

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

From: Soroush Kaboli

Sent: Thursday, October 19, 2017 5:34 PM

To: Panos, Carly

Subject: Public Hearing Notice/ 2135 Old Middlefield Way

Hi Carly,

Thank you for returning my phone call.

Here are the issues that have been brought to my attention:

- 1- Noise from their entertainment events,
- 2- Parking spillover into our parking lot, and
- 3- BBQ and smoke in their parking lot.

Thank you for your attention,

Regards,

Soroush Kaboli

RECEIVED

SEP 25 2017

CITY CLERK

Stephanie Williams
ACTING ZONING ADMINISTRATOR
C/O CITY MANAGER, DAN RICHY
CITY OF MTN. VIEW
500 CASTRO ST. 3rd Floor
Mountain View - Ca.

9/25/17
Pg 1 of 13

RE: 2135 OLD Middlefield Way
MTN. VIEW WAY

I would like to request to submit information to the STAFF Report being prepared for the ^{DISCUSSION ON} ~~2nd~~ MAJOR BUILDING EXTENSION TO THE OLD BLDG. AT 2135 OLD Middlefield Way, MTN. VIEW and to the "BAR USE" designation of the entire .86 ACRE site.

(including 2139 Old Middlefield Way and all parking + outdoor areas)

I would also like AS A MINIMUM PROTEST TO ANY BAR OR ENTERTAINMENT USE OF APN 147-12-040 (THE .86 ACRE PARCEL CONTAINING 2135 and 2139 OLD MIDDLEFIELD WAY, MTN. VIEW CA.)

AND A REJECTION TO ANY C.U.P.'S ON THIS PARCEL OR MODIFICATIONS TO CONDITIONS. ARGUMENTS

- (1) BAR OR ENTERTAINMENT USE OF THIS PARCEL IS NOT ALLOWED IN THE CS (COMMERCIAL SERVICE) ZONING.
- (2) THE ENTIRE .86 ACRE PARCEL IS IN THE CS DISTRICT. (PARCEL # APN 147-12-040)
- (3) A C.U.P. WAS ISSUED, OVER MY VERY STRONG OBJECTIONS, TO A "MIKE BAKER" AT A HEARING ON 7/10/13. See ATTACHMENT (A).

Dan Richy
789 No. Remond
Mountain View
CA 94043-2450

S. WILLIAMS

9/25/17
Pg 2 of 13

- SEE EXHIBIT (B)
- (4.) MIKE BAKER HAS NEVER HELD OWNERSHIP OF EITHER THE BAR OR THE PARCEL (.86 ACRE) OF LAND, NOR WAS HE ENTITLED TO AN A.B.C. PERMIT TO OPERATE THE BANDY HOUSE (A.B.C. TERM). A.B.C. APPEARS TO HAVE ERASED ALL RECORDS OF MIKE BAKER. ^{see} (B)
- (5.) MY DOMICILE IS WITHIN 100' OF (B) O'MALLEY'S BAR (2135 OLD MIDDLEFIELD WY) AND MY PARCEL OF LAND (40+ YRS OWNERSHIP) IS DIRECTLY ADJACENT TO THE .86 ACRE PARCEL AND SEPARATED ONLY BY A CHAIN LINK FENCE (POORLY INSTALLED BY MIKE BAKER WITHOUT MY CONSENT ON MY PROPERTY.
- (6.) THREE RESIDENTIAL BUILDINGS ARE WITHIN 30 FT. OF THE .86 ACRE PARCEL, BUT DISPUTED AT THE 7/10/13 CUP HEARING BY STEPHANIE WILLIAMS. (I OBTAINED 2 DISCS OF THE HEARING FROM THE CITY CLERK - PAID FOR -)
- (7.) THE ISSUANCE OF A CITY C.V.P. COMPLETELY VIOLATES A.B.C. RULE 64.1 (AN ADMINISTRATIVE LAW JUDGE UPHOLD MY PROTEST IN AN A.B.C. HEARING) SEE EXHIBIT (C) and (D)

S. Williams

9/25/17

Pg 3 of 13

8. I did protest (A.B.C and Mtn. View's) decision to violate ABC Rule 61.4 in court before an ADMINISTRATIVE LAW JUDGE who (after two 8-hour court hearings and numerous phone calls - some conference -) ruled in my favor and AND recommended O'Malley's Bar (represented by Florence O'Sullivan) NOT be issued a new A.B.C license to operate the rear ADD-ON (in 2013) outdoor PATIO BAR. See Attachment (D)

9. UNDER MOUNTAIN VIEW CITY CODE SEC. 36.18.55 - CS ZONE development STANDARDS (which I WAS REFUSED when I submitted A PUBLIC RECORDS REQUEST) CLEARLY STATES THAT A 7 FT. MINIMUM SOUND WALL IS REQUIRED NEXT TO RESIDENTIAL See EXHIBIT (E) + 10' LANDSCAPING.

10. THE ADD-ON REAR OPEN AIR PATIO BAR (2nd EXTENTION TO THE ORIGINAL OLD BUILDING (HOUSE)) WAS ADDED BY MIKE BAKER IN 2013 AND I STRONGLY PROTESTED THAT IT WAS TOO CLOSE TO A RESIDENCE (MY DOMICILE). HEARING 7/10/13 RECORDS.

S. Williams

9/25/17
Pg 4 of 13

(11.) AS FAR BACK AS 1997 (AND BEFORE) I HAVE FILED COMPLAINTS ABOUT NOISE, LAW VIOLATIONS, AND VEHICLE PROBLEMS - INCLUDING PARKING, EXHAUST FUMES, AND CITY ORDINANCE PROBLEMS TO THE CITY OF MTN. VIEW — EVEN BACK THEN CITY CODES REQUIRED A SOUND WALL BETWEEN JAY ITEN'S PARCEL APN 147-12-040 (THE 0.86 ACRE PARCEL DIRECTLY ADJACENT TO MY RESIDENTIAL PARCEL (MY PARCEL HAS NEVER BEEN USED AS ANYTHING OTHER THAN RESIDENTIAL SINCE IT WAS ANNEXED INTO MOUNTAIN VIEW - ABOUT 1950) AND HAS CONTINUOUSLY BEEN USED AS RESIDENTIAL HOUSING OR NON-RENTED RESIDENTIAL HOUSING. NOTE: THE A.B.C JUDGE DECIDED THAT A.B.C. RULE 61.4 DID NOT REQUIRE THAT A "RESIDENCE" BE OCCUPIED.

EXHIBIT (C) AND EXHIBIT (E)

(12.) A FINDING'S REPORT (008-13-UPA DATED 3/27/13 W/ SEVERAL DRAWINGS BY DENNIS KOBZA JR.) LISTED 47 (FORTY-SEVEN) CONDITIONS IN ORDER TO

S. Williams

9/25/17
Pg 5 of 13

Get ZONING PERMIT 008-13-UPA at
2135 OLD MIDDLEFIELD ROAD (WAY)
APPROVED, PROBABLY TO AVOID
BUILDING A 7 FT. MINIMUM SOUND WALL
AND 10 FT. OF LANDSCAPING NEXT TO
RESIDENTIAL AS REQUIRED BY
MTN. VIEW CODE SEC 36.18.55.
SEE EXHIBIT (E) AND
REVIEW YOUR OWN FINDINGS REPORT
(6 PGS, AND 3 DRAWINGS) 008-13-UPA
DATED 3/27/13.

(NOTE: SINCE THE MINIMUM 7 FT
SOUND WALL IS NOT HIGH ENOUGH TO
MINIMIZE NOISE OR DETER
THROW ITEMS (IE. BEER BOTTLES)
ONTO MY ADJACENT RESIDENTIAL PARCEL
I WOULD PREFER AND REQUEST A
10' CONCRETE BLOCK 2 HR. FIRE
RATED BETWEEN OUR TWO ADJACENT
PARCELS OF LAND - ENTIRE LENGTH
(APPX 210').)

(13) A DRAWING (ATTACHED AS EXHIBIT (F))
WAS SUBMITTED BY DENNIS KOBZA JR
DATED 3/28/11 WHICH WAS FALSLY
USED TO SHOW THE ADDITIONAL
PARKING (DIRECTLY ADJACENT TO MY PARCEL
& W/ 30' OF MY RESIDENCE AT 788 NO RENGSTOFF)

S. Williams

9/25/17
Pg 6 of 13

REQUIRED TO BUILD THE ^{2nd} ADD ON
REAR OPEN AIR REAR PATIO BAR.
THE SHOWN REQUIRED ADDITIONAL
PARKING WAS NEVER MADE AVAILABLE
FOR BAR PARKING - AND A CHAIN
LINK FENCE WAS ERECTED BEFORE
THE 2013 HEARING AND BEFORE
THE CITY OF MTN. VIEW ALLOWED
MIKE BAKER TO OPERATE THE
ADD-ON REAR PATIO BAR HE
HAD BUILT (WITH FRANCIS ITEN'S
MONEY, BUT NOT PERMISSION, I
BELIEVE BUT CANNOT PROVE) IN 2013
- WITHOUT A VALID A.B.C LICENSE.
EXHIBIT (F)

↓ STRONGLY protest the City of
Mtn. View reducing or changing
ANY of the 47 CONDITIONS
IMPOSED ON ASSESSOR'S PARCEL
NO. APN 147-12-040 (a
1.86 Acre parcel owned by JAY ITEN)
at 2135 / 2139 OLD MIDDLEFIELD
WAY MTN. VIEW, CA 94043
UNLESS, AT A MINIMUM, A 10' HIGH
SOLID CONCRETE BLOCK (2 HR FIRE WALL,
BUILT TO CODE) ^{BOUNDARY WALL} IS CONSTRUCTED ON
THEIR PROPERTY (NO COSTS OR ENCROACHMENT
ON ME) THE ENTIRE LENGTH (210'). Don Letcher

S. Williams

9/25/17
Pg 7 of 13 (A)

3.3 2135 Old Middlefield Way, Mike Baker for Francesca's Sports Bar, 008-13-UPA; APN: 147-12-040

Request for a Conditional Use Permit to allow a bar and drinking place with live entertainment (Francesca's Sports Bar) on a 0.86-acre site on the south side of Old Middlefield Way, between North Rengstorff and Independence Avenues, in the Service Commercial (CS) District.

Recommended Action: Staff recommends approval.

Project Planner: Stephanie Williams

3.4 ~~2584 and 2598 Wyandotte Street~~, Michael Fortes for Fortes Brothers Towing, 215-13-UPA; APN: 147-05-112 and 147-05-155

DIS HONEST!

Request for a Conditional Use Permit to allow a towing and vehicle storage yard on a one-acre vacant site at 2598 Wyandotte Street and an office use located next door at 2584 Wyandotte Street in an existing tenant space located at the end of Wyandotte Street in the MM-40 (General Industrial) District.

Recommended Action: Staff recommends approval.

Project Planner: Scott Plambaeck

3.5 1734 El Camino Real West, Michael Ducote for Prometheus, 065-13-DRP; APN: 154-38-014

Request for a Development Review Permit to allow minor site and landscape improvements and renovation of existing carports at an existing residential development, and a Heritage Tree Removal Permit to remove two Heritage trees in a shared driveway of the residential development and adjacent commercial building at a site located on the north side of El Camino Real West, between Mariposa Avenue and Escuela Avenue, in the CRA (Commercial/Residential-Arterial) District.

Recommended Action: Staff recommends approval.

Project Planner: Scott Plambaeck

S Williams

9/25/17
Pg 8 of 12 (A)

- 3.3 2135 Old Middlefield Way, Mike Baker for Francesca's Sports Bar, 008-13-UPA; APN: 147-12-040

Request for a Conditional Use Permit to allow a bar and drinking place with live entertainment (Francesca's Sports Bar) on a 0.86-acre site on the south side of Old Middlefield Way, between North Rengstorff and Independence Avenues, in the Service Commercial (CS) District.

Recommended Action: Staff recommends approval.

Project Planner: Stephanie Williams

- 3.4 ~~2584 and 2598 Wyandotte Street~~, Michael Fortes for Fortes Brothers Towing, 215-13-UPA; APN: 147-05-112 and 147-05-155

DIS HONEST!

Request for a Conditional Use Permit to allow a towing and vehicle storage yard on a one-acre vacant site at 2598 Wyandotte Street and an office use located next door at 2584 Wyandotte Street in an existing tenant space located at the end of Wyandotte Street in the MM-40 (General Industrial) District.

Recommended Action: Staff recommends approval.

Project Planner: Scott Plambaek

- 3.5 1734 El Camino Real West, Michael Ducote for Prometheus, 065-13-DRP; APN: 154-38-014

Request for a Development Review Permit to allow minor site and landscape improvements and renovation of existing carports at an existing residential development, and a Heritage Tree Removal Permit to remove two Heritage trees in a shared driveway of the residential development and adjacent commercial building at a site located on the north side of El Camino Real West, between Mariposa Avenue and Escuela Avenue, in the CRA (Commercial/Residential-Arterial) District.

Recommended Action: Staff recommends approval.

Project Planner: Scott Plambaek



S. Williams

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL
Office of Legal Services

9125167
P/10/13
 (B)

Ramona Prieto, Acting Director

Edmond G. Brown Jr., Governor

3927 Lennane Drive, Suite 100
Sacramento, CA 95834

12750 Center Court Drive, Suite 700
Cerritos, CA 90703

Jacob L. Rambo, Chief Counsel
Joseph J. Scoleri III, Assistant Chief Counsel
Kerry Winters, Deputy Chief Counsel

Telephone: (916) 419-2551
Facsimile (916) 419-2504

November 4, 2016

Don Letcher
788 N. Rengstorff Avenue
Mountain View, CA 94043

RE: 2135 Old Middlefield Road, Mountain View

Mr. Letcher,

I reviewed your request, and obtained the files (pending and withdrawan/canceled) for 2135 Old Middlefield Road, Mountain View. I only found one document that discusses the patio with City of Mountain View planning, but no documents I located mentioned a Mike Becker. I have enclosed a two-page email for you, you may accept this as a courtesy from ABC.

Thank you,

Stephanie Eastwood
STEPHANIE EASTWOOD
Legal Analyst

S. Williams

9/25/17
Pg 10 of 13
C

§ 61.4. Proximity to Residences.

No original issuance of a retail license or premises-to-premises transfer of a retail license shall be approved for premises at which either of the following conditions exist:

(a) The premises are located within 100 feet of a residence.

(b) The parking lot or parking area which is maintained for the benefit of patrons of the premises, or operated in conjunction with the premises, is located within 100 feet of a residence. Where the parking lot is maintained for the benefit of patrons of multiple businesses in the vicinity of the premises, the parking area considered for the purpose of this rule shall be determined by the area necessary to comply with the off-street parking requirements as mandated by the local ordinance, or if there are no local requirements for off-street parking, then the area which would reasonably be necessary to accommodate the anticipated parking needs of the premises, taking into consideration the type business and operation contemplated.

Distances provided for in this rule shall be measured by airline from the closest edge of any residential structure to the closest edge of the premises or the closest edge of the parking lot or parking area, as defined herein above, whichever distance is shorter.

This rule does not apply where the premises have been licensed and operated with the same type license within 90 days of the application.

Notwithstanding the provisions of this rule, the department may issue an original retail license or transfer a retail license premises-to-premises where the applicant establishes that the operation of the business would not interfere with the quiet enjoyment of the property by residents.

PER JUDGE

NOT NECESSARILY MINE →

- NOT NECESSARILY OCCUPIED

YOUR RIGHTS AS A RESIDENT < 100'

90 days

Sent by
A.B.C AGENT
AFTER INSPECTION

S. Williams
POS Enterprises
File #48-556437
Reg. #15084823
Page 13

← O'MALLEY'S BAR
2135 OLD MiddleField Wy
MTN. VIEW CA 94043

9/25/17
Pg 11 of 13
D

~~13 PAGES~~

19. Based upon the evidence and discussion above, Protestant did not sufficiently establish that issuance of the applied for license would regularly create or result in excessive patron noise, fighting, illegal drug use, or other extreme disturbances. To that extent, the Protestant's protest was not sustained.

20. However, in light of Rule 61.4's clear emphasis on preserving the quiet enjoyment of those whose residences are within 100 feet of applied for premises, Applicant did not sufficiently fulfill its own burden to show that operation of its applied for expanded premises would not interfere with the quiet enjoyment of a resident whose home is within 50 feet of Applicant's applied for premises. To that extent, the Protestant's protest was sustained.

ORDER

Applicant's request for a premises-to-premises transfer of its license to an expanded licensed premises is denied.

Dated: April 28, 2017.

David W. Sakamoto
David W. Sakamoto
Administrative Law Judge

<input type="checkbox"/>	Adopt
<input type="checkbox"/>	Non-Adopt: _____

By: _____	
Date: _____	

S. Williams
 Herrera, Margarita

312517
 SHE REFUSED MY PUBLIC RECORDS REQUEST. I FILED A COMPLAINT WITH MS BREWER
 (E)

Subject: FW: PRR- commercial service zone - Don Letcher

Cher supervisor
 NO RESPONSE!

From: Blount, Terry
 Sent: Monday, February 06, 2017 2:27 PM
 To: Herrera, Margarita
 Subject: RE: PRR- commercial service zone - Don Letcher

The answer to #1 is that we don't have a copy of the previous Zoning Ordinance that contained that reference.

The answer to #2 is the same as I what I previously sent you. The section he is referring to in his request he got from a letter to the neighboring property owner that's from 1997. The only thing similar to this standard in our current Zoning Ordinance is highlighted below.

- SEC. 36.18.55. - CS zone development standards.
- [Share Link](#)
- [Print](#)
- [Download \(docx\)](#)
- [Email](#)

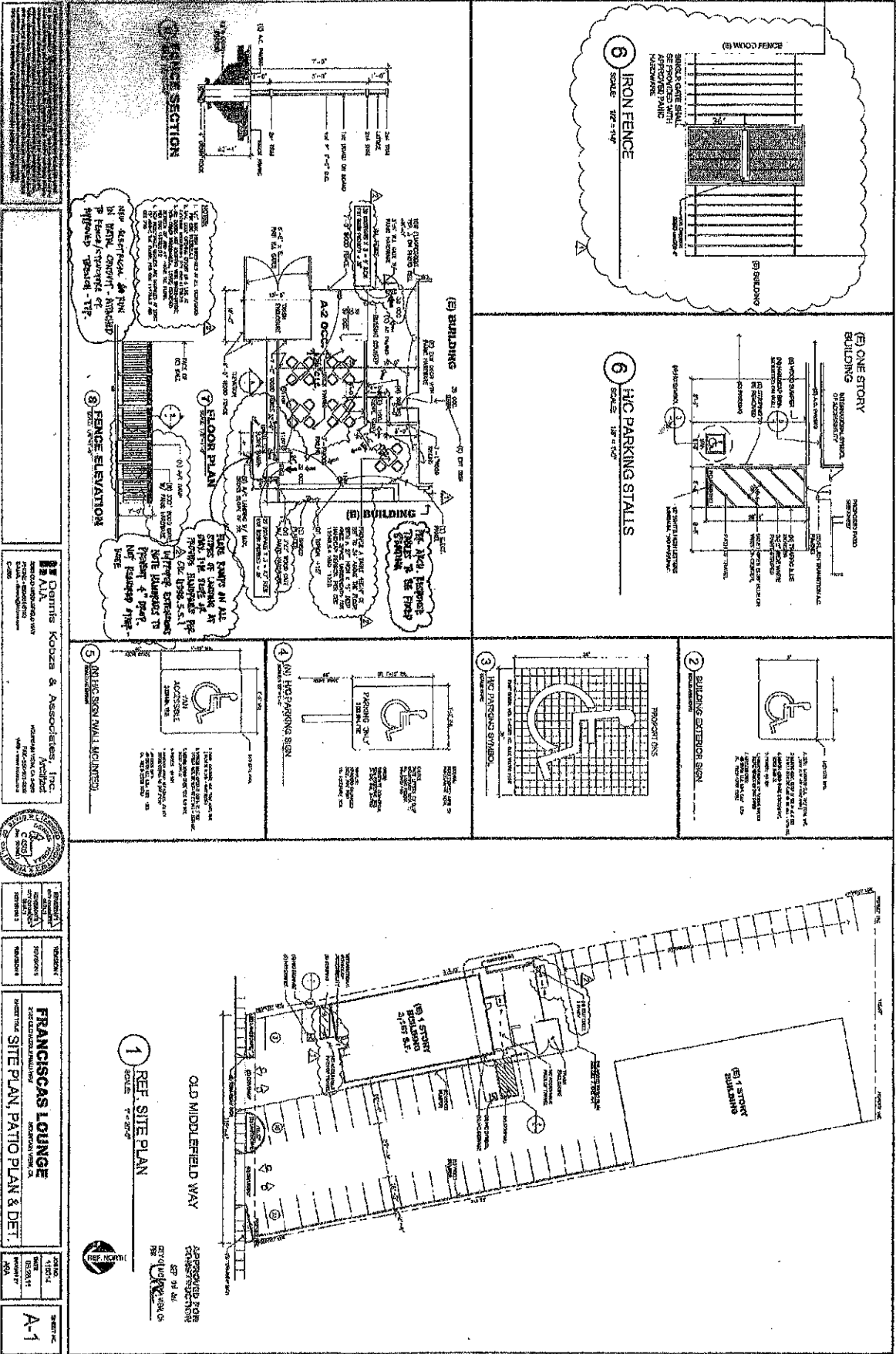
New land uses and structures and alterations or modifications to existing uses or structures shall be designed and constructed in compliance with the following requirements:

CS ZONE DEVELOPMENT STANDARDS

Lot Area	No minimum.	
Lot Width	No minimum.	
Floor Area Ratio	No maximum.	
Setbacks	Front	10 ft. of landscaping in front of parking; 5 ft. of landscaping between building and sidewalk where no street setback is required.
	Sides	10 ft. minimum on any street side; 5 ft. of landscaping next to parking; 10 ft. of landscaping and 7 ft. minimum sound wall next to residential.
	Rear	Same as side yard.
Height Limits	No maximum. See Section 36.08.30 for exceptions to height limits.	
Landscaping	Street and Sidewalk	Minimum 10 ft. wide landscape screen shall be provided along the street in front of parking. Minimum 5 ft. wide landscape buffer shall be provided between the building and sidewalk where no street setback is required.
	Adjacent to Residential	Minimum 10 ft. wide landscape buffer and a 7 ft. high masonry wall shall be provided adjacent to residentially zoned uses.
	Perimeter Planting	Minimum 5 ft. wide screen planting shall be established along all interior property lines.
	Additional Requirements	See Article XI (Landscaping) for additional regulations, including water-efficient landscaping requirements.

S. Williams

9/25/17
Pg 13 of 13 (F)



Franciscas Lounge
2700 Old Middlefield Way
Mountain View, CA 94039
Tel: 650.961.1111
www.franciscaslounge.com



Dennis Kozza & Associates, Inc.
Architect
15000
15000
15000

PROJECT: FRANCISCAS LOUNGE
SHEET: SITE PLAN, PATIO PLAN & DET.

DATE: 9/25/17
SCALE: AS SHOWN
A-1