

## **RESPONSE TO LUPC STAFF REPORT AND CONDITIONS**

We believe LUPC mischaracterizes The Brig in the context of the Al Fresco Ordinance. This response will respond to the LUPC Staff Report on the following points:

1. NOISE: The Brig is good neighbor and does not violate any noise regulations or reasonable community standards.
2. RESTAURANT: The Brig is a restaurant and is in full compliance with the Al Fresco Ordinance food service requirements.
3. AREA and SEATING CALCULATIONS: The application correctly calculates the area and seating according to the City's standards.
4. PARKING: The project provides appropriate mitigations to address the parking impact of the project.
5. HOURS OF OPERATION: There are no applicable hours restrictions that restrict operating hours to 10:30 or 11:00 PM.
6. OTHER miscellaneous topics
7. VOLUNTEERED CONDITIONS: The Applicant proposes a series of volunteered conditions.
8. INDEX TO EXHIBITS

### **1. NOISE**

The Brig is good neighbor and does not violate any noise codes or reasonable community standards. Prior to the LUPC hearing, several neighbors submitted emails stating that there are noise and other vagrancy issues caused by The Brig. Some of those negative responses were triggered by the inexcusably loud Jack Deniels concert on our outdoor patio one year ago. Specifically, it was on 12/10/24 from 7 – 9:30 PM, plus afternoon soundcheck. My contract with JD was for a much shorter concert at a decibel level set by me. Unlike the JD event we hosted here 7 years ago, JD did not respect our contract, and the noise level was louder than agreed upon. Other than United Way's 'Everyone In' event (2018), there have been no other concert events on the lot. This was truly a one-off occurrence. If I did not get a chance to apologize to all of you who suffered from this event, let me say now I am sorry. In the post-concert review with LAPD and LADBS, I agreed to never again host concerts, live bands, or DJs on our patio and I agree to make that a Condition of this CDP. I do care about my neighbors and my community. On a personal note, I have lived a few blocks from The Brig for forty years where I raised three children who are now of an age that they can visit The Brig.

Most of the negative neighbor responses related to excessive noise from The Brig's day-to-day operations. Since the LUPC hearing, additional emails from neighbors and organizations were submitted (see Exhibit 1: Additional Neighbor Emails) stating that noise was not a problem and/or that The Brig was a benefit to the community. One of those neighbor emails was from the closest residence to The Brig (1520 Abbott Kinney Blvd, directly across from the 'open' side of The Brig lot) who stated that they do not have any issue with the noise. This variation in feedback clearly demonstrates that different neighbors have different standards for reasonable noise and operations. We respect everyone's standards and opinions, but to evaluate The Brig's CDP we need an impartial and reasonable standard, which is why we rely on the official governance of LAPD as well as noise measuring "DB meter" readings. LAPD has consistently found that noise levels from The Brig are reasonable and not in violation of noise ordinances. On the night of the LUPC hearing and again two days later, there were noise complaints to LAPD from neighbors on Electric Avenue; LAPD came to The Brig and found no audible sound on Electric and no need to have The Brig turn down the music inside The Brig. One of those visits was at 10:30 PM

on a Saturday night when The Brig reaches peak noise levels. See Exhibit 2: Recent LAPD Visit Reports. This directly contradicts the neighbors' contention that there is excessive noise from The Brig.

Further evidence of this is found in the LUPC Staff Report's Appendix IX consisting of emails provided by LADBS Code Enforcement unit in response to LUPC's Community Public Records Request. This cache includes 5 neighbor noise and other complaints to LAPD, ABC and LADBS Code Enforcement that demonstrate that the neighbor's complaints are not reasonable (See Exhibit 3 "Five Emails from LUPC Public Records Request"). These emails detail how senior public servants react seriously to respond and investigate what are reported as horrendous noise violations inflicted by The Brig on its neighbors, only to discover that the noise or other conditions are reasonable. One particularly telling exchange began with a neighbor on Electric Avenue writing:

*"How awful. How do you all let this continue and feel good about the way you're all doing your jobs? ...I have no evidence of corruption on the part of ABC and LADBS but I suspect it with every molecule of me...LAPD, well, beat cops don't know what to do."*

On 4/5/25 Captain Applegate of LAPD Pacific Division responds:

*"As soon as I saw your email last night, I text our Vice unit who was working. They were already to the rear of the Brig near your house when your email and a similar radio call was generated. There was no live music at the Brig but there were people eating and drinking in the patio area. The noise level our officers observed at the time appeared to be reasonable for that activity. They did not hear the loud booming sounds as you described. In short, they did not observe any violations of the law or the Brig's permits. As we have said before, sometimes noise comes from other sources, such as cars in the area playing loud music..."*

A few hours later the complainant responded

*"I'm sorry if I got this wrong about last night."*

This interaction demonstrates the noise from The Brig is not excessive and the neighbors' complaints are, in some instances, unfounded. We have heard this same story from our Senior Lead Officers and other responding officers over and over again for decades. I thank LUPC for obtaining the email records so that you can see it for yourselves. Otherwise there is no way to hear from LAPD as their official policy does not allow for officers to comment at or write in to public hearings. No one knows the late-night environment in Venice better than Sgt. Ralph Ferguson who is in charge of the Pacific Division vice unit. Sgt. Ferguson invites you to contact him directly via email at [38565@lapd.online](mailto:38565@lapd.online) or via phone at (213) 447-9687. Try email first; he is very responsive.

The LUPC report claims that the length of time it takes to get through to LAPD to make a noise complaint means that the noise must be excessive. Why else would anyone stay on the line that long and that often? I would argue it demonstrates the personal animus of two specific neighbors, one of whom's anti-neighbor antics are so outlandish that they are a focus of national news coverage (see Exhibit 4: NYT article). LUPC states the City or other agencies fail to respond to complaints and enforcement is non-existent. That is not the case as you can see from the Exhibit 3 emails. In his email of 2/28/25 Bradley Beach, of ABC writes:

*"ABC has had 11 complaint investigations at the Brig since it has opened and 4 in the past 8 years since I've been in charge of Lakewood District. One is currently active. That's more than I know of"*

*at any location in my almost 26 years with ABC. We make multiple visits during every investigation over several months and look for violations. There are no noise conditions on the business and that makes it difficult to make a case.”*

LUPC points to the sheer volume of noise complaints as overwhelming proof of a problem with The Brig, but it may also be interpreted as a waste of public resources caused by a couple of aggravated neighbors.

LUPC states that LADBS cannot enforce late night violations since they close at 6 PM and that other City departments have ignored the neighbor's requests for enforcement. This is not accurate. Code Enforcement has staff specifically charged with inspecting violations that occur after hours or on weekends, one of whom responded to a neighbor complaint In the email of 9/10/24 as follows

*“Hello, The Brig has had multiple inspections since I have been with this group. A case was opened last year with hours of research and questions directed to all of our contacts. Along with this case we have responded to multiple service requests to determine if the alleged violations were needing to be corrected. At this time all of the alleged violations have been corrected or found to be in compliance with the zoning, certificate of occupancy and guidelines....”*

To respond to repeated neighbor concerns, the City Attorney's office set up series of neighborhood mediation meetings. One of the neighbor letters cited in the LUPC Staff Report states that they were told that the neighbors should sue The Brig; the neighbor's takeaway being that the City Attorney agreed that the neighbors have been damaged and deserve redress. That is not what the City Attorney meant at all. The City Attorney is saying that there is nothing they can prosecute as there are no violations occurring at The Brig and if the neighbor continues to feel aggrieved their only option is to pursue a private civil action. LAPD Captain Peters stated at those meetings that LAPD saw no violations at The Brig and LAPD can't keep coming out. He said that it's up to The Brig and the neighbors to work this out without LAPD. The Brig implemented the two suggestions made during the mediation meetings: to provide a dedicated contact for neighbors to call or email when they have a complaint and to build a solid wall at the rear property line to reduce noise and departing patrons spilling out to the rear. Both of these measures are currently deployed.

The LUPC staff report claims that people on the patio have to talk louder to be heard over noise; that is not the case. The Brig patio has never had any amplified sound - no outdoor speakers and no TVs, just human voices. I don't believe LUPC staff has actually been on the patio when there is a band or DJ playing loudly inside. Please do go one weekend night at 11 PM and stand on the patio right outside the back door; you will find that the music is barely audible and certainly not forcing people to shout to be heard. People go out to the patio if they want to talk and get away from the noise and have a quiet conversation. LUPC also refers to complaints from amplified music emanating from inside The Brig building which as stated above have never been found to be valid. Years ago, The Brig implemented the following sound management policies to mitigate the transmission of amplified sound out of the indoor area- all of which we offer to make conditions of our CDP:

1. All front doors and windows closed at 10 PM every day of the week (if propped open earlier)
2. Rear door to patio is never propped open. Security guard at back door to patio to make sure it is closed promptly after people enter/exit from 9 PM – close Friday and Saturday nights.
3. A uniformed security Guard shall be on duty, Friday, Saturday from 10 PM – 2:30 AM to patrol the entire perimeter including the City lot. From 2:00 – 2:30 AM the guard shall be

stationed at the City lot only, asking noisy people to be respectful of the neighborhood, manage any nuisances and/or call LAPD for assistance.

For amplified music coming from indoor spaces, LAPD Noise Enforcement Unit enforces LAMC #112.01(c) that states that amplified sound from private property may not cause noise levels for neighbors in a residential zone to exceed a 5 decibel increase over the ambient noise level for that zone which would be 55 dB daytime and 45 dB nighttime **measured inside the residence**. In response to numerous complaints from an Electric Avenue neighbor 15 years ago, Officer Hernandez from the LAPD CID Noise Enforcement Unit came out to investigate. On the first visit the complainant refused to allow Officer Hernandez to set up equipment inside the complainants' house as per their procedure. After further complaints, Officer Hernandez visited again and performed their testing on the sidewalk in front of complainants' house and found no noise violation and closed the case. If the disparity between my account and the neighbor's narrative gives one pause, I invite you to do your own test. Download a free DB meter app on your phone and come stand on Electric Avenue at 11 PM on a Friday or Saturday night. To adjust for measuring outside on the sidewalk instead of inside the residence, add 10 dB, and see if you get a reading greater than 55db from sound coming from The Brig (as opposed to a passing vehicle).

The Brig implemented a number of sound mitigation improvements at the outset of the temporary Al Fresco operations and we are now constructing additional sound mitigation improvements with our current Permanent Al Fresco building permit. These improvements, all of which we will add as conditions to our CDP, include:

1. Sound mitigation implemented at start of Temporary Al Fresco
  - a. Interior speakers have sound-isolating brackets and platforms to reduce the travel of sound vibrations, particularly the lower bass frequencies.
  - b. Install 8' tall sound wall along the rear property line
2. Sound mitigation under construction for Permanent Al Fresco
  - a. Install new 25' length bamboo hedge extending 7'-10' above the fence at the western end of the rear property line.
  - b. Rebuild the sound wall at rear property line of the lot to 10' height with two layers of 22-gauge steel to improve sound mitigation
  - c. New structure (service bar and storage) along 35' length at eastern portion of the rear property line – with no windows facing the rear – will be a sound buffer
  - d. Just inside the new structure, the next portion of the lot will have a trellis with canopy roof for weather protection and sound mitigation
  - e. The middle of the lot will have three mature tree specimens 17' tall with a leafy canopy. These trees are now in place; see Exhibit 5 Photo of New Trees.
  - f. Only the front 30' of the lot will be uncovered. The planters at the front edge of the lot to be lined with Corten steel planters to hold Russellia, a dense bush that will grow to a height of 3'-5' above the planter height.
3. Additional Sound Mitigation Proposed
  - a. While the Brig back door is closed promptly by a security guard as described above, there is a brief burst of noise when patrons open the door to exit or enter. To correct this, we propose to build a partial sound vestibule outside that door. Current plans include a canopy roof directly above the door. We will add a wall from floor to the canopy roof on the rear-facing side to reduce sound travelling to the rear (towards Electric Ave. neighbors). Also, the canopy roof in that area will be made of a heavier sound-deadening material. Our

sound engineer has stated that these improvements would give us a meaningful reduction in the dB level outdoors, on the order of a 30-40% reduction. See the proposed wall shown in red and the beefed-up canopy highlighted in yellow on Exhibit 6 Seating Plan and Rear Door.

One explanation for the disconnect between my narrative and the neighbors is that there are other sources of noise. LAPD tells us that by far the biggest problem is the scene in the City Parking lot before and at closing time on weekend nights. Because this City lot is one of the few without parking meters, it attracts more use than other lots including service employees from local restaurants who sometimes hang out in their cars after work. There are patrons from other bars and restaurants, including Owa at 1635 Abbot Kinney Blvd which also closes at 2 AM and has a significant late-night crowd. LAPD has told The Brig that our security staff cannot remove people from the City lot since it is not our property; our staff can only ask people to be quiet and respect the neighbors and manage nuisances. In the past DOT would come by and ticket cars who overstay the 2 AM parking limit which was highly effective; DOT has stated that they no longer have the resources to do that. LAPD sweeps are also effective, but LAPD also no longer has the resources to do so consistently. If neighbors feel that the City lot noise has gotten worse in the Alfresco era they are right; but it's not because of The Brig's alfresco visitors; its because of a lack of enforcement by DOT and LAPD. We have asked CD11 if we could pay DOT to sweep the City lot at 2 AM on weekend nights, and if we are allowed to contribute in this manner, we will make that contribution a condition of our CDP. To mitigate this issue and the recent lack of enforcement capability, LADOT is instead rolling out its long-awaited parking improvements in 2026 to include meters for the City Lot behind The Brig. This will discourage the abuse of the parking lot for loitering and further reduce noise.

The LUPC report also fails to recognize that there are other sources of noise. Right at the corner of Electric and Palms, Media Monks at 1611 Electric often has loud amplified music for private parties in their parking lot. A few doors up on Palms the houses at 618 and 620 palms likewise have very loud amplified music for private parties in their front yards. If we can hear these parties at The Brig, certainly our neighbors on Electric can hear it as well. Unless our neighbors go outside to track down the source of the noise, they will assume it comes from The Brig. Several rogue commercial tenants on Abbot Kinney have loud parties after hours. For a time, our immediate neighbor at 1511 AKB was serving alcohol without a license and blasting amplified music outside until they were evicted by their landlord. A store at the rear of 1419 Abbot Kinney that opened onto the City lot behind likewise had very loud raves that we could hear from The Brig a block away. Buck Mason has similar activities at their new location at 1617 AKB.

Since The Brig is the most popular and visible late-night venue, we get blamed for all bad things that happen late at night. I note neighbor letters attributing to The Brig clientele violent or threatening behavior or public urination without proof that these are Brig patrons. There are other late-night venues on AKB, as well as all the sources mentioned above. There is also a sizeable homeless population in Venice as you all know. We live in a big city with typical urban ills. We spoke with LAPD Vice about this, and they did not think that Brig customers were a source of the kind of vagrancy issues described here. Quite the opposite; active nightlife from The Brig makes the community safer. The number of people coming and going to The Brig after hours makes streets lively and deters street crime. Vagrants go elsewhere. The Brig patron has money to spend, is looking for social interaction, and is not the criminal victimizing the community. LAPD Vice Unit considers The Brig to be model citizens with rigorous ID control and professional management of what can be difficult issues. The Brig management actively

assists and brings in the Vice unit for drug enforcement and other matters; we are an asset in improving public safety.

## 2. RESTAURANT

The Brig is a restaurant and is in full compliance of the Al Fresco Ordinance Food Service requirements. The Al Fresco Ordinance states it is applicable to the following uses:

***“(b) Applicability. Outdoor Dining Areas on private property in all RAS, C, and M zones, or wherever restaurants are allowed, shall be permitted pursuant to the regulations in this Subsection. This ordinance and the Outdoor Dining Area standards expressed herein may, at the applicant’s request, supersede conditions associated with outdoor dining which were previously applied under a discretionary approval.***

***(c) Eligibility. A restaurant that currently provides and/or proposes to offer Outdoor Dining Areas shall have all necessary permits, including a certificate of occupancy, to operate a restaurant. A restaurant operator, however, that has been the subject of a wage claim under LAMC Section 188.00, et seq. (Los Angeles Office of Wage Standards Ordinance) that has resulted in an adverse order, decision, or award shall be ineligible.”***

(LAMC Section 12.21 A.24)

The Brig is a restaurant as evidenced by the current Certificate of Occupancy 97016-30000-15740 for “Convert entire second floor apartment portion of an existing two-story, Type V-N, 30’x81’ apartment/restaurant building to office, creating an office/restaurant building”. The Al Fresco Ordinance does not contemplate or establish a specific definition for the term “restaurant”, it only requires that eligible establishments have a Certificate of Occupancy as a restaurant. The Brig satisfies this criteria. The LUPC report dissects the Al Fresco application in an effort to apply a different standard for eligibility, asserting that a specific threshold of food service and preparation must be met in order to be labeled a restaurant. As demonstrated by the language of the Al Fresco Ordinance, LUPC’s analysis is not applicable in the context of an Al Fresco permanent authorization.

Outside of the technical discussion, The Brig is a restaurant as it serves food and alcohol. Every day we offer The Brig’s Famous Jumbo Dog, a smoky all-beef quarter-pound dog on a potato bun with chips. While this is not posted on the website, a large sign prominently displayed behind the bar advertises it as well as bar-top sign cards. When construction is complete, we will offer a full menu as follows:

Classic Caesar Salad  
Italian Chopped Salad  
Margarita Pizza  
Pepperoni Pizza  
Sausage Pizza  
The Brig’s Famous Jumbo Dog  
Veggie Doggie

# Sea Salt Chocolate Chip Cookies

I acknowledge that we are not a food destination, but that is not a requirement of the ordinance. LUPC report seeks to apply ABC's rules for minimum food service sales for a 47-licenses. The Brig is a 48-license that has no minimum food sales requirement. Neither the Temporary nor the Permanent Al Fresco Ordinance require a minimum amount of food sales, just that the establishment be a restaurant and serve food, which we do. This is not an accident or an oversight; the Mayor and City Council specifically stated their intention to allow all kinds of hospitality businesses to enjoy the new Al Fresco rules. When temporary Al Fresco rules first rolled out in 2020 there were very severe service rules limiting service, seating, etc. In 2021 those rules were loosened considerably, which allowed a much broader range of hospitality businesses including alcohol-forward restaurants to take advantage of the new Al Fresco rules. There should be a place in Venice for a spirit-forward restaurant, and one that is open late as well. There is room in our town for everyone, and the popularity of The Brig's outdoor patio is proof of the constituency that is out there.

 While The Brig's own food menu is currently limited, in many ways The Brig is very much a food destination. See Exhibit 7 "Short History of Food at The Brig" for more details.

## 4. AREA and SEATING CALCULATIONS

The LUPC Report characterizes our area and seating tallies as 'misleading' and intentionally underestimating same. We disagree as we intentionally provided great detail in labelling graphically the different areas with clear summary tables showing how we reached our totals. It is this data that we provided which enabled the Report author to understand exactly what we are proposing and offer alternate totals of the data. We provided complete transparency in presenting Service Floor Area ("SFA") which is the data that Planning Department uses to assess intensity of use. We calculated SFA using the standard methodology that Planning accepts, which specifically does not include the circulation area for the ADA path of travel. Landscape areas are also not included as people cannot occupy areas with dense bamboo or Palm Trees or raised planters. For the 3 large trees in raised planters that serve as benches for seating, the benches are included in SFA; only the raised 'dirt' area with plantings and the tree are counted as landscape areas.

The LUPC Report presents an alternate seat count per picnic table of 6-8 persons per table instead of 2. We have observed that the tables quickly fill up with 2 persons per table. While the bench on each side appears long enough to hold more, the two fixed horizontal supports that attach the bench to the table limit the available area to 4'. While this should be enough room for 2 people on each bench, the configuration requires one to step over the seat or the support and makes it a bit awkward for two strangers to share a seat. Three people per bench would way exceed the industry standard of 2' per seat, so reaching 6 people per table would not be standard. 8 per table is even more substandard. Moreover, 5 picnic tables will have one bench removed for ADA access. LADBS reviewed and approved this seat count through the review of the issued building permit. We have a similar Al Fresco project in Culver City where 2 seats per picnic table was reviewed and approved for the same picnic tables. LUPC Staff stated that Firestone Walker's CDP application used 6-8 seats per table for identical picnic tables. That is incorrect; they are not identical. The Firestone tables have freestanding benches (no attachment to table) and are much larger: benches are 7'1 in length vs 5'11" for The Brig's benches. Firestone Waker tables would fit 6 seats per table using the 2' per seat standard. Despite all of this information, we do not want to disregard the vocal concerns of the LUPC committee about the

perception of the application. **To address this, we have adjusted the seats per picnic table to 4 seats per table instead of 2 seats per table; and 3 seats per table instead of 2 seats table for the ADA tables.** The LUPC Report also had an alternate seat count of 17-25 seats instead of 8 at the 19' counter. The main run of the counter at barstool height is 14' in length and then drops to a 5' height for an ADA seat on one side. Again, we propose to meet LUPC halfway and adjust our seat count to 12 seats at the main counter based on 2' counter width per seat after deducting a standard 8" at each 'hard' end of the counter. We will also add another seat opposite the ADA seat for a total of 15 seats at the counter.

Our proposed adjustments to the seats per table will increase the total seat count which exacerbates LUPC's primary concern: too many seats. To address this concern, we propose to reduce the total number of tables as follows:

1. Picnic Tables – eliminate 6 tables, an 18% reduction. One row in the front will be removed.
2. 2-tops – eliminate 4 tables, an 18% reduction. Four 2-tops at Planter benches will be removed.
3. 3 hi-tops: eliminate all 3.

These changes in the seating count and number of tables do not result in a change to any other planning or LADBS requirements, other than an adjustment in the number of ADA seats which we have implemented. The reduction in the number of tables will not unduly increase 'standing room', which is another of LUPC's concerns. We found that our new Corten planters inside the front fence were wider than anticipated and had to be set back from the front fence several feet. As a result, we must eliminate one row of tables in the front anyways to allow for fire exiting and ADA access. There is less usable space in the front than we thought. Also, there were too many 2-tops at the planter benches, eliminating four 2-tops right-sizes the spacing.

LUPC's purpose in debating the area and seating counts is to establish that the proposed area is too large in terms of area and the number of seats. Whatever size or count you believe is more accurate, that size or count should not disqualify us. The Al Fresco ordinance does not limit the size or seat count. The ordinance is available to restaurants large and small, and a healthy vibrant city has all sizes and types of hospitality venues. We are a landmark destination operating on a large corner location on a popular street in a commercial district, an appropriate place for a large operation. There should be room in Venice for an operation of size that follows all the rules and does not generate any negative impact on its neighbors by any reasonable standard.

#### **4. PARKING**

Parking impact will be moderate and mitigation is proposed. For our CDP application the Planning Department required us to prepare and submit a Parking Demand Management Assessment ("PDM") of the impact of the proposed project and outlining mitigation measures. See that PDM in Exhibits 8 and 9. The conclusions of the study are as follows:

- There is adequate parking supply in publicly- and privately-owned parking lots and on the street surrounding the project during typical weekday and weekend evenings.
- Peak patronage of the restaurant at 1515 Abbot Kinney is later in the day than peak demand for other uses in the area.
- Restaurants near the proposed development don't generally provide parking for their customers.

- Existing and planned infrastructure support resident and visitor alternatives to automobile transportation.

The PDM concludes that parking demand from the proposed Al Fresco expansion can generally be accommodated by existing on-street and public off-street parking, except during peak midday summer weekends when supply is limited. This strain is addressed with the PDM transportation demand management strategies, including transit and rideshare subsidies for staff, added bike parking, as well as the site's existing pattern of visitors arriving by alternative modes: specifically ride-sharing. The vast majority of The Brig's visitors use rideshare, which is best for the community to prevent drinking and driving. The PDM proposes making the parking space in front of The Brig a dedicated rideshare space.

One of the neighbor letters states that "since the elimination of their parking lot and the outdoor expansion, parking on the residential streets has become much more difficult." While this can't be verified, certainly the cars that used to park here had to go somewhere. But let's look at which cars we are talking about. Before the pandemic, the valet parking service that operated the lot would fill the lot with cars before The Brig even opened; The Brig opens at 4 PM on weekdays. Brig customers arriving by car in the evening find plenty of space in the City parking lot since most Abbot Kinney Blvd retail stores and offices close by 7 PM or earlier. The parking valet operator could not sell parking after 6 PM so they would close and go home, leaving a barely used free parking lot all evening. This supports the conclusions of the PDM. The parking we lost with the closing of The Brig lot for Al Fresco dining is parking for stores and offices in the neighborhood. It should not be The Brig's responsibility to provide that parking.

A historical note on Abbot Kinney Blvd parking is relevant to this discussion. The Brig building was built in 1948 when no parking was required. This was typical of all the buildings built along Abbot Kinney Blvd in that era. The Brig was different. The Brig voluntarily provided parking on two adjacent city lots, which parking was maintained until 2020 and the advent of Al Fresco dining. In the last thirty years Abbot Kinney Blvd has experienced a surge of popularity and redevelopment. All of the older buildings on Abbot Kinney Blvd were allowed to intensify their uses without adding parking as they enjoyed 'grandfathered' parking rights. All except The Brig. LA Planning Dept determined that because The Brig voluntarily provided parking, they must continue to do so. As a result, The Brig wound up providing parking for all our neighbors. The Brig was originally built as a first-floor restaurant/bar plus a taxi-dance parlor on the 2<sup>nd</sup> floor, which is a very intense use and occupancy. The Brig would have been allowed to claim dozens of grandfathered parking spaces but instead has none. The Brig has been providing parking for our neighbors for decades. Now with the Al Fresco rules we are on equal standing with our neighbors.

AKBlvd does have a daytime parking problem, but The Brig's alfresco dining does not contribute to that problem. The problem is the City's failure to provide parking, even after years of collecting in-lieu parking fees from developers (including from The Brig!).

## 5. HOURS OF OPERATION

A number of neighbors continue to insist that because we are across from residences the ordinance requires us to close at 10:30/11:00 PM. The Al Fresco Ordinance states:

*"An Outdoor Dining Area shall operate no later than 10:30 p.m. on Sundays through Thursdays and no later than 11:00 p.m. on Fridays and Saturdays, if abutting or across an alley from a residential zone, not including the RAS zone."*

Both sides of Abbot Kinney Blvd are either C2 (commercial) or M1 (Industrial). There is a residential zone on Electric Ave but it is separated by an alley, the City lot and landscaped strip (which is also a C2 zone) and a City street (Electric Ave). The Temporary Al Fresco Ordinance had similar language. See a 2023 email from Planning Department explaining this in response to a neighbor's complaint to Code Enforcement (Exhibit 10 Planning email RE closing hours if abutting residential).

At present, The Brig only uses the outdoor patio until 2 AM on Friday and Saturday nights. We do close the patio by 10:30 AM (or earlier) on other nights. On Thursday night we may stay open to 11 PM or Midnight on occasion. The present CDP application only relates to the outdoor patio. Regardless of the outcome of the CDP application process, the indoor portion of The Brig will remain open until 2 AM every night of the week, and will play amplified music, as we have been permitted to do for 75 years.

LUPC proposes a condition be applied to The Brig limiting hours to 10:30/11:00. This is contrary to the Ordinance which specifically grants us the right to remain open until 2 AM and is not conducive with the operating demands needed to maintain the The Brig. There should be a place in the community for a late-night venue, operating within the rules and not creating a nuisance to neighbors. The Brig's popularity is proof that there is a constituency that needs a late-night outlet. This constituency might not attend or write in to hearings, but it is real and large. The Brig is an historic and renowned location for this constituency and we hope to keep it in operation for many years to come. The flexibility to operate the patio with the same hours as the interior space, consistent with the Al Fresco Ordinance permissions, is critical for the longevity of the business..

Any reduction of hours would not be sustainable given the value of Abbot Kinney real estate. We are dedicating two contiguous city lots to this outdoor patio. Those lots could be put to more intensive uses. In fact we have a building permit and a CDP to build a 3-story mixed use project with ground floor retail and 2 levels of underground parking that would cover nearly the entire lot. If we cannot operate the patio under the terms of the Ordinance, we will not be able to maintain these lots as an outdoor patio and will develop. This is the last chance to preserve the last significant open space on Abbot Kinney as a garden setting.

## **6. OTHER MISCELLANEOUS TOPICS**

### **6A. LUPC REPORT FIRST PAGE – INFORMATION SUMMARY SHEET**

Two corrections to the first summary page of the LUPC project summary:

- The reduction of parking spaces is incorrectly listed as 15 spaces. The correct number is 11 parking spaces. The 'current' parking lot contains 11 car spaces and 16 bike spaces per the 2016 lot-restriping permit. The 11 parking spaces will be eliminated, the 16 bike spaces will be maintained and added to.
- The box 'Unpermitted Live Music' is checked incorrectly. Permits were obtained for all live music events.

## 6B. STANDING AT BAR

This photo of an outdoor bar and standing crowd was from the early days of temporary Al Fresco when we were just coming out of the pandemic and learning how to implement the temporary Al Fresco rules. We removed that outdoor bar setup years ago. Several other Venice bars such as Paloma (600 S. Venice Blvd @ Abbot Kinney blvd), De Buena Planta (1118 Abbot Kinney Blvd) and Townhouse (52 Windward) persisted with outdoor bars for years. We are currently building an enclosed outdoor service bar as allowed under the Permanent Al Fresco rules and it will not be used as a point of sale.

## 6C. SPECIAL EVENTS

A comment was made in one of the neighbor letters that we used multiple addresses to host more than the allowed five Temporary Special Events (“TSEs”) per year. That is not the case. There are various circumstances that give the appearance of more than five events. One year I pulled TSEs for two private parties at The Brig address and TSEs for the typical public facing events at the parking lot address. The TSE unit at LADBS subsequently determined that the two private parties did not require a TSE and did not ‘count’ towards the five-event/year limit, but they still show up in public records. Often there are multiple TSEs pulled for the same event, such as when an event date changes or when an after-hour inspection needs to be scheduled. There is no way to modify the online TSE permit, so the TSE unit directed me to pull a new permit. The TSE unit is very aware of all the addresses for the property and tracks it closely. As of 1/22/25, all the lots are tied which makes tracking easier.

## 6D. NO PARKING SIGN

In the LUPC Staff Report Appendix XI a neighbor submitted a photo of no-parking signs that we had posted on Palms Blvd that were not the official signs that DSS posts. What the neighbor does not mention is that official DSS signs had been posted at that location pursuant to a valid street parking permit that we obtained to use two parking spaces on Palms during a permitted temporary special event. Brig staff observed one of our neighbors from Electric Ave illegally removing the official DSS signs. We called DSS to replace the signs but they could not do it on the same day. Our event had paid for and needed the spaces, so we placed our own signs.

## 6D. EVENT WEBSITE

The Report states that the Event website I operate has a page prominently promoting “Music Festivals and Concerts.” That is not correct; I have never advertised Music or Concerts on the website. Please send me a link or screenshot of the music reference as I do not see it on the website now.

## 6E. GRANDFATHERED APPROVAL OF PLANS

The Report states that one can’t confirm if The Brig is complying with its conditions as the entitlement history is confusing. Let me explain. The Brig began serving alcohol and food in this location in 1952 before permits or approvals were required, making it a Grandfathered use. The approval of plans from the 1999 Zoning Administrator’s ruling established the only conditions that The Brig is subject to.

## 6F. CONSTRUCTION BEFORE CDP

The Report states that “The Brig has ...moved quickly to pull building permits and cement (literally) the facts on the ground...indeed demolition has already taken place in a large area of the parking lot to the east, and construction has already taken place on a large swath of the patio to the west...which essentially makes this an ‘after the fact’ permit request.” The implication is that we have done something sneaky and aggressive to gain advantage. This unusual arrangement of allowing permits and construction in advance of the CDP was a hallmark feature touted by the City Council and the Mayor to help restaurants in the coastal zone transition from temporary to permanent Al Fresco without having to

shut down and reopen later after obtaining a CDP. This process is clearly spelled out in the Ordinance. Note that when construction is completed, we will be given a Temporary Certificate of Occupancy that becomes final if and when a CDP is issued. To proceed, we had to sign an acknowledgment of risk that all improvements might have to be removed if the CDP is not obtained. While this is an unusual sequence, it is one that is approved by the City and undertaken at significant financial risk. In order to obtain this permit, DBS required us to build bathrooms and other permanent improvements. We added practical improvements such as better sound mitigation, a canopy to provide cover from inclement weather, and storage. We also wanted to create a leafy garden environment worthy of Venice including three mature, 17' tall specimen trees, mature Jasmine vines growing up each post of the trellis structure, additional bamboo at the rear property line, and significant plantings in Corten steel planters along the front property line. Prior to this current construction project, we just had picnic tables on an asphalt parking lot. Our goal is to unpave the parking lot and create a paradise on the last large open space on Abbot Kinney Blvd for all of Venice to enjoy.

## 6G. PUBLIC RESTROOMS

The LUPC Report states that even with the additional restrooms we are building, it won't be enough and public urination will result. We built exactly the number of restrooms (2) required by LADBS plan check. I note that by LUPC's admission we are the only Al Fresco applicant providing ANY additional restrooms to service the Al Fresco areas. When we are busy it's the women's room that has the lines, the men's room typically does not have a long line and men are likely culprits of neighborhood nuisance. We will keep an eye on the situation and will add additional facilities if needed. The LUPC Report states a concern that drunk patrons won't find our 2nd floor restrooms. We will post signage; people always figure out how to find the restrooms.

## 7. VOLUNTEERED CONDITIONS proposed by applicant

LUPC proposed a set of conditions to the CDP. While we agree that LUPC Conditions 6, 7 and the last sentence of Condition 3 are acceptable, others such as limiting the size, occupancy and hours of operation will jeopardize the ability of The Brig to continue operation of the patio. In the spirit of compromise, we offer Volunteered Conditions found in Exhibit 11. With the volunteered conditions and the above discussion, we believe we have addressed all of LUPC's concerns in this Response.

## 8. INDEX TO EXHIBITS. [Link to Exhibits](#)

1. Additional emails from Neighbors and Community Organizations
2. Brig Manager Reports re: LAPD Noise Visits
3. Five LUPC CPRA emails from Code Enforcement
4. New York Times Article re: Neighbor
5. Photo of New Trees
6. Revised Seating Plan also Rear Door
7. Short History of Food at The Brig
8. Parking Demand Management Assessment ("PDM") Part 1: Report
9. PDM Part 2: Exhibits
10. Email from Planning Dept re: closing hours if abutting residential
11. Volunteered Conditions
12. Project Plans, Renderings and Data