Werner
 Council Members: Barnet, Brewer, Furey, Numark, Rhlinger and Sutherland

I am writing to you today because of a recent situation close by to where I live and own a fourplex Apartment
 The purpose of this letter is to urge you to become more aware of this type of business before it comes in from

The Bar is called: Rock & Brews Beer Garden. Although I have personally met with the Zisis Group as well as
 Again, Love the idea of this project but after looking at the El Segundo property it in my opinion does not compare
 El Segundo has the noise from LAX as well as the Chevron Plant, and there are businesses surrounding the

You can serve food at Rock & Brews you can install a children's play area, invite doggies and call it a family

I am writing you today to urge you to conduct a noise study as well as reach out to the community before voting

I am in favor of a thriving business in my neighborhood owned privately!! I feel that of all the properties Zisis

Should you like to discuss this further in person please contact me.

Thank you in advance for your time,

~Virginia (Gigi) Gonzalez 108 PALOS VERDES BLVD. #3 REDONDO BEACH CA 90277 310.54

Yumul, Soc Angelo

From: Mary Ann Varni [maryann@downtownmanhattanbeach.com]
Sent: Monday, December 17, 2012 1:16 PM
To: Werner, Margie
Subject: Rock & Brews PCH (Riviera Village)
Importance: High

Good afternoon,

As both a resident of the South Bay and the Executive Director for the Downtown Manhattan Beach Business Association (DBPA), I have had the pleasure of working with Michael Zislis for the past 5 years. Michael is an integral part of our community. First and foremost he is a family man. With 6 children of his own, 4 under the age of 5 years old, Michael has great core values as a person and businessman. He has gone out of his way to listen to the residents of Manhattan Beach whether it be for the Shade Hotel or one of his restaurants. Many of Michael's restaurants are directly adjacent to residents and much closer than the new Rock & Brew PCH (Riviera Village). Any of these residents would attest to what a great neighbor he has been.

Rock & Brews has been a great addition to the City of El Segundo with its upbeat, family fun environment...not to mention terrific food. It is always nice to find a place that all age groups can enjoy.

As President of the DBPA, Michael was a true leader for the association by getting things done for the businesses, working closely with the City and Police Department to ensure business owners and community concerns were addressed. Whether it be parking, noise, or signage, Michael is always attentive and available for the people. His businesses are family friendly which is why he chooses to open in cities like Manhattan Beach, Redondo Beach, El Segundo and now Riviera Village. He also reaches out to those communities by supporting local education foundations & schools as well as family events, like the Pumpkin Races & Holiday Fireworks in Manhattan Beach to name a couple. In addition to being a long time Board member for the DBPA, he also sits on the Board of Torrance Memorial.

With a large family of his own and his extended family of employees, Michael is one of the most enthusiastic, reliable individuals and an asset to any community. In our town of Manhattan Beach Michael Zislis gives much more than he takes.

Thank you for your time and allowing me to share my thoughts.

Sincerely,

Mary Ann Varni
Executive Director/
Downtown Manhattan Beach
Business & Professional Association
P.O. Box 3298
Manhattan Beach, CA 90266
310-379-9901
www.downtownmanhattanbeach.com

Yumul, Soc Angelo

From: Erika Muelle [erika_muelle@yahoo.com]

Sent: Monday, December 17, 2012 2:50 PM

To: Werner, Margie

Subject: Rock & Brews in Redondo

To Whom it May Concern:

I have been living in Redondo for 4.5 years and one of the reasons I moved here was the great environment and the ability to walk or ride my bike to local restaurants and shops. I am a 50-year-old professional and I have been to the Rock & Brews in El Segundo several times. Rock & Brews is a family-friendly restaurant that has great food and a phenomenal selection of craft beers. I've never seen live music there and have met co-workers there and have been able to converse with no problem. I have found it to be a classy operation, just like all of Micheal's other restaurants. I think it would be a wonderful addition to the neighborhood. Please approve this project for me and the other reasonable local Torrance residents.

Thank you for your consideration,
Erika Muelle

Yumul, Soc Angelo

From: Gibson, Jeff
Sent: Tuesday, December 18, 2012 8:26 AM
To: Lodan, Gregg; Santana, Danny; Martinez, Oscar
Subject: FW: Torrance City Council Petition re: Rock & Brews
From: Audrey Colossi [<mailto:hiaudrey@gmail.com>]
Sent: Monday, December 17, 2012 3:05 PM
To: Werner, Margie
Subject: Torrance City Council Petition

To: Torrance City Council,

I am writing in support of Rock & Brews coming to the Riviera. I am a Torrance resident and am astounded at how a few grumpy neighbors are spending all of their time trying to stop such a good thing from coming to our town. My friend told me one neighbor is going door to door in the Riviera telling people that Rock Concerts are coming to town and they need to sign a petition to stop the drunken people from littering the streets. What?

Apparently none of these people have actually visited Rock & Brews. It is a great restaurant. I've never seen live music there, and doubt it is permitted. They have some of the best food I've ever had, at great prices! It's exactly what the Riviera needs.

Sincerely,

Audrey Colossi
3525 Emerald #12
Torrance, CA 90503

December 17, 2012

REC'D
DEC 17 PM 1:10

RE: MOD12-00007, PRE12-00014: Mesko Restaurant Group
ROCK & BREWS

Dear Mayor Scotto and City Council Members,

My wife and I have lived at this address for 40 years. We have, heretofore, enjoyed the quiet, peaceful nature of the Hollywood Riviera.

During our residency, the subject location has been a number of restaurants, none of which produced noise which we could hear at home. This is in spite of the fact our kitchen and family room face northwest.

The wind in this area is constant and comes from the northwest. Because of this, we can hear music clearly from the annual Riviera Festival and when Dante's Inferno restaurant was open at the northwest corner of Catalina and Avenue I.

We have met with the Developers of Rock & Brew on two separate occasions and requested they enclose the structure with sound resistant materials but they adamantly refuse. They insist their style is to have an "open Beer Garden" with virtually no noise abatement features in style or structure. They insist they want to be good neighbors but consistently refuse to cooperate regarding the most important feature to the neighbors, namely, sound.

The open style of the Rock & Brew will be similar to having a sports facility with up to 250 fans every day and night of the year in our backyard.

We implore the City Council to uphold the Planning Commission's denial of Rock & Brew's conditional use permit in its present form.

Robert & Donna Keller


139 Camino de las Colinas

Yumul, Soc Angelo

From: Yumul, Soc Angelo
Sent: Tuesday, December 18, 2012 10:13 AM
To: Yumul, Soc Angelo
Subject: FW: Michael Zislis Support - Rock & Brew supplemental

-----Original Message-----

From: Karin_Baker@ahm.honda.com [mailto:Karin_Baker@ahm.honda.com]
Sent: Monday, December 17, 2012 4:32 PM
To: Werner, Margie
Subject: Michael Zislis Support

Hello Margie,

Attached you will find a letter of support for Mr. Michael Zislis. Would you please see that the Torrance City Council members receive a copy of this letter prior to the meeting tomorrow evening.

Thank you,

Karin Baker
Corporate Community Relations
American Honda Motor Co., Inc.

Phone (310) 781-4256
Fax (310) 787-2227
(See attached file: Michael Zislis Support.pdf)

HONDA

American Honda Motor Co., Inc.
1919 Torrance Boulevard
Torrance, CA 90501-2746
Phone (310) 783-2000

December 14, 2012

Dear Torrance City Council

Although I am not involved or aware of any of the details surrounding the request to open a Rock & Brew restaurant in the city of Torrance, I wanted to offer a viewpoint of Michael Zislis as a person and member of the community.

As part of our efforts to implement events that will enhance and build the fabric of the Torrance community, Michael Zislis has been front and center in offering up his support and that of his restaurants.

Michael has stated his desire to support the entire south bay community, and has made sure that all his business entities participate actively with us, in the various community events that bring important financial resources to Torrance Memorial Medical Center, Providence Little Co. Mary Hospital, Sandpipers charities, the Torrance School District, and Trinity Pediatric Hospice Care among others.

He has always honored his word, and has been a genuine and generous partner in these community events, without ever asking for recognition or anything else in return. Sometimes, he doesn't get any public recognition of his generosity because it is given in a low key fashion, where the beneficiary is the cause, and he doesn't want to take away from that.

In addition, he has often invited members of the fundraising committees to visit and dine at his other restaurants such as The Strand House, Shade, Rock n Fish, and Mucho, and as a reflection of his personal style, they are all immaculate in décor, hospitality, and quality.

Thank you for allowing me to offer a character reference for Michael Zislis, as part of your ongoing process review.

Sincerely,



Stephan Morikawa
AVP Corporate Community Relations
American Honda Motor Co., Inc.

Yumul, Soc Angelo

From: Gibson, Jeff

Sent: Tuesday, December 18, 2012 8:28 AM

To: Lodan, Gregg; Santana, Danny; Martinez, Oscar

Subject: FW: Richard Lundquist letter in support of Mike Zislis and Rock & Brews in Riviera Village

From: Cristina O'Brien [<mailto:cobrien@continentaldevelopment.com>]

Sent: Monday, December 17, 2012 5:03 PM

To: Werner, Margie

Subject: Richard Lundquist letter in support of Mike Zislis and Rock & Brews in Riviera Village

Please accept the attached letter and provide copies to Mayor Scotto and the City Council Members in advance of the 12/18/12 City Council meeting. Thank you very much.

Best regards,

Cristina P. O'Brien

Executive Assistant to Richard C. Lundquist, President

Continental Development Corporation

2041 Rosecrans Avenue, Suite 200, P.O. Box 916

El Segundo, CA 90245

310-640-1520 - Office / 310-414-9279 - Fax



CONTINENTAL DEVELOPMENT CORPORATION

RICHARD C. LUNDQUIST
PRESIDENT

December 17, 2012

The Honorable Frank Scotto
and City Council Members
City of Torrance
City Hall
3031 Torrance Boulevard
Torrance, CA 90503

Dear Mayor Scotto and Torrance City Council Members:

I understand Mike Zislis and his partners are on tomorrow night's city council agenda seeking approval for a Rock & Brews Restaurant in Riviera Village. I wanted to take a moment to write this letter to provide my support of Mr. Zislis and his project.

I have known Mike many years. Mike has been an extremely-involved board member of the Torrance Memorial Hospital Foundation helping to raise thousands of dollars for the hospital's new tower currently under construction. I can honestly vouch for Mike's character and commitment to the communities in which he serves. He is a dedicated, hard-working businessman who truly cares about the people who work for him, with him, and around him. He is a community team player and extremely generous to local charitable organizations.

I have had many opportunities to dine at Mike's restaurants in Manhattan Beach and El Segundo, and thoroughly enjoy the menu and ambiance of his establishments. Mike's very successful restaurants and hotel bring revenue into the communities in which they are situated. I'm sure that Torrance will benefit by approving this restaurant application and adding this dining destination to the Riviera Village roster.

I sincerely hope you will consider the above when making your decision.

Sincerely,

Richard C. Lundquist

Herbers, Sue

From: Scotto, Frank
Sent: Monday, December 17, 2012 7:27 AM
To: Herbers, Sue
Subject: Fw: Rock & Brews Planning Meeting

REC
 12 DEC 17 PM 5

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: SAVE

Sent from my Verizon Wireless Droid

-----Original message-----

From: michael block <michael.block100@gmail.com>
To: "Scotto, Frank" <FScotto@TorranceCA.gov>
Sent: Mon, Dec 17, 2012 05:19:15 GMT+00:00
Subject: Rock & Brews Planning Meeting

Mayor Scotto and City Council,

I am writing to ask you to support Rock & Brews remodeling Oliver's Cafe near my home in Torrance. Rock & Brews is looking to take over a restaurant space that has been the site of numerous failed restaurants. Our community should embrace this professional organization willing to take over this space and invest in our community. The village lacks choices and diversity in restaurants and personally, I welcome Rock & Brew into our neighborhood.

Outdoor dining is an important component of any successful restaurant in our area. As long as music remains indoors, why would anyone have a problem with outdoor dining?

My understanding from the neighborhood meetings is that these guys have bent over backwards to address the concerns of noise and traffic in my neighborhood. By committing to no speakers or television sound in their outdoor spaces, they will provide valuable entertainment options for the village community while working in harmony with the neighbors. This seems like a great restaurant for the area and offers some needed diversity in dining and entertainment options for the community.

Sincerely,

Michael Block
 Camino de las Colinas

Herbers, Sue

From: Kreag@aol.com
Sent: Monday, December 17, 2012 7:45 PM
To: Yumul, Soc Angelo; Herbers, Sue
Subject: (no subject)

REC'D
 4:12 DEC 18 AM '12

To: Torrance City Council
 re: redevelopment of Oliver's restaurant

From: WM Kreag Jr. and Debra Kreag
 131 Palos Verdes Blvd Unit 115
 Redondo Beach, Ca. 90277

Karlie Kreag
 92 Palos Verdes Blvd
 Redondo Beach, Ca. 90277

WM Kreag III
 52 Palos Verdes Blvd
 Redondo Beach, Ca. 90277

Collectively we have three townhouses that border on the South and East sides of the proposed bar/restaurant. We all moved to this neighborhood to be close to the beach and because it is a quiet family oriented area. If we wanted to live near a bar/restaurant, we would have moved elsewhere.

- 1.) we have lived on the strand that butts up to bars on Manhattan Beach Blvd.
- 2.) we have owned bars
- 3.) we have been landlords to bar/restaurants

We understand the repercussions of putting a bar/restaurant in a neighborhood.

- 1.) decreased safety
- 2.) increased parking problems
- 3.) increased noise
- 4.) increased traffic
- 5.) increased crime
- 6.) increased transients
- 7.) loitering, fighting, robberies
- 8.) urination, vomiting on adjoining properties
- 9.) blocked views
- 10.) decreased home values

Although we completely understand the city wants the revenue and the proprietor wants the profitability, this is the wrong place for the proposed bar/restaurant. As it is we could hear customer voices through our bedroom windows at 9:00 at night. Please consider what this business will bring to our family neighborhood. There are plenty of other places to put such an establishment. Please don't let it be here.

Thank you for your consideration--Moe, Debbie, Karlie, Moeie Kreag

Yumul, Soc Angelo

From: Lodan, Gregg
Sent: Tuesday, December 18, 2012 10:17 AM
To: Yumul, Soc Angelo
Subject: FW: Fire Code Occupancy

From: jonmesko@gmail.com [mailto:jonmesko@gmail.com] **On Behalf Of** Jon Mesko
Sent: Tuesday, December 18, 2012 9:58 AM
To: Lodan, Gregg
Cc: Louis Skelton
Subject: Fire Code Occupancy

Gregg,

At the Planning Commission meeting on Oct 17, and at one neighborhood input meeting, Mr. Norris, owner of the Bull Pen, close to Oliver's, has expressed concern over how much additional (max) occupancy the fire department will give us beyond our planned seating.

He made some sort of claim that his fire occupancy is double what his seating is. Just in case he comes up to talk tonight, I wanted to have some data ready and verified in case the Council requests clarification from staff or a response from us. Here is what I show:

Oliver's Current Occupancy - 245
Rock & Brews Proposed Seating - 182 (142 seats inside, and 40 patio seats)

Louis Skelton visited the fire department yesterday and they indicated that based upon the current plans submitted, they would likely issue us an occupancy at 232.

And as a side note, The Bull Pen Fire Occupancy is 150.

FYI,

Jon

Lodan, Gregg

From: Werner, Margie
Sent: Tuesday, December 18, 2012 11:50 AM
To: COUNCIL2; City Clerk; Lodan, Gregg; Gibson, Jeff; Cliff Numark
Subject: Supplemental for 13A - Support for Rock & Brew PCH

Dorothy for
 Margie Werner
 Staff Assistant | Mayor and Council | Office of the City Manager City of Torrance | 3031
 Torrance Boulevard | Torrance CA 90503 | 310.618.2801 | 310.618.5841 fax |
 MWerner@TorranceCA.gov | www.TorranceCA.gov

-----Original Message-----

From: Portia Cohen [mailto:portiapcohen@gmail.com]
 Sent: Tuesday, December 18, 2012 10:10 AM
 To: Werner, Margie
 Subject: Support for Rock & Brew PCH

Honorable Council Members,

I write to you to express my strong confidence in and support of Mr. Michael Zislis and his proposal to open Rock & Brews PCH restaurant in Riviera Village.

I am a resident of the City of Manhattan Beach, where Mike Zislis operates five (5) establishments. I am also a former Mayor and Council Member of Manhattan Beach. I respectfully submit this letter because I understand your priorities in protecting your citizens, and I share them.

Our community in Manhattan Beach is conservative and family-based; we do not welcome, nor tolerate, excessive noise and public nuisance. Mike Zislis operates several restaurants and bars in the City of Manhattan Beach (Shade Hotel/Zinc Lounge, Strand House, Rock-n-Fish, Brewco, and Mucho). Most of these restaurants are closely adjacent to residential neighborhoods.

In all the years that Mike has operated in our city, his restaurants and bars have adhered to our community standards and laws. What's more, Mike always extends himself to neighboring residents and creates trustful, respectful relationships with them. He wants to make them happy, and his actions reflect his values. When a neighbor or resident has a question or concern, Mike is eager to work compromises that meet everybody's needs. He is creative and generous and well liked.

Mike is the most responsive, and responsible, local business owner that I know. He has genuine respect for city staff and council members and the public. He enjoys and succeeds at building personal relations based on trust and execution. He is a man of his word, and is driven by high principles both professionally and personally. He has no interest in disrupting a neighborhood or community with his establishments, but rather to create environments for the community to enjoy.

Mike's high professional and personal standards run true beyond his business establishments. A husband and father of six children, Mike is a first and foremost a family man. He and his wife Andrea actively contribute their time, money and establishments to school charities, special needs organizations, and a host of additional philanthropic and community endeavors. And they do it with gusto.

Finally, Manhattan Beach continues to enjoy healthy revenues from Mike's restaurants and our city's residents benefit from his ample employment. Folks from town and beyond flock here to enjoy Mike's food and atmosphere, and then make purchases in our other local shops as part of the experience. We all benefit.

Redondo Beach is a great city. It's residents and businesses would benefit from welcoming Mike and his restaurant to your community.

If I can be of any further help in your decision-making process, I would be pleased to do so.

Respectfully submitted,

Portia Cohen
Former Mayor, City of Manhattan Beach

Herbers, Sue

RECEIVED

From: Doug Gore [kdgore@earthlink.net]
Sent: Tuesday, December 18, 2012 10:32 AM
To: Yumul, Soc Angelo; Herbers, Sue
Cc: NoOpenAirBeerGarden@yahoo.com
Subject: Opposition Letter for Mesko Restaurant Group - Torrance City Council meeting 12/18/2012

DEC 18 PM 12:34

To: City Council
 City of Torrance
 Reference: "MOD12-00007,PRE12-00014
 Petition of Mesko Restaurant Group
 6300 Palos Verdes Blvd
 (340 Vista del Mar)
 Torrance, CA
 December 18, 2012

Ladies and Gentlemen:

This letter is to serve as strong opposition toward the development request by Mesko Restaurant Group to erect a revised building profile and business on the corner of PCH, Vista del Mar and Palos Verdes Boulevards, formerly Oliver's Restaurant. This proposed establishment, "Rock & Brews", would absolutely represent a negative addition to the neighborhood, and will afford no positive benefit to the surrounding community.

We have lived in the neighborhood for 14 years, and selected our property to purchase specifically because of the calmer, quieter atmosphere that is much more prevalent here than offered by other beach communities. We were particularly impressed with the excellent public school systems, and immediately adapted to the more relaxed way of life readily available in this small community of Riviera Village. This neighborhood is by far less hectic, less noisy and less congested than our neighboring communities to the north.

We feel approval of this establishment would:

1. violate established guidelines of the Hillside Overlay District
2. represent a degradation of the community, attracting a less mature clientele more fixated on loud rock 'n roll and consumption of alcohol
3. negatively affect a well-established neighborhood lifestyle of very law-abiding citizens
4. ultimately decrease property values
5. increase traffic from outside the community
6. lead to much more traffic congestion as a result of the challenge of accessing said establishment with limited parking
7. add to more side street parking, which is already maximized with apartment and condominium parking overflow on Camino de las Colinas as well as other streets

(Previous examples of this concern were obvious with the Club Caprice establishment, a nightclub in the building which became Bristol Farms, whose clientele always monopolized street parking in our neighborhood every

evening there was an event. People were loud and boisterous, trash was found on our yards and streets every morning, and one never knew what might occur with the increased alcohol consumption and people under the influence. In addition, there were also several thefts associated during these late night events.)

8. bring with it more unruly behavior with patrons under alcoholic influence, and add dangerous elements affecting the safety of the neighborhood and children.
9. bring a noise level with its clientele and loud music, both of which will absolutely be prevalent, especially without any sound muffling.

With the modifications to the plan submitted by Mesko to the Planning Commission, we still see minimal efforts to “contain the atmosphere” – this would be most disturbing to property owners and nearby businesses, and could ultimately diminish nearby property values.

There is a reason a beer garden like Alpine Village erects its beer garden tent each year adjacent to the 110 Freeway. There is already a high level of loud noise which ‘protects’ the beer garden activities. Such is not the case in our Riviera Village!

‘Please do not allow such an establishment as Rock ‘n Brews to be erected in our Riviera Village – this friendly and quiet neighborhood is one of Los Angeles’ best kept residential secrets!’

Thank you for your consideration. We oppose this permit!

Kenneth Gore
 126 Camino de las Colinas
 Redondo Beach, CA 90277 (PO)
 (City of Torrance taxpayer)
kdgore@earthlink.net
 📞 Mobile: 310.779.0408
 126 Camino de las Colinas
 Redondo Beach, CA 90277

Herbers, Sue

RECEIVED

From: Scotto, Frank
Sent: Tuesday, December 18, 2012 11:09 AM
To: Herbers, Sue
Subject: FW: Ortega 120 in Support of Zislis Group Project at 340 Vista del Mar

Regards,

Frank Scotto

Mayor
 City of Torrance
 3031 Torrance Boulevard
 Torrance, CA 90503
 Phone: 310-618-2801
 FAX: 310-618-5841
 E-mail: fscotto@torranceca.gov

From: Demetra Stevens [demistevens@gmail.com]
Sent: Tuesday, December 18, 2012 11:00 AM
To: Scotto, Frank
Subject: Ortega 120 in Support of Zislis Group Project at 340 Vista del Mar

Dear Mayor Scotto,

I own Ortega 120 located 50 feet outside the City of Torrance and one city block from the location on the agenda. Additionally, I am a resident of the City of Torrance. I am writing to express my very strong support for the matter before council this evening regarding the appeal for the new Zislis Restaurant Group Project located at 340 Vista del Mar.

Ortega 120 is coming up on it's 5th anniversary and for the record, Ortega 120 encountered similar concerns from our neighbors with reference to traffic, parking, noise and type of clientele that we would be attracting. The issue was even pressed up to a state level due to the concerns of "what might happen". I have an outdoor patio that faces the same residential neighborhood as this project, as a matter of fact, my patio is closer to the residents than this project (some of my neighbors live directly on top of my restaurant) and there has never been a complaint made to the City of Torrance or the City of Redondo Beach. Ortega 120 averages a wait time of 45 minutes to even one and a half hours on weekends

and we have live entertainment 2 to 3 times a week. There have not been any complaints about parking, traffic, noise or the type of clientele in 5 years. The concerns expressed by our neighbors have not only been proven not to be a concern, those same neighbors now frequent my restaurant.

It is of the utmost importance for this area, that suffers from empty spaces, to welcome solid businesses such as this. It is my opinion that good restaurants beget good restaurants and I would be thrilled to have a business of this caliber as my neighbor as it benefits all involved. Ortega 120 provides jobs to 45 people in the community, this project will likely provide even more. Ortega 120 is active in the community of Torrance donating to the schools, community events, etc. I know that Mr. Zislis conducts his business in much the same manner as Ortega 120 and that the community will benefit greatly from this project. I would hope that you and the council will take into consideration that the concerns expressed by our neighbors have been already proven a non issue by the conduct and success of Ortega 120 and that you grant the Zislis Group the ability to create a viable business in an area that much needs it.

If I may be of further assistance please feel to contact me.

Regards,
Demi Stevens
Ortega 120
1814 S. Pacific Coast Highway
Redondo Beach, Ca 90277
3104204051 cell
3107923120 restaurant

Lodan, Gregg

From: Werner, Margie
Sent: Tuesday, December 18, 2012 11:53 AM
To: COUNCIL2; City Clerk; Lodan, Gregg; Gibson, Jeff; Cliff Numark
Subject: Supplemental for 13A - support for Michael Zislis

Dorothy for

Margie Werner

Staff Assistant | Mayor and Council | Office of the City Manager
City of Torrance | 3031 Torrance Boulevard | Torrance CA 90503 | 310.618.2801 | 310.618.5841 fax |
MWerner@TorranceCA.gov | www.TorranceCA.gov

From: Susan Warshaw [mailto:susan@mbef.org]
Sent: Tuesday, December 18, 2012 11:06 AM
To: Werner, Margie
Subject: support for Michael Zislis

Dear Council Members,

We serve as the Executive Director and Business Development Director, respectively, of the Manhattan Beach Education Foundation (MBEF) and have been active in supporting our schools as volunteers for more than 15 years. During that time we have come to know, work with and admire Mike Zislis for his efforts on behalf of our schools, downtown shopping and dining district and overall betterment of our community.

During the years we have worked for MBEF, Mike and his wife Andrea have been active volunteers, organizers and supporters of our public schools. Each year Mike donates tens of thousands of dollars back to our community schools through live and silent auction donations, receptions, gift cards, and other meaningful gifts. His generosity not only provides a meaningful addition to our schools' budgets. Perhaps more importantly, Mike's giving inspires other individuals and businesses to do the same. In our work we often quote Mike in saying that his business success is born of giving back to local schools and hospitals. Health and education: the things that matter most to residents.

Mike is a personable and generous man and a pleasure to work with. He knows how special it is to live, work and play in a place as special as the South Bay and has a genuine desire to improve our quality of life through charitable contributions and the addition of dining establishments that our residents will enjoy.

Sincerely,

Susan R Warshaw
Executive Director

Margo Thole
Business & Community Development Director
Manhattan Beach Education Foundation
310-303-3342
www.mbef.org
[MBEF Endowment Fund](#)

Lodan, Gregg

From: Werner, Margie
Sent: Tuesday, December 18, 2012 11:48 AM
To: COUNCIL2; City Clerk; Lodan, Gregg; Gibson, Jeff; Cliff Numark
Subject: Supplemental for 13A - rock & brews torrance

Dorothy for

Margie Werner

Staff Assistant | Mayor and Council | Office of the City Manager
City of Torrance | 3031 Torrance Boulevard | Torrance CA 90503 | 310.618.2801 | 310.618.5841 fax |
MWerner@TorranceCA.gov | www.TorranceCA.gov

From: Katie FitzGerald [mailto:katiefitz88@yahoo.com]
Sent: Tuesday, December 18, 2012 12:28 AM
To: Werner, Margie
Subject: rock & brews torrance

Hello. just dropping a note in favor of the new Rock & Brews in Torrance. I saw an article in the paper that said some people think this will not be good for Torrance. not sure what this world is coming to. first Redondo thinks they can sue us over what looked like a great decision by the Council (bringing Nordstrom to Torrance). now some people want to chase away the best restauranteur in the South Bay? that location has failed so many times finally someone wants to do something good there.

Katie Fitzgerald

1610 W 227th st #1

Torrance, CA 90505

Herbers, Sue

From: Amy Josefek [amy@josefekassoc.com]
Sent: Tuesday, December 18, 2012 12:11 PM
To: Scotto, Frank; Jackson, LeRoy; Gibson, Jeff; Rhilinger, Susan; Sutherland, Bill
Cc: Herbers, Sue; Yumul, Soc Angelo
Subject: Rock & Brews City Council Meeting 12/18/12 - Reference: "MOD12-00007, PRE12-00014
 Petition of Mesko Restaurant Group, 340 Vista del Mar

December 17, 2012

Hon. Mayor Scotto and Members of Torrance City Council,

I am a concerned resident of the lovely Hollywood Riviera who, along with so many of my neighbors, wants what's best for our neighborhood and city.

On Oct 17, we were very pleased that the Planning Commission was able to see that Rock & Brews was a project that should not be allowed to proceed as requested, and so issued a Denial to their Petition of Modification and Conditional Use Permit. That was the correct decision.

Since then, the developers have called two meetings. Both times neighbors hoped to be shown revised plans that would adequately address our concerns of the unwanted noise and problems this outdoor beer garden would bring to our homes. Both times we were given virtually nothing other than what we feel is a single, insufficient response to our concerns - a wall added to just one side of the facility, on Palos Verdes Blvd. To this day, it remains essentially a big, red, open-air corrugated metal barn, like the one in El Segundo.

There seems to be a rumor being spread that the owners "have made numerous revisions to address the concerns of the neighborhood." They did reduce the number of rolling, garage doors on Palos Verdes Blvd.; that was an appreciated first step. But, when any neighbor has requested any additional significant changes, the response has consistently been "We're an outdoor beer garden" (Michael Zislis)... "Enclosing it is not our business model" (Architect Skelton, Oct.30 meeting); "I would if it were a noise issue," or "I'd cover it up/enclose it if sound was an issue." (Mr Zislis, Dec. 3, 2012) – as if we were *not* raising noise issues!

In fact, at one point, Mr. Zislis' response to these concerns was, "We agree to disagree."

Well, this *is* a noise issue for us. One that, if allowed to proceed as is, will undoubtedly result in many calls by neighbors to the Torrance Police Dept (who probably don't have the resources to show up to a bar and ask them to turn down their music, or quiet their patrons, or make sure garage doors have been rolled down according to the schedule set by City Council!

Less than two weeks ago (Dec. 7th, I think), I received their noise study, which concluded that noise from the facility would not be a problem and would comply with Torrance noise standards. I believe you have the report in which our acoustical engineer details the many problems he found to debunk that conclusion (see Menlo Scientific Acoustic report, dated 12/13/12).

"The hours requested are now: ...until **1am Sunday through Thursday** and until **2am Friday and Saturday!** This keeps changing. During the Planning Commission meeting, **hours were set at 11a-11p, nightly. The owners ask for later and more expanded operating hours every time they speak.**

The developers will tell you they've had no problem with the El Segundo location, as if that will prove that there will be no problems in this Torrance location. Even if this was true, El Segundo noise ordinances and noise limits are different from ours in the Riviera, and so could not be used to assume there won't be noise problems in the very-different topographical region in Torrance and the Riviera.

But, as "proof," developer brought residents, The Barkers, whose home is located in the El Segundo commercial area (as opposed to the incredibly quiet residential area of Hollywood Riviera); it lies WNW of Rock & Brews, in the *opposite* relative direction (prevailing wind-wise) of Riviera homes from the proposed Torrance location. If anything, the winds in El Segundo blow noise from the restaurant directly away from this residence, while WNW winds that constantly blow in from the Pacific will **increase the noise impact into Riviera homes.**

Our neighborhood group knows firsthand how easily noise travels (especially in the evening) in this area – whether from Riviera Village festivals, the train in Torrance or even the recent Santa Sleigh; the incredible quiet calm of this area (a primary reason so very many residents love it here) stands to be shattered by this open-air bar. Having a Rock & Brews' franchise in this location will ensure that likelihood, every single day and night of every single week and month, from midday (or even morning) 'til the small hours of the following morning. **It will not be good for either residents' quality of life or our property values.**

Contrary to what the developers would have you believe, we are not "afraid of," much less even dislike, rock music. In fact, I have spent my entire career in the music industry, working with rock

bands. Rock & roll is my music of choice, it's the music I grew up with, and will be the music I most love for my entire life. But, I should get to hear it when I want to hear it, in the venue of my own choosing or in the privacy of my own home. By the logic that dictates that I can't play my music or make other noise so my neighbors will be disturbed, nor should this bar be built and as a result lessen my quality of life.

We love our community too much not to comment on how a Rock & Brews franchise will affect it; it will bring unwanted noise. Loud music. Late hours. More traffic. Other equally undesirable problems to our homes. We moved here because it is the quietest area of the City (5db lower than most other residential regions). An outdoor bar is out of character for this neighborhood. And, when it's a Midnight or 2am closing time, people leaving this bar will have been plied with beer (why, after all, would you go to a bar, especially one with alcohol in its name, if not to drink?); As if not bad enough having the noise from customers and music being blown into resident's backyards and windows during operating hours, the unregulated noise of boisterous patrons, slamming car doors, starting of engines will compound the loud noises of music, conversation and such that have been streaming out of the bar for hours prior.

Mr Skelton has stated, "There will be no screens, speakers or amplifiers on the side of the building facing residences." But really, that doesn't mean that the sound won't be heard *in* residences! (And, should we really be forced to keep our windows closed year-round to have a peaceful home?) We have been told of no lock that can be placed on a sound system to keep its volume from exceeding a certain, acceptable level.

Mr Zislis says, "He understands that the name of the restaurant has caused some ... concern." I think Mr Zislis is far savvier than that. He clearly would not name a business something other than what it really is, or how he wants it to be viewed; the business' name is the very first, and most important marketing tool you start with. And this one is, indeed, aptly named. As one Yelp customer states (Charles H., Torrance 11/18/2012) "One thing you can't accuse this place of is false advertising: there is plenty of both rock and brews at this place."

Zislis states "...it is simply a restaurant with an outdoor patio, like HT Grill." This is not HT Grill; HT Grill is in the middle of a commercial street, and doesn't have residences to the Southeast of it. And, HT Grill **doesn't play music on an open-air patio**, only inside their enclosed restaurant.

We would welcome a successful business in our neighborhood, but it should **NOT be at the expense of the residents. As currently planned, this is the wrong franchise for this location!**

We urge you to retain the peaceful calm of our neighborhood; **Uphold the Denial** from the Planning Commission, and **do not allow Rock & Brews to set up shop** at 340 Vista del Mar.

Respectfully,

Amy & Bob Josefek

Hollywood Riviera Resident

(Hard copy to follow)