

**CITY OF MANHATTAN BEACH  
COMMUNITY DEVELOPMENT DEPARTMENT**

**TO:** Planning Commission

**THROUGH:** Richard Thompson, Director of Community Development

**FROM:** Angelica Ochoa, Assistant Planner

**DATE:** February 26, 2014

**SUBJECT:** Public Hearing to Consider Revocation and/or Modification to an Existing Use Permit, Resolution No. 5155 for an Existing Restaurant/Bar Located at 900 Manhattan venue (900 Club and Red Room)

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**RECOMMENDATION**

Staff recommends that the Planning Commission conduct the public hearing, receive public input discuss, and provide direction.

**PROJECT BACKGROUND**

The subject property is located at 900 Manhattan Avenue, the northeast corner of 9<sup>th</sup> Street and Manhattan Avenue (Exhibit A, Vicinity Map). It is located in Area District III and zoned CD, Downtown Commercial, as well as the properties to the north, south, and west, which are developed with retail, offices and restaurant uses. The properties to the east and south east across Bayview Drive, are zoned RM, Residential Medium Density and are developed with single family and multi-family residential units.

The existing multi-level building is currently a restaurant/bar (900 Club upstairs and Red Room downstairs) with live entertainment and ABC Type 47 Full Alcohol Restaurant license. Historically, since 1973 through prior use permit approvals, the site has operated as a restaurant with incidental cocktail lounge/bar and live entertainment. Rock Bottom Saloon, operated from approximately 1993 to 2003, as a restaurant/bar with live entertainment. During the operation of Rock Bottom Saloon, there were numerous complaints from the surrounding neighbors related to noise and nuisances. The use permit for Rock Bottom was modified to address complaints and ensure the business is in compliance with the Manhattan Beach Municipal Code. In 2003, Rock Bottom Saloon was sold to the current owners.

**CURRENT USE PERMIT – Exhibit B – Resolution No. 5155**

Over the past several years, the Police Department and Code Enforcement have received complaints regarding excessive noise from live entertainment, after hours operations, and nuisances related to alcohol at the 900 Club (Exhibit C). Some of these complaints were forwarded to the City Prosecutor. Code Enforcement, the Police Department, City Attorney and City Prosecutor have tried to work with the current owner/operator on resolving the complaints from neighbors. The City always tries to resolve conflicts through voluntary cooperation and

solutions. However, in this case, no agreement or compliance was reached. Prosecution efforts, while still underway in some cases, have also not resulted in on-going compliance. For this reason, the City Prosecutor recommended that the City initiate a revocation/modification hearing for consideration and action.

## **USE PERMIT REVIEW AND REVOCATION/MODIFICATION PROCESS**

As stated in the City of Manhattan Beach Municipal Code, Title 10 Zoning Code, a use permit is subject to the following:

- **Section 10.84.090.D** – A use permit or variance that is exercised in violation of a condition of approval or a provision of this title may be revoked, or modified, as provided in Section 10.104.030.
- **Section 10.104.030** - Revocation and modification of discretionary permits.

**A. Duties of Community Development Director, Planning Commission, and City Council.** Upon determination that there are reasonable grounds for revocation or modification of a use permit, variance, development plan approval, or other discretionary approval authorized by this title, a hearing shall be set by the Community Development Director, Planning Commission, or the City Council.

**B. Notice and Public Hearing.** Notice shall be given in the same required for a public hearing to consider approval. If no notice is required for the permit, none shall be required for the revocation and/or modification hearing, provided that notice shall be mailed to the owner of the use or structure for which the permit was granted at least ten (10) days prior to the hearing. Contents of any notice shall be as prescribed by Section 10.96.040(C).

**C. Hearing.** The person or body conducting the hearing shall hear testimony of City staff and the owner of the use or structure for which the permit was granted, if present. At a public hearing, the testimony of any other interested person shall also be heard. A public hearing may be continued without additional public notice.

**D. Required Findings.** The person or body conducting the hearing shall revoke or modify the conditions of permit upon making one or more of the following findings:

1. That the permit was issued on the basis of erroneous or misleading information or misrepresentation;
2. That the terms or conditions of approval of the permit have been violated or that other laws or regulations have been violated;
3. That there has been a discontinuance of the exercise of the entitlement granted by the permit for twelve (12) consecutive months.

**E. Decision and Notice.** Within ten (10) working days of the conclusion of the hearing, the person or body that conducted the hearing shall render a decision, and shall mail notice of the decision to the owner of the use or structure for which the permit was revoked, or conditions modified, and to any other person who has filed a written request for such notice.

F. **Effective Date—Appeals.** A decision to revoke, or modify, the conditions of a discretionary permit shall become final ten (10) days after the date of the decision, unless appealed.

G. **Right Cumulative.** The City's right to revoke, or modify, a discretionary permit, as provided in this section, shall be cumulative to any other remedy allowed by law.

The subject Use Permit, Resolution No. 5155 approved April 4, 1995, Condition No. 12 states that the Planning Commission or City Council may review the Use Permit for the purposes of revocation or modification. It further states that a modification may consist of limitation of hours, limitation of total occupancy, requiring valet parking, elimination of entertainment or establishment of other conditions or conditions to mitigate impacts to adjacent land uses.

Staff feels that due to the continued complaints from neighbors and violations of the current Use Permit, as stated in the attached Police and City Prosecutor reports (Exhibits C and D) the use no longer complies with the Use Permit findings in Resolution No. 5155 as follows:

- The subject use is not consistent with the goals and policies of the General Plan and the Local Coastal Program
- The location of the use is not in accord with the objectives of the zoning ordinance and the purposes of the district in which the site is located
- The use is detrimental to the public health, safety or welfare
- The use has not complied with the provisions of the zoning ordinance
- The use has created adverse impacts.
- Sound attenuation measures that were previously installed on the second floor no longer exist.

For these reasons it should be determined if the Use Permit should be revoked and/or additional restrictions and conditions be imposed to ensure the uses(s) are in compliance with findings, and code requirements.

### **USE PERMIT HISTORY**

The following summarizes the history of the site and the Use Permit approvals:

- **In 1973 (Resolution 73-21)**, a Use Permit was approved for a new restaurant with service of beer and wine with operating hours of 11am to 10pm.
- **In 1974 (Resolutions 74-2 and 74-13)**, a Use Permit was approved for full alcohol in conjunction with a restaurant and a cocktail bar at the lower level with operating hours of 11am to 1am.
- **In 1975 (Resolution 75-12)**, a Use Permit was approved for live entertainment, with a total of 4 musicians, seven days a week until 1am.
- **In 1977 (Resolutions 77-27 and 3555)**, a Use Permit was approved to extend the operating hours for the restaurant and cocktail lounge from 11am to 1:30am.

Specifically, a 775 square foot cocktail lounge area was approved below the existing restaurant.

During the early 1990s, Rock Bottom Saloon, operated on the site from 1993 to 2003, and in the early 1990s the Police Department received numerous complaints from neighbors regarding noise from the live entertainment and nuisances from the service of alcohol. To mitigate noise, the business owner of Rock Bottom installed sound mitigation measures. As stated in Resolution No. 93-28, the owner installed plastic panels on the interior stained glass windows on the second floor, all openings, including ceiling, doors and windows were retrofitted and sealed and foam insulation was hung from the ceiling.

- **In August of 1993 (Resolution 93-28)**, since the owner installed sound mitigation measures and the owner agreed to comply with the City's Noise Ordinance, the Planning Commission approved the second floor bar as a full service bar and allowed dancing in addition to live entertainment. Also, the operating hours were modified as follows:

Sunday, 9am to 12am,  
Monday to Thursday, 11am to 12am,  
Friday, 11am to 1am and  
Saturday, 9am to 1am

City Council appealed and denied Use Permit No. 93-28 on November 16, 1993, due to a substantial amount of complaints that continued to be received by the Police Department, as stated in finding No. 5. Therefore, all conditions in previous Resolution No. 3555 continued to apply.

- **In June 1994 (Resolution 94-16, attached as Exhibit J)**, after various complaints were received as stated in finding No. 9, a revocation/modification hearing was scheduled by the City. Complaints centered around two conditions of approval that were being violated, including dancing and the service of food and alcohol. Some of the conditions were modified as follows: live entertainment was clarified to include only 4 instrumental musicians and/or vocalists, without audience participation or dancing, a full service bar available to customers was allowed only on the first floor lounge, and the second floor bar was only to be accessed by employees for the dispensing of alcoholic beverages to customers at tables. The operating hours were modified as follows:

Sunday, 9am to 12am,  
Monday to Thursday, 11am to 12am,  
Friday, 11am to 1am and  
Saturday, 9am to 1am

- **In September 1994 (Resolution No. 5117)**, the Use Permit was modified by the City Council because of continuing nuisance complaints, noise after hours, vandalism and littering on private and public property, and violation of conditions of live entertainment and retail service of food and alcohol to customers on the second floor bar. Live entertainment was limited to Thursday, Friday and Saturday nights, dancing was

permitted on Friday and Saturday, six special events were allowed each year on any night of the week, and full retail bars were approved on the first and second floors. The hours were limited as follows:

Sunday, 9am to 11pm  
Monday to Thursday, 11am to 11pm  
Friday, 11am to 1am and  
Saturday, 9am to 1am

- **In April 1995**, the current governing resolution (**Resolution No. 5155**) was approved by the City Council, following a 6 month review of the prior Resolution No. 5117. Specifically, the following conditions were modified: live entertainment was allowed on Sunday nights, live entertainment could include disc jockeys, six special events were allowed with approved City’s entertainment permit and full retail bars were allowed on both floors. A floor and seating plan was also approved.
- **In 2004**, after ongoing complaints from neighbors, the City Attorney met with the 900 Club owner who agreed to changes that would mitigate noise complaints, as stated in a letter dated December 2, 2004 (Exhibit F). Specifically, the changes included restricting access to the rear door onto Bayview Drive by installing a push bar locking mechanism that does not allow the door to be opened from the outside. Also, signs were installed on the inside to read “employees only” for access and the rear door was not to be used by customers. The owner also agreed to install a sign on the outside of the rear door that read “employees only”.

## DISCUSSION

### ***Resolution No. 5155 (Governing Resolution, Exhibit B – Requirements)***

The following lists the specific conditions as approved for the subject business:

- Use Restaurant/Bar with Type 47 Full Alcohol License (beer, wine and distilled spirits)
- Hours of operation Sunday, 9am to 12pm  
Monday to Thursday, 11am to 12pm  
Friday, 11am to 1am  
Saturday, 9am to 1am
- Live entertainment Thursday, Friday, Saturday and Sunday -  
Allowed on second floor only, combination of instrumental  
amplified musicians, vocalists, and/or disc jockeys. Non-  
Sundays preceding entertainment on Sunday only, except  
holidays.
- Dancing Friday and Saturday nights, 12’ x 12’ maximum floor area  
(approved floor plan attached to Resolution)

- Noise Business shall comply with City’s Noise Ordinance
- Special Events Six special events per year on any day, with Class II Entertainment Permits. Special events may include live entertainment, audience participation and/or dancing, as long as it is in compliance with City’s Noise Ordinance
- Bar 2 full retail bars permitted. One on first and one on second floor
- Parking 3 off-street parking spaces
- Landscaping Maintenance of landscaping on public and private property
- Trash No outside litter
- Security Provide adequate security of property and surrounding area
- Revocation or Modification Planning Commission or City Council may revoke or modify conditions including limitation of hours, limitation of occupancy, requiring valet parking, elimination of entertainment or any other condition to alleviate impact to adjacent land uses.

Resolution No. 5155 provides conditions to ensure that impacts from the subject business are mitigated. Some of the findings include:

- The subject business, with modification and clarification of conditions, is consistent with goals and policies of the General Plan (Section 1, #2)
- The property is zoned CD, which allows residential and commercial development (Section 1, #3)
- Since sound measures were installed on the second floor, the Planning Commission approved live entertainment on the second floor (Section 1, #6)
- All conditions, based on complaints (Section 1, #7), which would endanger the public health, safety and welfare of adjoining uses were modified (Section 1, #2, #9, #10)

***Resolution No. 5155 - Violations***

The following issues have been ongoing as violations of the current approved Resolution per the Police Department and City Prosecutor (Exhibits C and D):

- Operating after closing hours (Condition #1)
- Continuing noise complaints from surrounding neighbors generally between 12pm midnight and 2am (Condition #5)
- Numerous special events held, as stated in letters of support, with no entertainment permit (Condition #6)
- Disturbance of neighborhood from overall use (Condition #5, #11 and #12)

- In compatibility with adjoining uses (Condition #12)
- Excessive noise and loitering (Condition #11 and #12).

***Police Information (Exhibit C)***

The following is a summary of the Police report from various complaints and violations from 2011 to December 31, 2013. The majority of these complaints and violations consist of loud music, windows open during live band performances, alcohol consumption after hours, and excessive noise from loud customers entering and exiting the rear door of the premises. More detailed information is attached.

There were 11 calls for service from citizens regarding loud music, loud patrons and nuisances from alcohol after closing operating hours (some of these calls were before midnight, one was as early as 7:23pm) that did not result in arrest or citation as the Police were able to gain voluntary compliance. One of the 5 self-initiated police responses resulted in a report submitted to the City Prosecutor for review. The other four incidences were resolved on the site. This one investigation and report included an ABC compliance check on October 25, 2012 (DR #12-3760) that was forwarded to the District Attorney for filing. There were a total of 8 report calls from residents that led to a police site visit, investigation and written report. All of these reports were forwarded to the City Prosecutor for review as violations of the Use Permit, after hours operations, and/or the City's Noise Ordinance Section 5.48.140. These cases are all currently with the District Attorney office. Additionally, another noise violation was recently confirmed on February 02, 2014, which is not shown on the January 2014 police research (DR# 14-0364 citation for 5.48.140 Noise Disturbance).

Staff has contacted the Department of Alcoholic Beverage Control (ABC) and they are aware of the revocation hearing and issues. The City does not enforce ABC conditions.

***City Prosecutor Information (Exhibit D)***

The City Prosecutor has met with the business owner on various occasions to resolve the outstanding issues since 2012 but compliance has not been reached. Some of the violations include excessive noise from live entertainment (Section 2, #5), use of business after closing operating hours (Section 2, #1), use of rear door creating loitering and nuisance of patrons from drinking after closing operating hours (Section 2, #1, 11) and overall disturbance of the surrounding neighborhood (Section 2, #12). Several violations have led to cases that have been filed with the District Attorney's office and with the City Prosecutor. These cases are pending.

On February 11, 2014, staff, including the City Prosecutor, met with the business owner and owner's attorney at the subject site. Staff reviewed a list of concerns regarding noise and operational issues expressed by the neighbors. The owner of the Club expressed a willingness to resolve these issues and is currently in the process of making changes to mitigate impacts including replacing the front windows and restricting the use of the back door. The owner's attorney also stated that they are in the process of reaching an agreement with the District Attorney's office and the complaining parties on resolving the outstanding issues.

***Public Comments (Exhibit I)***

Numerous letters were received from the public. The majority of the letters were from long time members that state support for the business, as follows:

- Established and long-time business that is connected to the community
- Friendly and relaxed environment for adults, kids and families
- Participates in various charitable and community events
- Meeting place for friends, clients and professional associations
- Recent improvements including: designated smoking area in front, not rear; rear keyed access pad disabled after 10pm; all entrance and exits after 10pm is to the front; earlier “last call” for drinks; separation fence at rear door; and signage.

### ***Residents Complaints (Exhibit E)***

Staff has had a number of meetings with neighbors regarding their concerns with the activities at the 900 Club. Their concerns date back to 2004, as indicated previously in this report. At that time after numerous meetings with Code Enforcement staff and the City Attorney to address the nuisance issues from the Club, the Club owner agreed to not use the back door off of Bayview Drive except as an emergency exit and for employees (Exhibit F). Extensive documentation regarding the neighbors’ complaints has been forwarded separately to the Planning Commission and a copy of that information is available to the public at the Community Development Department and at the Planning Commission meeting. The neighbors’ concerns focus on noise from bands, music and patrons, after hours activities, use of the back door off of Bayview Drive which creates loitering, noise and disruptive activities, and the ongoing uncooperative nature of the operator of the Club.

A summary of these incidents is provided and the neighbors can provide the supporting e-mails or other documentation including video. One of the nearest neighbors has had a surveillance camera in place and has provided a log of the video documentation which can be made available if needed. The neighbors indicate that they are not opposed to the business operation, but want to be sure that the operator complies with clearly understood and updated conditions and makes a good faith effort to do so.

### ***Possible Conditions to Reduce Impacts***

Based on all of the complaints and issues related to the subject business, staff feels that the current conditions should be clarified and updated to be more consistent with recently approved Use Permits. A list of downtown restaurants and bars with standard use permit conditions is attached as Exhibit K.

## **CONCLUSION**

Staff recommends that the Planning Commission conduct the public hearing, receive public input, discuss and provide direction to either:

- 1) Modify the existing Use Permit,
- 2) Revoke the existing Use Permit or
- 3) Continue with existing Use Permit (Resolution No. 5155) with no changes

Tonight’s revocation/modification hearing is dedicated to presenting the issues and providing a forum for the neighbors to present their concerns and the representatives of the business to

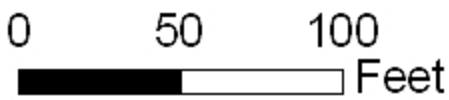


respond. No decision is expected at this hearing. After public testimony the Planning Commission will be requested to provide staff with direction on whether further conditions and or restrictions are necessary and continue the hearing to April 9<sup>th</sup>.

This will provide staff time to work with the applicant to resolve these issues and return with a draft Resolution for Planning Commission consideration. The City Prosecutor, Police Department and Assistant City Attorney will be at the Planning Commission meeting to respond to questions from the Planning Commission.

- EXHIBITS:
- A. Vicinity Map
  - B. Resolution No. 5155
  - C. Police Information
  - D. City Prosecutor Information
  - E. Residents Complaints (summary only attached, all other attachments available at Community Development Director counter, Planning Commission meeting and emailed to Planning Commission)
  - F. City Attorney Bob Wadden letter dated December 2, 2004
  - G. Neighbors Agreement of 900 Club Conditions to District Attorney
  - H. Response of Agreement of Neighbors Conditions from Applicant's Attorney
  - I. Public Comments in support of 900 Club (available at Community Development Director counter, Planning Commission and emailed to Planning Commission)
  - J. Resolution No. 93-28
  - K. Citywide Chart of Existing Restaurant Use Permit Conditions

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**EXHIBIT A**  
**PC MTG 2/26/14**



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1 RESOLUTION NO. 5155

2 A RESOLUTION OF THE CITY COUNCIL OF THE CITY  
3 OF MANHATTAN BEACH, CALIFORNIA, MODIFYING A  
4 USE PERMIT FOR AN EXISTING RESTAURANT/BAR,  
5 LOCATED AT 900 MANHATTAN AVENUE (NATHAN/ROCK  
6 BOTTOM INC.)

7 WHEREAS, there was filed with the City Council of the  
8 City of Manhattan Beach, California, an appeal of the Planning  
9 Commission's decision regarding a Resolution denying revocation  
10 and modifying a Use Permit for an existing restaurant/bar on the  
11 property located at 900 Manhattan Avenue, in the City of Manhattan  
12 Beach, California.

13 WHEREAS, the appellant is Thomas J. Nathan, owner/  
14 proprietor of Rock Bottom Saloon, Inc.

15 WHEREAS, after duly processing said appeal and holding  
16 a public hearing thereon, the City Council of said City adopted  
17 Resolution No. 5117 on September 7, 1994, modifying the governing  
18 approval (Res. No. 3555) for the restaurant/bar located at 900  
19 Manhattan Avenue, Manhattan Beach, California.

20 WHEREAS, Resolution No. 5117 required that six months  
21 following its approval, the Council would conduct a public hearing  
22 to review the operation for compliance, and provided that the Use  
23 Permit may be further modified at that time at the discretion of  
24 the City Council.

25 NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF  
26 MANHATTAN BEACH, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, FIND,  
27 DETERMINE AND ORDER AS FOLLOWS:

28 SECTION 1. That the City Council does hereby make the  
29 following findings:

- 30 1. The appellant appealed the action of the Planning Commission  
31 (Res. No. 94-16, adopted on June 8, 1994) modifying the  
32 governing Use Permit for the restaurant/bar.
- 33 2. The property is designated Downtown Commercial in the General  
34 Plan, which allows mixed (residential/commercial)  
35 development. The subject use, with appropriate modification

1  
2 and clarification of conditions of approval, is consistent  
3 with the goals and policies of the General Plan and the Local  
4 Coastal Program, the location of the use is in accord with  
5 the objectives of the zoning ordinance and the purposes of  
6 the district in which the site is located, the use will not  
7 be detrimental to the public health, safety or welfare, the  
8 use will comply with the provisions of the zoning ordinance,  
9 and the use will not create adverse impacts or create demands  
10 which cannot be mitigated.

11 3. The subject property is located at the southerly boundary of  
12 the City's historic downtown, in Area District III and is  
13 zoned (CD) Downtown Commercial District, as are the  
14 surrounding properties to the north, south and west. The  
15 properties to the east are zoned RM, Residential Medium  
16 Density. The nearest properties to the east, across Bayview  
17 Drive, are developed with residential structures. Properties  
18 to the south, across 9th Street, are developed with both  
19 residential and commercial structures. The properties to the  
20 west and north are developed with commercial retail/office  
21 uses.

22 4. The former Use Permit entitlement (City Council Resolution  
23 No. 3555, adopted August 2, 1977, incorporating by reference  
24 Board of Zoning Adjustment Resolution BZA 77-27) was modified  
25 by the Planning Commission on June 8, 1994 (Resolution No. PC  
26 94-16). PC 94-16 was appealed by Thomas J. Nathan.

27 5. On June 8, 1994, the Planning Commission found the subject  
28 business to be in violation of two conditions of approval of  
29 the existing Use Permit, Res. No. 3555. Those violations  
30 were:

31 (A) Addition of dancing as a form of entertainment  
32 (Violation of Res. No. 3555, condition 8).

(B) Use of an existing service bar on the second level as a  
full retail bar. (Violation of Res. No. 3555, condition  
9).

6. The former governing Use Permit (Reso. No. 3555) was found to  
be silent with respect to the location of permitted live  
entertainment. Due to the fact that sound attenuation  
measures had recently been introduced by the current business  
owner on the second floor, the Planning Commission found it  
appropriate to clarify the use permit such that the second  
floor may be utilized for live entertainment.

7. Nuisance complaints have been received from residents living  
in the vicinity of the subject business and included  
disturbance of the peaceful enjoyment of nearby properties  
due to noise at late evening hours, vandalism to private  
property and littering both on private property and in the  
public right-of-way.

8. The Planning Commission and City Council recognize that  
Resolution No. 3555 provides at Condition 11 that the City  
may review the subject Use Permit for the purposes of  
revocation or modification. The modifications set forth in  
Resolution No. 5117 and this Resolution are consistent with

the authority provided by Res. No. 3555.

- 9. The Planning Commission found that the continued violation of the Use Permit with respect to conditions 8 and 9 of Reso. No. 3555 and the current operation of the business were inconsistent with the purposes of the Zoning Ordinance and the Downtown Commercial District in which the site is located, constituted an endangerment to the public health, safety and welfare and a land use which was incompatible with the existing uses on adjoining and surrounding properties, based on complaints and oral and written testimony received.
- 10. The City Council's modifications of the Use Permit made by this Resolution are based on the administrative record of Planning Commission hearings and on the oral and written testimony received in the public (appeal) hearing and on the oral and written testimony received in the Council review hearing held on March 21, 1995 and are intended to mitigate nuisance complaints referenced herein.
- 11. The appellant, Thomas J. Nathan, at the Council appeal hearing on September 7, 1994, agreed to comply with the conditions of the modified Use Permit.

**SECTION 2.** The City Council does hereby declare that appropriate conditions of Res. No. 3555 and Res. No. 5117 have been incorporated into this Resolution which supersedes those prior resolutions. Therefore the City Council hereby grants and modifies the Use Permit subject to the following conditions:

- 1. The hours of operation of the business shall be as follows:

Monday - Thursday:	11:00 a.m. to 12:00 p.m.
Friday	11:00 a.m. to 1:00 a.m.
Saturday	9:00 a.m. to 1:00 a.m.
Sunday	9:00 a.m. to 12:00 p.m.

- 2. Live entertainment is permitted exclusively on the second floor and may be comprised of any combination of instrumental musicians, vocalists and/or disc jockeys. Live entertainment may consist of either amplified or non-amplified sound unless otherwise stated in this resolution.
- 3. Live entertainment, which may be comprised of any combination of instrumental musicians, vocalists and/or disc jockeys, is limited to Thursday, Friday, Saturday and Sunday. On Sunday sound shall be non-amplified only, except for Sundays preceding legal holidays as defined by City Council resolution.
- 4. Dancing is permitted on Friday and Saturday nights only. Dancing shall be located on a 12 ft. by 12 ft. (maximum) dance floor area as shown on the approved floor plan, attached and incorporated herein as Exhibit A.

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- 5. The business shall comply with the City's existing Noise Ordinances, as they, may be amended from time to time.
- 6. The business may conduct a maximum of six special events per calendar year to be conducted on any night of the week, subject to the approval of Class II Entertainment Permits. Special events may include live entertainment, audience participation and/or dancing so long as the event is in compliance with the noise regulations as set forth.
- 7. Full, retail bars are permitted on both floors of the restaurant in compliance with any applicable state law, regulation and permit.
- 8. Three full-sized off-street parking spaces shall be maintained at the rear of the subject property.
- 9. Landscaping which has overgrown the public sidewalk area shall be trimmed and maintained in such a manner as to permit proper pedestrian passage.
- 10. Sand which erodes onto the public sidewalk shall be removed and the slope retained at the northwesterly corner of the lot.
- 11. The management of the restaurant shall police the property in all areas immediately adjacent to the business during the hours of operation to keep it free of litter. The business proprietor shall provide adequate management and supervisory techniques to prevent loitering, unruliness, and boisterous activities of patrons outside the business or in the immediate area.
- 12. At any time in the future, the Planning Commission or City Council may review the Use Permit for the purposes of revocation or modification. Modification may consist of the following: limitation of hours; further limitation of total occupancy; requiring valet parking; elimination of entertainment or the establishment of any other condition or conditions deemed reasonable to mitigate or alleviate impacts to adjacent land uses.

SECTION 3. Pursuant to Government Code Section 65907 and Code of Civil Procedure Section 1094.6, any action or proceeding to attack, review, set aside, void or annul this decision, or concerning any of the proceedings, acts, or determinations taken, done or made prior to such decision or to determine the reasonableness, legality or validity of any condition attached to this decision shall not be maintained by any person unless the action or proceeding is commenced within 90 days of the date of this resolution and the City Council is served



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2 within 120 days of the date of this resolution. The City Clerk  
3 shall send a certified copy of this resolution to the applicant,  
4 and if any, the appellant at the address of said person set forth  
5 in the record of the proceedings and such mailing shall constitute  
6 the notice required by Code of Civil Procedure Section 1094.6.

7 SECTION 4. This resolution shall take effect  
8 immediately.

9 SECTION 5. The City Clerk shall certify to the  
10 passage and adoption of this resolution; shall cause the same to  
11 be entered among the original resolutions of said City; and shall  
12 make a minute of the passage and adoption thereof in the records  
13 of the proceedings of the City Council of said City in the minutes  
14 of the meeting at which the same is passed and adopted.

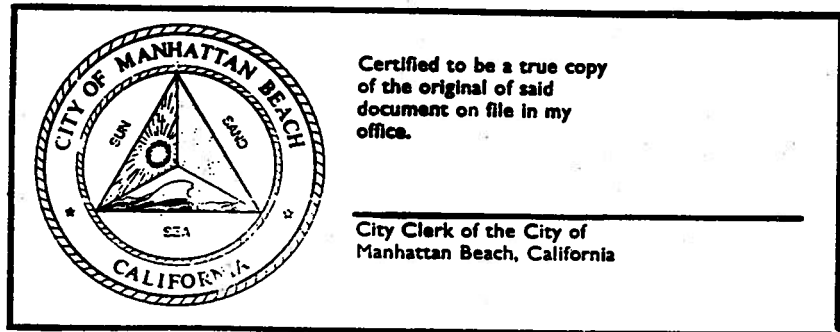
15 PASSED, APPROVED, and ADOPTED this 4th day of April,  
16 1995.

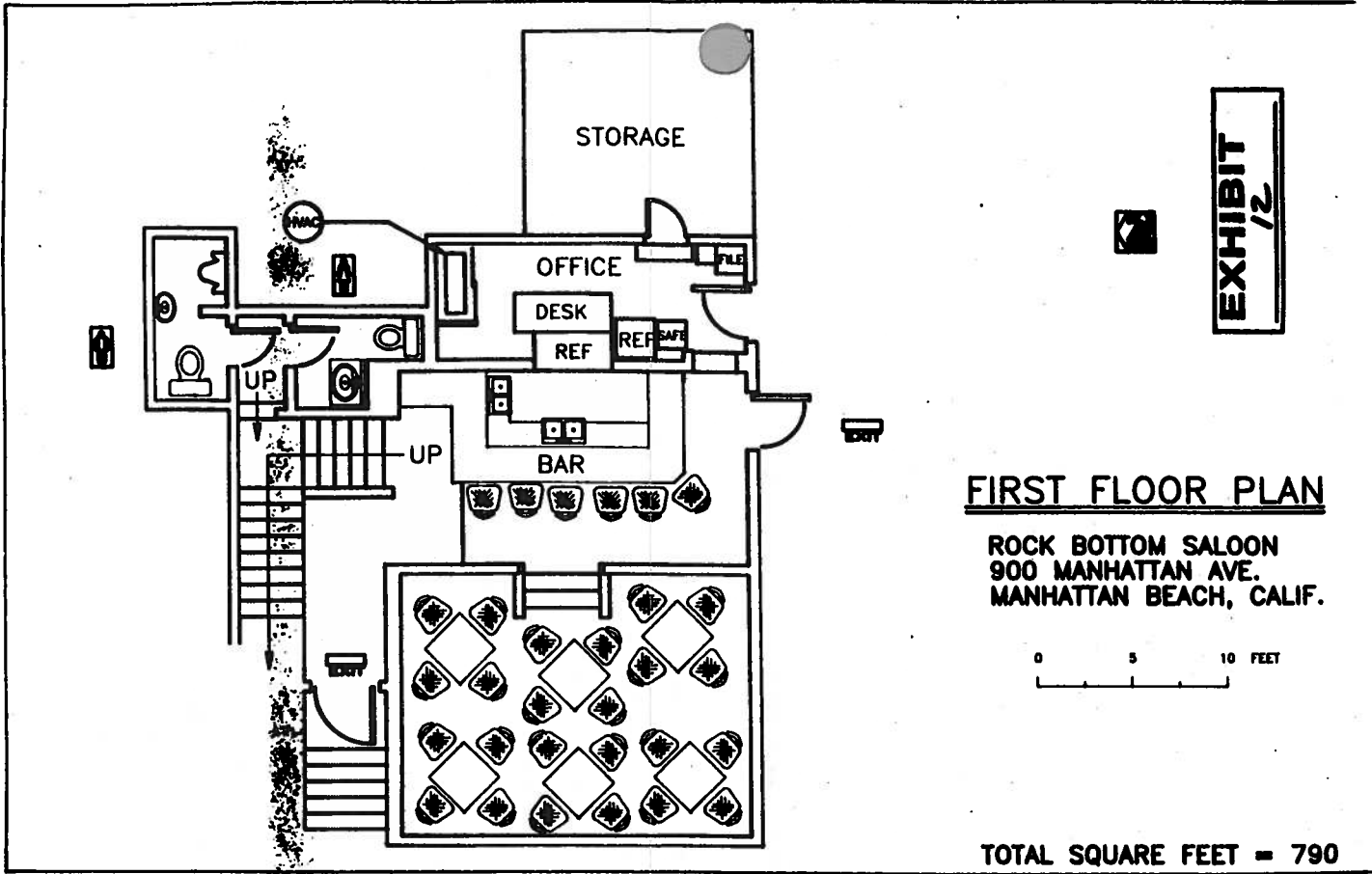
17 Ayes: Jones, Cunningham, Mayor Lilligren  
18 Noes: Napolitano, Barnes  
19 Absent: None  
20 Abstain: None

21 /s/ Tim Lilligren  
22 Mayor, City of Manhattan Beach,  
23 Manhattan Beach

24 ATTEST:

25 /s/ Win Underhill  
26 City Clerk

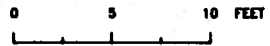




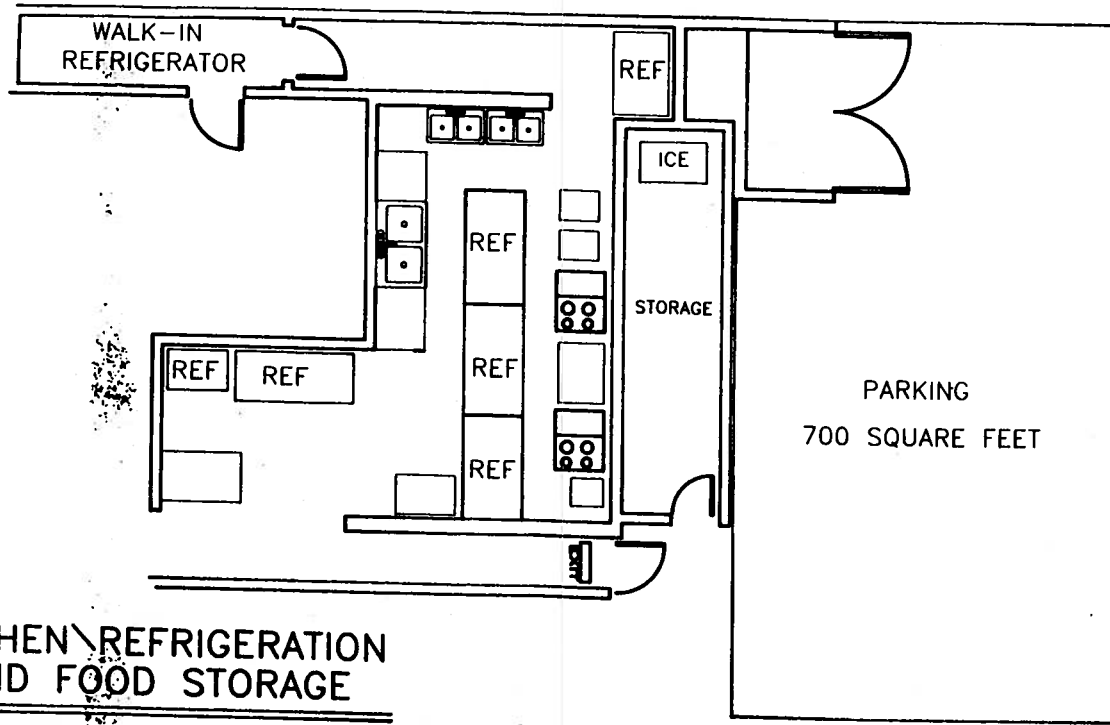
**EXHIBIT**  
**/2**

**FIRST FLOOR PLAN**

**ROCK BOTTOM SALOON  
900 MANHATTAN AVE.  
MANHATTAN BEACH, CALIF.**



**TOTAL SQUARE FEET = 790**

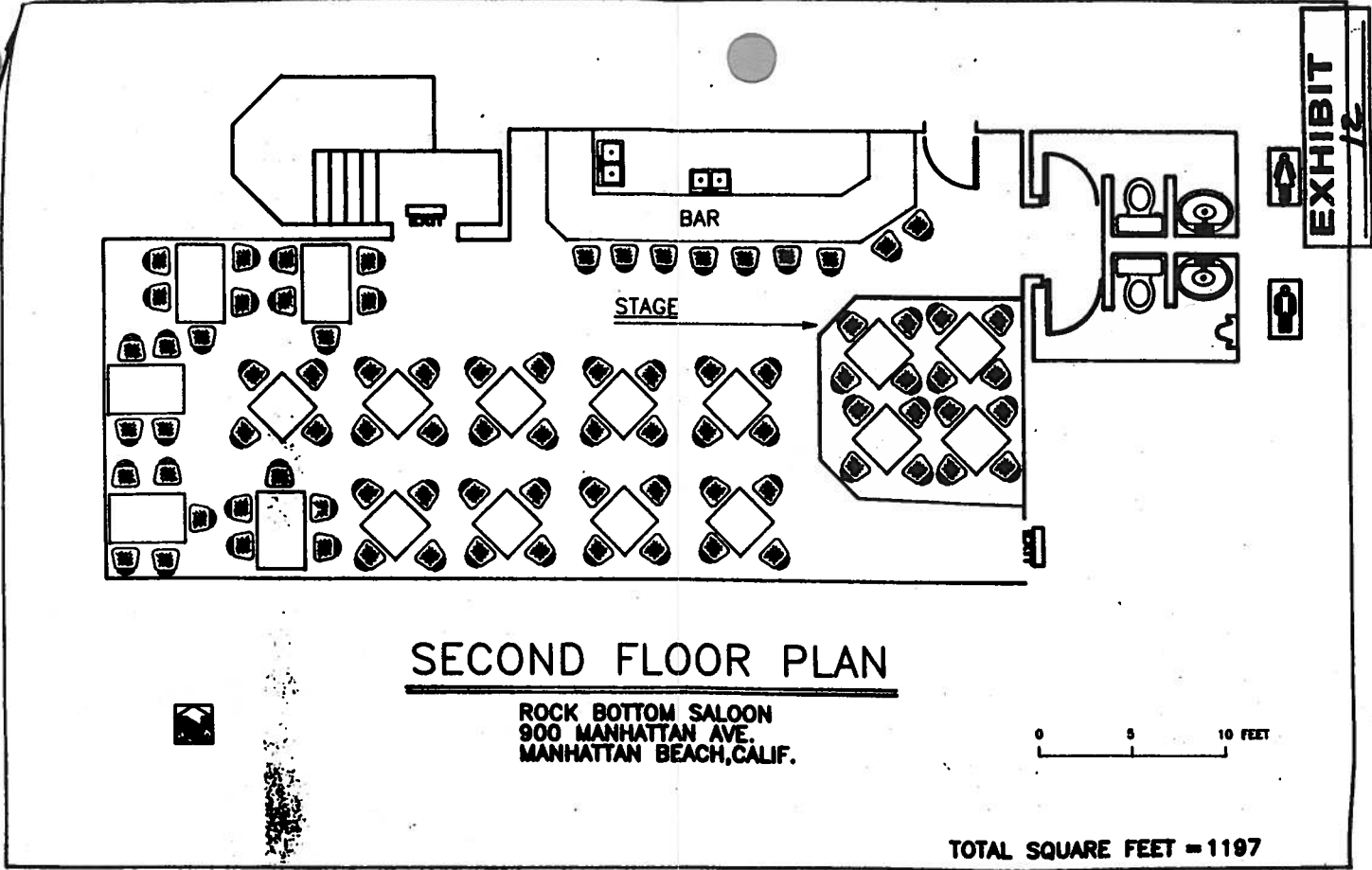


**EXHIBIT**  
/2

**KITCHEN \ REFRIGERATION  
AND FOOD STORAGE**

**ROCK BOTTOM SALOON  
900 MANHATTAN AVE.  
MANHATTAN BEACH, CALIF.**

**TOTAL SQUARE FEET = 695**



**SECOND FLOOR PLAN**

**ROCK BOTTOM SALOON  
900 MANHATTAN AVE.  
MANHATTAN BEACH, CALIF.**

0 5 10 FEET

**TOTAL SQUARE FEET = 1197**



## DEPARTMENTAL COMMUNICATION

### CITY OF MANHATTAN BEACH POLICE DEPARTMENT

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#### 900 Club Complaints Research

January 15, 2014

Research was conducted to provide information to city representatives that will hear and provide testimony during the upcoming Revocation Hearing for the 900 Club. The report reflects police calls for service, police reports prepared, and officers' self-initiated activity regarding the 900 Club for the timeframe of January 2011 through December 2013.

#### **Police Calls for Service:**

Police calls for service are generated when subjects (both residents and visitors) contact the police for response to a complaint or concern. An officer (sworn police officer(s) and/or professional staff such as a community service officer) will respond to the location to assist in rectifying the complaint or concern, conduct a preliminary investigation, or enforce appropriate laws by preparing a written report for further investigation or prosecution filing, issuing a citation for the subject(s) to appear in court at a later time, or effect an arrest(s).

There were 11 calls for service that did not result in citation or arrest (2011 – 2013.) The following is a summary of the calls with no prosecution:

**01-21-11 (Fri) 0017 hours Loud Music & After Hours Alcohol Consumption**

The bartender was contacted, music turned down, and no other violations observed.

**04-02-11 (Sat) 0005 hours Open Rear Door, CUP Violation & Live Band**

The owner was contacted, and door was closed.

**04-14-11 (Thurs) 0045 hours Loud Subjects at the Rear Door**

No subjects located at the rear door.

**04-14-11 (Thurs) 2304 hours Loud Music**

Employee was contacted, windows were closed, and music turned down.

**EXHIBIT C  
PC MTG 2/26/14**

*"Policing through Partnerships"*

**05-01-11 (Wed) 0123 hours Subjects Entering After 0100 hours (CUP)**  
Officers responded and advised or assisted (No further details available.)

**05-07-11 (Sat) 2218 hours Subjects using Bayview Dr. Door**  
Owner was contacted and advised of the complaint. No subjects were seen utilizing the door, only employees for work related purposes.

**06-10-11 (Fri) 2238 hours Loud Music**  
The reporting party (complainant) recalled and requested the call be cancelled, stating she asked the music to be turned down, herself, and there was no need for police to respond.

**07-09-11 (Sat) 0044 hours Loud Live Band with Open Windows**  
Officers advised and the music was turned off.

**02-05-12 (Sun) 1923 hours Intoxicated Subject inside Location**  
A patron called regarding an intoxicated subject inside the location, fearing the subject would attempt to drive. The patron called back to say the subject went into the private section of the club and would recall if the subject left.

**05-12-12 (Sat) 2303 hours Bayview Dr. Door Open with Loud Music**  
The owner was contacted and closed the door.

**11-03-13 (Sun) 0118 hours Loud Subjects**  
The call was cleared as unfounded (no loud subjects located.)

**Self-Initiated Police Response:**

Self-Initiated Police Response occurs when an officer conducts an investigation or inquiry without being directed to the location by complaint or being dispatched. The officer's observation or investigation will determine what action will follow (advisement, citation, arrest, or no action.)

There were 5 officer initiated contacts that did not result in citation or arrest (2011 – 2013.) The following is a summary of the contacts with no prosecution:

**12-10-11 (Sun) 0206 hours Verbal Argument between 2 Subjects**  
There was no crime observed, and no other calls regarding the incident.

**10-25-12 (Thur) 2200 hours ABC Compliance Check  
DR #12-3760**

The compliance check revealed several bottles of alcohol containing bugs; and a CUP violation for the rear door (Bayview Dr.) being continuously open. A police report was prepared and submitted for prosecution review with DR #19-3677 (347(b)PC violation – Adulterated alcohol for sale, ie, "Buggy Bottles.")

**08-06-13 (Tues) 1944 hours ABC Compliance Check**  
Officers conducted a compliance check with no investigative reports generated.

**11-22-13 (Fri) 2122 hours Bayview Dr. Door observed Open**  
There was no noise heard coming from the location, and no calls regarding the door.

**11-23-13 (Sat) 2332 hours Bayview Dr. Door observed Open with Music**  
An employee was contacted who closed the door and turned the music down. There were no calls regarding the incident.

**Report Calls:**

Police Report Calls are generated when subjects (both residents and visitors) contact the police to report a crime or incident for documentation, further investigation, and/or prosecution. An officer will respond to the given location or police station to interview the subject so that a written police report for further investigation or prosecution filing will be prepared.

There were 8 report calls generated. The following is a summary:

**09-03-11 (Sat) 2354 hours 5.48.140 MBMC (Noise Disturbance)  
DR #11-2882**

Officers responded to a report of loud music later determined to be from a live band. A police report was generated with the officer recommending in his report, the information be forwarded to the city prosecutor for review.

**06-03-12 (Sun) 0100 hours 5.48.120 MBMC (Noise Disturbance)  
DR #12-1938**

A report of loud noise and amplified music coming from the location (0100 hours) was prepared. The report was submitted with DR #12-3677 for prosecution review.

**10-18-12 (Thurs) 2339 hours 5.48.140 MBMC (Noise Disturbance)  
DR #12-3677**

A report of loud subjects outside the location and alcohol being served after CUP hours (0015 hours) was prepared. The report was submitted for prosecution review.

**10-27-12 (Sat) 0134 hours CUP Violation (Subjects inside after Hours)  
DR #12-3771 Citation #M377560**

Officers conducted a self-initiated security check of the location and found approximately 15 subjects inside the business with alcoholic beverages. Upon noticing the police, employees rushed over to patrons requesting they leave. The report was forwarded to the Detective Section and Code Enforcement. There is no indication the report was forwarded otherwise.

**01-18-13 (Fri) 1040 hours Building Code Violation  
DR #13-190**

Code Enforcement Officer Jacqueline Harris issued a citation to David Rohrbacher for California Building Code 105.1 (Permit Required.)

**03-17-13 (Sun) 0145 hours 10.104.040 MBMC (Violation of Resolution)  
DR #13-780**

A report of loud music, loud noise by the band loading their equipment, and subjects inside the club after hours was prepared. Upon officers arrival, no violations were observed. An informational report was prepared and forwarded to the Code Enforcement Officer.

**04-30-13 (Tues) 0032 hours 5.48.140 MBMC (Noise Disturbance)  
DR #13-1289**

Officers conducted a security check of the location and discovered loud noise and subjects inside the location after hours. Upon entry, the subjects (1 male and 2 females) were contacted as they were playing a game of pool with alcoholic beverages at the countertop of the bar. A police report of the findings was prepared and forwarded for prosecution review.

**11-16-13 (Sat) 0130 hours 5.48.140 MBMC (Noise Disturbance)  
DR #13-3570 Citation #M452994**

Officers responded to a complaint of loud music and subjects. Upon arrival, officers were met with a large crowd exiting the location after CUP closing time. Two misdemeanor complaints (2 complainants) were signed, for prosecution against owner David Rohrbacher, with a citation issued.

**Foot Beat:**

Officers patrol areas of the city by walking (commonly known as a "Foot Beat") while interacting with citizens, but also addressing crimes and other quality of life issues as seen.



There were 17 Foot Beats initiated by officers around the area of the 900 Club:  
2011 – 2  
2012 – 1  
2013 – 14

All Foot Beats were cleared either Secure/Assisted (No enforcement necessary)

**Security Check:**

Officers conduct checks of locations that are open or closed for business. If open, generally the officer will make contact with employees/patrons to ensure all is well. If closed, officers check to ensure no suspicious or criminal activity is occurring (or has occurred.)

There were 51 Security Checks initiated by officers around the area of the 900 Club:  
2011 – 11  
2012 – 20  
2013 – 20

All Security Checks (with the exception of 1) was cleared either Secure or Other (No enforcement necessary.) The exception was addressed above in DR #13-1289

**Prosecution/Filings:**

To date, the police department has received notification from the Superior Court of California for the County of Los Angeles that a Misdemeanor Complaint was filed by the Los Angeles County District Attorney's Office for a violation of Penal Code Section 415(2), committed by David Rohrbacher. This case is still in the adjudication process (DR #12-3677, which encompasses DR #12-1938 and #12-3760.)

## **Definitions:**

**415(2)PC (Penal Code Misdemeanor) – willfully, unlawfully, and maliciously disturb another person (witnessed identified) by loud and unreasonable noise.**

**347(b)PC (Penal Code Misdemeanor) - It shall be unlawful for any person, firm or corporation to manufacture, sell, furnish, or give away, or offer to manufacture, sell, furnish, or give away any alcoholic solution of a potable nature containing any deleterious or poisonous substance, and the burden of proof shall be upon the person, firm, or corporation manufacturing, selling, furnishing, or giving away, or offering to manufacture, sell, furnish, or give away, any such alcoholic solution of a potable nature containing any deleterious or poisonous substance, to show that such alcoholic solution of a potable nature did not contain any deleterious or poisonous substance. Every person who violates any of the provisions of this section is guilty of a misdemeanor, and shall be punished by a fine not exceeding two thousand five hundred dollars (\$2,500), or by imprisonment in a county jail not exceeding one year, or by both such fine and imprisonment.**

### **10.104.040 MBMC - Prosecution of Violations.**

**Unless otherwise provided, any person, firm or corporation violating any provision of this title shall be guilty of a misdemeanor; provided, however, that any violation of this chapter may be charged as an infraction at the discretion of the City Prosecutor. Each day or portion thereof that such violation continues or reoccurs shall be a new and separate violation. For purposes of this title, both the owner of record of a specific property and any tenant in possession shall be liable for compliance with all of the provisions of this title. Nothing in this section shall preclude the City from bringing a civil action to enforce the provisions of this title.**

### **5.48.120 - Amplified sounds—Electronic Devices.**

**It is prohibited for any person to permit the transmission of, or cause to be transmitted, any amplified sound on any public street, sidewalk, alley, right-of-way, park, or any other public place or property which sound is audible at fifty feet (50'). This section shall not apply to any noncommercial public speaking, public assembly, or other activity for which a permit has been issued.**

### **5.48.140 MBMC - Noise Disturbances.**

**Notwithstanding any other provisions of this chapter and in addition thereto, it shall be unlawful for any person to willfully make or continue, or cause to be made or continued, any loud, unnecessary and unusual noise which**

**disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness. The standard which may be considered in determining whether a violation of the provisions of this section exists may include, but not be limited to, the following:**

**A.**

- 1. The level of the noise;**
- 2. Whether the nature of the noise is usual or unusual;**
- 3. Whether the origin of the noise is natural or unnatural;**
- 4. The level and intensity of the background noise if any;**
- 5. The proximity of the noise to residential sleeping facilities;**
- 6. The nature and zoning of the area within which the noise emanates;**
- 7. The density of the inhabitation of the area within which the noise emanates;**
- 8. The time of the day and night the noise occurs;**
- 9. The duration of the noise;**
- 10. Whether the noise is recurrent, intermittent or constant;**
- 11. Whether the noise is produced by a commercial or noncommercial entity;**
- 12. Whether the noise occurs on a weekday, weekend, or holiday.**

**B.**

**The City may issue a citation against the person, persons, or entity responsible for the noise including, but not limited to, the property owner or business operator on whose premises the noise originates.**

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**CASES FILED AGAINST 900 CLUB – CITY PROSECUTOR**

Date	Report	Violation	City Prosecutor Review	Case Number/Date Filed	Notes
Sunday, June 3, 2012 1:00 a.m.	DR#12-1938	Noise and Amplified Music and Alcohol	X Office Conference held by City Prosecutor (Informal Meeting)	<b>Case No. 2SY09217</b>  <b>Filed on December 19, 2012</b>  <b>People vs. David Rohrbacher</b>	Alcohol still being served to patrons at 1:00 a.m.  <b>DR#12-1938 included in District Attorney's Case No. 2SY09217 filed on December 19, 2012</b> <b>Count 1 - Violation of Section 415(2) Penal Code</b>
Thursday October 18, 2012 12:15 a.m.	DR# 12-3677	Loud noise & Bartender still serving alcohol, Violation of CUP	X	<b>Case No. 2SY09217</b>  <b>Filed on December 19, 2012</b>  <b>People vs. David Rohrbacher</b>	Advised Owner of CUP violation  Supp. Report No. 0001 dated October 24, 2012, officers meet with neighbor Recommendation to consider file Misdemeanor charges against 900 Club Mgmt for: 3 Counts 5.48.140 MBMC 7 Counts Violating Reso No. 93-28 # 18, 10.104.010 MBMC 1 Count of 347(b) PC Various violations of CUP & The ABC ACT (B+P)  <b>DR#12-3677 included in District Attorney's Case No. 2SY09217 filed on December 19, 2012</b> <b>Count 1 - Violation of Section 415(2) Penal Code</b>
Thursday October 25, 2012 10:00 p.m.	DR# 12-3760	ABC Compliance Check (16 bottles of alcohol containing bugs, one bottle containing 20 bugs)	X	<b>Case No. 2SY09217</b>  <b>Filed on December 19, 2012</b>  <b>People vs. David Rohrbacher</b>	<b>Requesting District Attorney file charges of 347(b) PC and 10.104.010 MBMC</b>  <b>DR#12-3760 included in District Attorney's Case No. 2SY09217 filed on December 19, 2012</b> <b>Count 1 - Violation of Section 415(2) Penal Code</b>

**CASES FILED AGAINST 900 CLUB – CITY PROSECUTOR**

Saturday October 27, 2012 1:34 a.m.	DR# 12- 3771	CUP Violation Report (15 subjects w/alcohol @ 1:34 am)	X	<b>Case No. 2SY09217</b>  <b>Filed on December 19, 2012</b>  <b>People vs. David Rohrbacher</b>	Advised Asst. Manager said she was unsuccessful in attempting to have everyone leave the bar – Audio uploaded to PUMA server  Supp. Report No. 0001 dated November 10, 2013, Evidence included 4 CD's, a binder with misc. paperwork and flash drive booked into evidence and related to DR#12-3677.  <b>DR#12-3771 included in District Attorney's Case No. 2SY09217 filed on December 19, 2012 Count 1 - Violation of Section 415(2) Penal Code</b>
Friday January 18, 2013 10:40 a.m.	DR# 13- 190	CA Building Code Permits Required 105.1 – Rear fence construction (a permit is required for any fence over 6ft in height)	X	<b>Case No. 3SY00900</b>  <b>Filed on February 19, 2013</b>  <b>People vs. David Rohrbacher</b>	VIOLATION OF 9.01.010 MBMC Adoption of CA Building Code Section 105.1  Rear fence construction (a permit is required for any fence over 6ft in height)
Tuesday April 30, 2013 12:39 a.m.	DR# 13- 1289	Loud music heard more than 50 ft away & 1:45 a.m. Violation of Conditional Use Permit 10.104.010 MBMC & Noise Disturbances 5.48.140	X	<b>Case No. 3SY04497</b>  <b>Filed on July 13, 2013</b>  <b>People vs. Timothy Doherty</b>	Loud music and alcohol being served and consumed False information given by defendant  VIOLATION of Provisions of CUP Reso No. PC 93-28 in violation of 10.104.010 of MBMC & Noise Disturbance 5.48.140 MBMC

**CASES FILED AGAINST 900 CLUB – CITY PROSECUTOR**

Saturday November 16, 2013 1:30 A.M.	DR# 13- 3570	Noise & alcohol violations 5.48.140 MBMC	X	<b>Case No. 3SY08142</b>  <b>Filed on December 2, 2013</b>  <b>People vs. David Rohrbacher</b>	Owner of 900 Club cited for loud music and noise violation. Two neighbors signed Complaints on 11/16 and 11/17. Police observed the bar servers clearing. Please see photo's (4) via email regarding noise and related to DR#13-3570
Sunday February 2, 2014 12:33 A.M.	DR#14- 00364	Loud music and live band playing 5.48.140 MBMC Noise Disturbances	X	<b>Case No. 4SY00912</b>  <b>Filed on February 6, 2014</b>  <b>People vs. David Rohrbacher</b>	Owner of 900 Club cited for noise violation

The status of the following cases filed against the 900 Club:

1. 2SY09217 – People vs. David Rohrbacher
2. 3SY00900– People vs. David Rohrbacher
3. 3SY04497 – People vs. Timothy Doherty
4. 3SY08142 – People vs. David Rohrbacher
5. 4SY00912– People vs. David Rohrbacher

The cases are still pending so that the City Prosecutor can work with the District Attorney to globally resolve the issues and violations on the site.

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# PC MEETING

2/26/14

## ATTACHMENT E:

RESIDENTS COMPLAINTS –  
SUMMARY ONLY ATTACHED

(OVERSIZED PORTION OF DOCUMENT  
AVAILABLE SEPARATELY AT COMMUNITY  
DEVELOPMENT DEPT., PLANNING  
COMMISSION MEETING AND E-MAILED TO  
PLANNING COMMISSIONERS)

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2004 to Present - Neighborhood Compilation, 900 Club

February 26<sup>th</sup>, 2014

Planning Commission Hearing

900 Manhattan Ave. – Modification of CUP

**EXHIBIT E  
PC MTG 2/26/14**

2004 History of Neighbor Complaints	Summary of 900 Club Compliance Attempts	2011 to Present Neighborhood Compilation of Events	Lower Bar, Recommendations	900 Club Recommendations	Summary and Conclusions	Additional Underlying Documents & Letters	Appendix
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>
Summary	Summary	15 Page Document	Summary	Summary (2 pages)	Summary	Available at Hearing or Upon Request	Police Reports, Judicial Complaints Avail Upon Request

## 2004 History of Neighbor Complaints – 900 Club

### 1. Neighbor Letters submitted to the City of Manhattan Beach in 2004 regarding Dave Rohrbacher:

- Neighbors not pushing for a "shut down", just some simple compromises.
- Dave Rohrbacher operates the 900 Club with total disregard to City Codes, the CUP and Neighbors.
- Dave Rohrbacher consistently operates well after CUP hours; creating continual noise disturbances from disorderly conduct by customers.
- Dave Rohrbacher tells neighbors "Why did you move near a bar?", "You are the only one complaining", "Go "F\*\*K" yourself".
- Fear of retaliation, belligerent – yells and screams expletives at neighbors and threatens them with intimidating physical posturing face-to-face.
- Neighbors are in fear, cannot sleep and peace is constantly disrupted.
- Neighbors have sold -moved repeatedly – Upstanding community members forced to sell – church elder, health care professional, families with children.

### 2. City Manager, Wadden Agreement – December 2, 2004:

In lieu of escalation to a Revocation Hearing in 2004 the City & 900 Club negotiated terms set forth in the 2004 Wadden Agreement.

- 900 Club warned about being open after CUP hours and to curtail the use of the back door by customers.
- Agreement to renovate front door off Manhattan Avenue and program front key pad access for member's access.
- Saloon doors had been installed at the beginning of the hallway leading to the back door, a sign posted "employees only". \*\*\*\*\*
- The rear door is now a push bar fire door locking automatically upon closure which cannot be opened from the outside. \*\*\*\*\*
- The rear door keypad had been re-programmed removing access code for all members. \*\*\*\*\*
- The Club owner indicated that it had sent out emails to all members informing them of the change in procedure. (See email contents in item #3)
- The "changed out" keypads and new hardware to be final by Friday, December 3, 2004

Note: \*\*\*\*\* Most sound mitigation terms previously mandated by the City had been taken out / no longer existed.

### 3. Dave Rohrbacher, Manager/Co-Owner, 900 Club member communication 2004:

- Email communication sent to all 900 Club members from Dave Rohrbacher. Stated that "due to ongoing pressure from neighbors and police, members should use the front door after 10:00 pm and they will close early the next couple of weeks to appease the neighbors."

\*Note - Dave Rohrbacher solely in charge of management of 900 Club. Full knowledge of ongoing problems since 2004. No remedy, City forced to have Revocation Hearing 2014.

## Summary of 900 Club Compliance Attempts

### First Major Compliance Attempt – 900 Club:

- 2004 City Manager, Wadden Agreement. **Result** – Behavior continued. Ex: Mitigation improvements agreed to by Club were completely removed or not followed. (Saloon doors, self-locking close bar on back door and signs previously installed, were **ALL** later removed. Keypad code to rear door was given out and used by members again.)

### Second Major Compliance Attempt – 900 Club:

- March/April 2011 – Initial discussions and warnings from Code Enforcement, Jackie Harris.
- May 26, 2011 – “Neighbors and 900 Club Agreement” (Block Captain, Tim Doherty and Dave Rohrbacher). **Result** – Behavior continued. Initial positive response then reneged soon after.
- July 17, 2012 – City Meeting with City Prosecutor, Police & Code Enforcement and 900 Club (Tim Doherty, Sean Varner & Dave Rohrbacher).
  - Denied violating CUP, agreed to work with neighbors to resolve complaints.
  - Manager, Dave Rohrbacher was cited **September 3, 2011** for **Violation of the Noise Ordinance.** **Result** – See Police Report.
  - September 28, 2012 - City Prosecutor and Police Detective view surveillance tapes of flagrant violations of the CUP and corresponding agreements contrary to Club statements.
  - Turning Point – Due to irrefutable video evidence Prosecutor determines 900 Club statements are disingenuous and cancels future meeting October 5, 2012. Vowed to take action.
  - Manager, Dave Rohrbacher, was cited by Police **October 18, 2012** for **Operating after CUP hours.** **Result** – See Police Report.
  - Manager, Dave Rohrbacher, was cited by Police **October 27, 2012** for **Operating after CUP hours.** **Result** – See Police Report.

### Third Major Compliance Attempt – 900 Club:

- City Prosecutor filed **Judicial Complaint #1 December 2012** – Disturbing the Peace. **See Judicial Complaint filed.**
- City Prosecutor filed **two additional Judicial Complaints #2, #3 in 2013** – **See Judicial Complaints filed.**
  - #1 - Dave Rohrbacher was cited for **Permit Violation, January 18, 2013** after being given 2 written chances and 1 verbal chance to pull the appropriate permit.
  - #2 - Co-Owner, Tim Doherty was cited **April 30, 2013** for **Operating after CUP hours and Violation of the Noise Ordinance.** **Result** – See Police Report.
    - **Note:** Tim Doherty, representing 900 Club at July 17, 2012 City Meeting was complicit in all violations noted. **Falsified statements to the Police at the incident** on April 30, 2013. Stated he was a bartender and wasn't sure of owner's name when asked. Police were never made aware of the false statements internally.

### Fourth Major Compliance Attempt – 900 Club:

- September 18, 2013 City of MB Prosecutor and Torrance DA enter negotiations on **Plea Bargain/Diversion Agreement – Round #1.** **Result** – Behavior continued. Failed attempt, December 6, 2013, pulled by Torrance District Attorney due to continual Club violations *during* negotiations.
- Dave Rohrbacher cited **November 16, 2013** for **Operating after CUP hours & Violation of the Noise Ordinance.** Judicial Complaint #4 filed. **Result** – See Police Report & Judicial Complaint.

### Fifth Major Compliance Attempt – 900 Club:

- Torrance District Attorney – Disturbing the Peace Complaint separated from City of MB complaints & MB City Prosecutor consolidated all remaining pending cases into one. **January 2014** - Attempt Plea Bargain/Diversion Agreement **Round #2 Pending** - all **never prosecuted** to date. 900 Club being given multiple opportunities even after consistent failed resolution attempts and behavior continues.

### Post Notice of Revocation CUP Hearing, February 26, 2014 – 900 Club:

- Other neighbor complaints to City in January 2014, they opted not to call the Police since revocation hearing is pending. Anticipated no further documentation necessary given history. PC MTG 2/26/14
- Continued Violations – **February 2, 2014** – **Manager, Dave Rohrbacher, was cited by Police for Violation of the Noise Ordinance.** **Result** – See Police Report. Page 37 of 77

## Lower Bar Recommendations and History - The Red Room (previously known as The Side Door)

900 Manhattan Avenue has a unique situation whereby 2 establishments are operating under one CUP and alcohol license. The CUP is clearly separated into an "Upstairs" and a "Downstairs". The upper level is the "900 Club" a private, members only business and the lower level is the "Red Room" or previously called the "Side Door". The Owner and Operator of the Red Room is Lou Giovanetti.

1. The Neighbors ask that the Planning Commission, City Council and City Building Department not penalize Lou Giovanetti and his business for the actions of the 900 Club. Since the City met with him in early 2011 he has conducted himself not only in a professional, respectful manner abiding by the City's codes and laws, but he has gone the extra mile to be friendly and neighborly .
2. The Neighbors also recommend that the current entry door to the Side Door be converted to an emergency exit door only. (The South facing door that empties off of 9<sup>th</sup> Street close to the residences). The patrons should use the main commercial entrance off of Manhattan Avenue completely out of the residential area. Lou Giovanetti approves this solution and believes it to be a good idea that he would like to see implemented.

Correspondence From May 14, 2011, Lou Giovanetti - Knocked on the Block Captain's door. **See Documents.**

- Lou admitted things had gotten out of hand.
- Lou stated since the recent meeting with the City he had made changes in the operating of his business
- Lou understood and agreed that the neighbors and families should not be woken up at night.
- Lou gave his email and cell phone number and asked to be contacted if the neighbors had any further complaints with his business.

Lou Giovanetti's actions matched his words. He was genuinely interested in resolving the problems. Over the past 3 years there have been a couple of occasions where Lou was off site and there was a complaint. He immediately remedied the situation and apologized profusely.

The Block Captain states that in all her interactions with Lou she could not ask for a more pleasant and easy to deal with business operator.

## 900 Club Recommendations

1. From 9 P.M. to 9 A.M. every day: 1) All patrons and employees shall enter and exit through the doorway fronting on Manhattan Ave.” This exit door shall be a push bar locking door locking automatically upon closure (and shall ring an interior alarm if opened) which cannot be opened from the outside. All ingress-egress openings shall comply with the State Building Code for Occupancy and Use.
2. The Premises shall comply with all occupancy requirements in the City use and annual entertainment permits, as well as posted by the City Fire Department. The City may at any time without notice or a public hearing, ministerially reduce permitted occupancies, pursuant to the Entertainment Permit ordinance, Chapter 4.20 in the municipal code.
3. Possession and consumption of alcoholic beverages shall be restricted to inside the Premises building. Possession and consumption of alcoholic beverages shall be prohibited outside the building, in the east parking and utility area. Off-sale shall be prohibited.
4. After 9 P.M. until 60 minutes after closing, every day, the Premises shall employ a professional security guard to discourage patrons from loitering on adjoining public right of ways and violating the noise ordinance.
5. The Premises shall comply with closing time as follows 1) Music off and lights turned up 20 minutes before closing time; 2) On or before closing time, all glasses, bottles, cans, and drinks collected to comply with the ABC standard for closed, as “no sale, service, or consumption of alcoholic beverages”; and, 3) All persons except bona-fide employees out of the Premises and doors locked at closing time.
6. The Premises shall annually apply to the City for an annual entertainment permit. Without notice, the City may ministerially reduce entitlements, including permitted days and times, location in premises, number of entertainers and level of amplified music.
7. The Manhattan Beach [“City”] policy regarding alcohol-serving establishments located adjacent to residential-zoned areas shall be implemented. There shall be no entertainment, live music or DJ until a new Noise Study is conducted under the review and supervision of the City of Manhattan Beach and the solutions recommended by the City are implemented.
8. Pursuant to City of Manhattan Beach [“City”] policy regarding alcohol-serving establishments located adjacent to residential-zoned areas, the premises at 900 Manhattan Ave [“Premises”] shall be inaudible at 75 feet from all property lines, as determined by officers from the Manhattan Beach Police Department [“MBPD”], any law enforcement agency, any City of Manhattan Beach Official and audible recordings by reasonable persons or neighbors that legitimately substantiate the location and time of the nuisance.

9. For the Premises, certified acoustic experts shall design, implement and demonstrate physical noise mitigation that will reduce noise just outside all property lines, not to exceed an A-weighted noise level of 65dB, for any 30 minutes during any one-hour interval, pursuant to the City municipal code ["MBMC"] Section 5.48.160, Table 6, entitled, "Exterior Equivalent Noise Standard—LEE."

10. For the Premises, the physical noise mitigation methods shall include: 1) At all ingress-egress openings, double or revolving doors to block direct sound transmission;

2) Acoustically sealed exterior wall and roof assemblies; 3) All window and other opening assemblies certified to have a Sound Transmission Coefficient (STC) of -39 dB or more attenuation; and, 4) Acoustic absorber devices affixed to the ceilings in all customer service areas.

11. All doors, openable windows & other non-duct openings shall remain closed during entertainment, including any recorded music or DJ.

12. Every violation of the City use permit or of City regulations shall at a minimum be charged as an infraction and be redressed in a civil action, as a monetary penalty levied with an escalating scale for repeated violations.

13. The Premises shall comply with all City, CUP and ABC regulations.

14. Signage Requirements: Premises to install clearly visible signage to patrons at locations inside and outside of the rear emergency exit. Interior of door sign posted at eye level shall state: "Emergency Exit Only". Exterior of door sign posted at eye level shall state: "No entrance, Use front Door Only. Residential Neighborhood, City Noise Ordinance Applies ( include MBCC code number)"

Tent signs - (movable) at least 23 inches x 24 inches in dimension with metal frames shall be created. One of the two signs shall have a large pointing arrow. The captions designated below shall be bold letters at least 3 inches high. Every evening at 9 pm two (2) signs (designated below as 1st and 2nd) shall be placed adjacent to the back emergency door and along the 9th Street sidewalk and subsequently later removed at closing time. The caption on the signs shall state: 1st Sign: "No entrance, Use front Door Only" and the large arrow will be facing west towards Manhattan Avenue. 2nd Sign: "Please be Considerate, Residential Neighborhood". The area designated above and it's exterior building lights shall be maintained to make this area well lit until closing time so that signs are readable to passing patrons. Both the 1st and 2nd sign to be displayed every evening from 9pm until closing. Back up signs are recommended in the event some are lost or stolen as the display of these signs are mandatory each night.



## Summary & Conclusions

This is not a normal hearing in which the Planning Commission is asked to evaluate and balance the interests of a particular Business Establishment versus the interests of the Neighborhood.

The Neighborhood does not seek to limit or degrade any legally complying Business Establishment's economic rights.

This is a hearing about how to structure an existing CUP so as not to allow any leniency, unclear provisions or gray areas to exist for parties that behave contrary to societal norms. The culture of this establishment is defiant to authority, a belief that they are above the laws and rules of this City. They have consistently exhibited a lack of intention to comply with the laws and heed City & Police warnings.

City Officials, Police and the Prosecutor have failed repeatedly to enforce the 900 Club's CUP and City Codes even after conclusive evidence, corroborated witnesses and their own investigations in part due to the CUP's lack of clarity. This has emboldened the Club management to believe they were "untouchable". Campaigns designed to intimidate, harass, threaten and defame individuals that have stepped up to make reasonable requests have occurred in the past and continue to this day.

Lessons learned from 2004: The City needs to take control and understand that any opportunity, any word out of place, any "I" not dotted or any "T" not crossed will be taken advantage of. Otherwise all of us will be back at City Council Chambers again, as they were in 2004.

A message needs to be sent to these individuals that this is Manhattan Beach, not Las Vegas.

**2011 to Present - Neighborhood and 900 Club History - Second Major Attempt to Gain Compliance**

DATE	NEIGHBOR COMPLAINT	ACTION	RESULT	DOCUMENTS/VIDEO	COMMENTS
3/1 - 4/1/11		<b>Code Enforcement Officer talks to 900 Club multiple times about neighbor complaints.</b>	<b>Behavior is not curbed</b>		
04/01/2011	<b>Summary of Ongoing Nuisances: (1) Congregating groups at rear door smoking and being boisterous (2) In and out emergency exit rear door used exclusively as front entry all night and a noise disturbance; (3) Club keeps windows open even during Live band performances with no sound proofing. Music level can be heard distinctly even with neighbor's double paned windows shut. (4) Operating after CUP hours causing noise disturbances due to exclusive entry of patrons thru emergency exit rear door abutting residential homes instead of using front entry in commercial area(5) Waking up neighbors both mid week and weekends due to noise disturbances</b>		None	Email Code Enforcement Officer 4/1/11	
04/01/2011	Back door usage, congregating, music and voices loud	Please remind 900 Club mgmt of CUP requirements and Noise Ordinance. Sound proofing is required, rear door is for use of emergency exit only, noise level should comply with City Noise Ordinance at all times. Doors and windows to be closed during live entertainment. Rear door to be retrofitted.	None	Email to Code Enforcement Officer - Included provisions from CUP.	
04/14/2011	900 Club & Side Door - Loud music and voices, their doors propped open	<b>Police Called</b>	Did not want to leave name with police, fear of retribution just wanted noises to stop.	Email Code Enforcement Officer 4/14/11	
04/15/2011		Code Enforcement Officer to meet with Watch Commander (Swing Shift) to discuss enforcement of CUP.		Email Code Enforcement Officer 4/15/11	

**2011 to Present - Neighborhood and 900 Club History - Second Major Attempt to Gain Compliance**

DATE	NEIGHBOR COMPLAINT	ACTION	RESULT	DOCUMENTS/VIDEO	COMMENTS
04/17/2011	Neighbor exchange with City of MB Block Captain - 6 families upset	Intent and decision to have future meeting with Club and City of MB Block Captain. Block Captain to be responsible for logging of complaints and be main contact with City and Police.	Inform neighbors to complain to Police. Talk to Club manager and keep log of violations. 6 families are upset that police do nothing. Dave Rohrbacher has screamed at neighbors and behaved like a bully to neighbors that have made reasonable requests in the past. He has confronted them and cursed them out and made them feel uncomfortable and fearful in their own homes. Neighbors want to keep names confidential.	Email between Code Enforcement officer and neighbor 4/17/11	
04/17/2001	Club music and patrons are too loud. Patrons in and out at rear door, talking loudly, door propped open, music too loud.	Police called at 12:45am	None.	Email Code Enforcement Officer 4/17/2011	
04/19/2011	Code Enforcement Officer - response to Neighbor's complaint has 2 sick children and neighbor, along with others are frustrated.	Will meet with Club to discuss the following (1) no back door after 9PM; and (2) music levels.		Email from Code Enforcement Officer to Neighbor 4/19/11	
04/19/2011	Neighbor complaint. Club noisy and open late. Patrons in and out rear door. Yelling, laughing, smoking, noisy until early hours. They need to use front door. Request to keep name confidential. Why doesn't police do anything?	None	None	Neighbor emailed Code Enforcement Officer	
4/XX/2011		<b>The Block Captain would be the liaison and main person of public contact as neighbors are intimidated and fear Dave Rohrbacher. (see Previous Neighbor Complaints 2004 that lead to this conclusion).</b>		<b>Block Captain has a good relationship with Dave Rohrbacher and her boyfriend is a Club member.</b>	Phone discussions with Code Enforcement Officer
04/24/2011	Operating after hours, congregating at back door, noisy	Police called.	Music lowered only, back door usage continues. Police did not enter club and left 8 guys smoking and congregating at rear door. Club continued to serve after hours despite of warning.	Email Code Enforcement Officer @ 1:57AM 4/25/2011	
04/28/2011	No change in supervision. 10 Patrons congregating at rear door, talking loudly, laughing, smoking and very noisy.	None	None	Email to Code Enforcement Officer 4/28/2011	
05/01/2011	After midnight band playing, windows open, patrons going in and out of rear door, loitering.	Police Called # 1	Warning	Email to Code Enforcement Officer 12:26PM	

**2011 to Present - Neighborhood and 900 Club History - Second Major Attempt to Gain Compliance**

DATE	NEIGHBOR COMPLAINT	ACTION	RESULT	DOCUMENTS/VIDEO	COMMENTS
05/01/2011	Behavior above continued despite earlier Police Warning #1- 30 minutes earlier.	Police Called #2	Dave Rohrbacher DID NOT respond to POLICE WARNING: Responding Police Officer stayed in his car working 7 minutes after warning Club. Club never heeded his warning and did not stop playing, lower the noise level & windows were never closed. Band playing Led Zeppelin. Officer drove off.	Email to Code Enforcement Officer 12:43PM	
05/01/2011	6 band members unloading equipment loudly in alley at 1:20am after CUP hours. Laughing, smoking and talking loudly. Dave Rohrbacher is holding door open smoking while guys are making a bunch of noise late disrupting neighbors sleeping. No effort is made by Dave Rohrbacher to curb the noise adjacent to the residents at 1:30am.	Police Called #3 - Police officer not familiar with CUP. He did not enter club to verify it was still operating after hours.	None	Email to Code Enforcement Officer 1:23AM	
05/01/2011	Taxi drops 2 girls in mini dresses and Dave Rohrbacher opens rear door for them to enter Club after CUP closing.	None	None	1:30am	
05/12/2011		Tim Doherty stated he was at the Club the last 4 weekends to watch the rear door	Neighbors saw a "weak" improvement at certain times. In general emergency exit rear door still not properly or adequately supervised.		
05/14/2011	Lou Giovanetti, Owner Lower Bar/Side Door contacted Block Captain. Admitted past problems. Agrees & understands neighbors & families should not be woken up at night.	Exchanged contact info	Neighbors are thankful for his positive response.	Email with Lou Giovanetti and Block Captain	
05/16/2011	Code Enforcement Officer previously discussed and forwarded neighbor email complaints to the 900 Club with names redacted. Code Enforcement Officer arranged to have the Club meet directly with the Neighbor's representative, City of MB Block Captain to attempt resolution of the nuisances prior to City Actions. Dave Rohrbacher and others lashed out against Block Captain and her boyfriend, who is a member of the Club, with derogatory words and enlisted other members to hassle them and label them "snitches". Immediate negative feedback and harassment ensued.	Inform Code Enforcement Officer. Block Captain began getting derogatory comments from 900 CLUB members prior to the meeting to resolve issues. She discussed comments received with Tim Doherty and that she is trying to help them resolve the situation. Tim Doherty said he would get a date and time to meet with Dave Rohrbacher.	Living in close proximity to the Club became a hostile environment. Explained to Code Enforcement Officer that my neighbors wanted to keep their names and addresses confidential due to Dave's aggressive behavior and verbal assaults experienced in the past. The the City and Police did not act to control the situation since 2004. Neighbors state that many have sold or moved due to the ongoing nuisances.	Email to Code Enforcement Officer and phone calls	

**2011 to Present - Neighborhood and 900 Club History - Second Major Attempt to Gain Compliance**

DATE	NEIGHBOR COMPLAINT	ACTION	RESULT	DOCUMENTS/VIDEO	COMMENTS
05/26/2011		<b>Block Captain meets at 900 Club with Tim Doherty Doherty and Dave Rohrbacher to resolve complaints</b>	<b>Mutual Agreement Between Neighbors and 900 Club. Agreement:</b> (1) Eliminate patron emergency exit rear door usage after 10pm. (2) Agree to shut windows when high noise levels (music) (3) Agree neighbors to call Block Captain with disturbances and she will notify Club to remedy and not involve police.		
06/05/2011	Back door incident 12:48-1:04am. Noise disturbance from group exiting emergency rear exit door then hanging out, woke up neighbors.	Block Captain Texted Tim Doherty 1:04am	<b>Successful Mutual Resolution with Club</b>	Email to Tim Doherty & Dave Rohrbacher 6/5/11 and Tim Doherty 6/7/11 email acknowledges	
07/02/2011	Block Captain texted 900 Club and Side Door at 12:37AM and asked them to close door and windows as music was too loud. Also back door being used all night. Please check their security tapes.	Text 900 Club & Side Door - music too loud & doors/windows need to be closed	<b>Cordial Response</b> -Tim Doherty responded several days later via email.	Text to Club & Side Door 12:37am. Email Code Enforcement Officer 1:28am	
07/02/2011	Neighbors woken up 2:00AM with loud music.	None	None	Neighbor email 7/2/11 @ 2:04AM	
07/08/2011	Neighbor complains about loud music due to windows being open. Patrons using keypad in and out rear door.(before midnight)	Block Captain Emails Tim Doherty: Hey Tim Doherty Windows r open + band is loud...pls close. Neighbor called me first as I asked. Let me know u got this pls. Thanks	3 days later (7/11/11) receive a response from Tim Doherty that he was out of town and to cc Dave Rohrbacher.	Email to Tim Doherty 7/8/11 @ 11:47pm cced Code Enforcement Officer. Waited almost an hour & texted Tim Doherty..	Neighbor irritated with Block Captain for not calling police as they don't seem to care. It is not rocket science to figure out what they have been asked.
07/09/2011	(after midnight) Visiting family from Houston complain as they cannot sleep due to noise disturbances. 900 Club patrons congregating at rear door & loud patrons, loud band with windows open, Patrons using keypad to get in rear door still.	Emailed & Texted Tim Doherty; No response. Called Police Watch Commander.	Not helpful	Text: Tim Doherty	
07/11/2011	Tim Doherty responds after 1 email last week, 1 text, and 1 email this weekend	Tim Doherty emailed he was out of town and got messages & asked to include Dave Rohrbacher in the future.		Tim Doherty email 7/11/11 Forwarded texts to Code Enforcement Officer	

**2011 to Present - Neighborhood and 900 Club History - Second Major Attempt to Gain Compliance**

DATE	NEIGHBOR COMPLAINT	ACTION	RESULT	DOCUMENTS/VIDEO	COMMENTS
09/03/2011	Loud band with windows open. Back door usage after 10pm. Patrons using the key pad to enter. Large groups congregating at rear smoking and causing noise disturbances. Dave Rohrbacher present smoking at back door with patrons going in and out and no attempt to supervise or comply with mutual agreement.	Text Dave Rohrbacher 11:24pm "Hey Dave, time for windows to be shut please :) Have a good Nite! Thx " No response. Police Called	Police filed report with observed Violation of Noise Ordinance <b>COMPLAINT NEVER FILED BY CITY PROSECUTOR</b>	<b>POLICE REPORT 11-2882. Email to Code Enforcement Officer 12:45am</b>	<b>Dave Rohrbacher stated he was being harassed. He has never violated his CUP. He has a permit to have a live band. He is upset the police responded to a single complaint and the police are hindering his business.</b>
09/06/2011	<b>Retribution</b> - Pile of Dog excrement dropped and smeared on front door entry of Block Captain soon after filing complaint.	Club Retribution after Complaint	Pile of dog excrement in front of Block Captain's door and smeared.	Photo / Email Code Enforcement Officer	
End of 2011 and beginning of 2012	<b>Neighbor Efforts to work with City and Police Cease.</b>	Block Captain visits Building Department for Client Matter and runs into Code Enforcement Officer.	Code Enforcement Officer assumed all was better. Block Captain states nothing has changed but she is sick of being harassed and will have to rent her home out; the police and city have done nothing. The neighbors are disgusted. Code Enforcement Officer offers to call the Club again, Block Captain says don't bother, just leave it alone. Code Enforcement Officer offers several times further and Block Captain is not interested in pursuing. Code Enforcement Officer states that the neighbors should not have to live this way. Code Enforcement Officer states that she will contact them again.		
03/24/2012	After midnight, patrons going in and out of rear door, noisy groups congregating at rear door	Police Called	None		
05/26/2012	<b>Neighbors Meet at City Hall to get Relief from Ongoing Nuisances from 900 Club.</b> Police response is inadequate. No more warnings, do something as they will not comply on their own. We have tried. Express fear and retaliation from Dave Rohrbacher and Members. Explain past history.	City Prosecutor states this is a fact finding meeting. We go around the table and each neighbor expresses the impact and what we have experienced.	City Prosecutor states there will be no more warnings, they will be cited. Traffic Divison Lieutenant states he will speak with Watch Commanders to inform them of CUP areas of violation and how to be more effective at responding and noting citations.	Recommendations List to City, Letters from neighbors that could not make the meeting. Minutes of Meeting taken	City Attendees:City Prosecutor, Code Enforcement Officer, Lt. Harrod

**2011 to Present - Neighborhood and 900 Club History - Second Major Attempt to Gain Compliance**

DATE	NEIGHBOR COMPLAINT	ACTION	RESULT	DOCUMENTS/VIDEO	COMMENTS
06/03/2012	900 Club has band playing loud amplified music, windows open, no sound proofing, large groups of patrons in and out rear door, loitering causing sleep disturbances.	(1) Police Called Twice (12:50AM AND 1:50AM); (2) Block Captain requested citation after 2nd visit	(1) 1st Police response - music and noises stopped; (2) @ 12:50AM, Police called out a second time because they had resumed activities; (3) Sergeant declined to cite 900 Club on 2nd Call Out. By this time it is after CUP closing hours and the club still has a bar full of people, as well as a band. This was brought to Sergeant's attention. No Action.	(1) Email to Code Enforcement Officer (12:36AM); (2) Email to Code Enforcement Officer (1:16AM)	No Police Report Generated
06/03/2012	<u>Went to Police Department regarding the prior evening/early this morning.</u> Seargeant would not cite 900 Club after two warnings.	2:40PM next day - Went to Police Dept. to file Complaint about Sergeant's response	Spoke to Watch Commander to complain about the responding Sergeant's actions. The Watch Commander on duty had an officer take Block Captain's statement. Later when the Police Report was obtained by Block Captain it was inaccurate and not reflective of the statements reported. "Supplement/Rebuttal was filed by Block Captain"	(1) Police Report 12-1938; (2) Supplemental Report filed to correct inaccurate original report	<b>Supplement Noted following inaccuracies:</b> Report noted nuisance as the "Side Door" when the disturbance reported was the 900 Club. Report did not report police called out twice (only once). Report did not note that Block Captain wanted the Sargeant to cite the club after the 2nd warning but he refused and he did not act when it was now after CUP closing hours and the Club was still operating.
06/22/2012	Broken glass (from beer bottle) in front of a complaining neighbor's tires and adjacent/and in front of Block Captain's driveway	Reported	City dispatched street sweeper		photos

**2011 to Present - Neighborhood and 900 Club History - Second Major Attempt to Gain Compliance**

DATE	NEIGHBOR COMPLAINT	ACTION	RESULT	DOCUMENTS/VIDEO	COMMENTS
07/17/2012		<b>900 Club meets with City Officials: Code Enforcement Officer , City Prosecutor and Traffic Lieutenant. Follow up to City/ Neighbor's Meeting (5/26/12) Continued Nuisances and No Relief</b>	900 Club deny violating CUP, Noise from Mucho's or other bars. Stated that they are working to curb back door usage and working towards implementing a more advantageous policy for the Club and Neighborhood		Attendees: Dave Rohrbacher, Tim Doherty Doherty and Sean Vamer (owner/attorney)
7/XX/2012		Conversations regarding response of 900 Club 7/17/2012 to City Officials regarding continued nuisances and no relief to neighbors.	Discussed Club response with Traffic Lieutenant and City Prosecutor: Denial of violating CUP by 900 Club. 900 Club state they are making continued efforts to actively work with neighbors. Noise problems are from Muchos.		Traffic Lieutenant stated Dave Rohrbacher became agitated in the meeting. Code Enforcement Officer confirmed this.
8/9/2012 to 09/09/2012	Code Enforcement Officer asked for feedback on how the 900 Club is operating post "City Meeting" July 17, 2012	Email code enforcement neighbor experiences	Gather info and send to City Prosecutor and Traffic Division Lieutenant	Forwarded emails from various neighbors reporting continued disturbances - 8/8/2012 to 9/9/12	Block Captain gets clearance from City Building and Police - that it is ok to install a surveillance camera at my own expense. Block Captain wants to put an end to "he said, she said".
9/6 to 9/10/2012	<b>Install Security Camera</b>		<b>900 Club fully aware Block Captain has installed a surveillance camera</b>	<b>Dave Rohrbacher texts Block Captain's boyfriend "Camera Really?"</b>	Camera installer and van outside Block Captain's home installing camera on side of building.



**2011 to Present - Neighborhood and 900 Club History - Second Major Attempt to Gain Compliance**

DATE	NEIGHBOR COMPLAINT	ACTION	RESULT	DOCUMENTS/VIDEO	COMMENTS
09/28/2012		<p align="center"><b>MEETING - Code Enforcement Officer, a Detective, City Prosecutor, to review video tapes of 900 Club</b></p>	<p>City Prosecutor saw irrefutable video evidence of Dave Rohrbacher purposely violating the CUP and Neighbors Agreement after he had been denying it to the City Officials and Police.. She stated she would cancel their next meeting as there was no use to talk further. She would take appropriate action.</p>		
10/05/2012	Post 900 Club & City Meeting 7/17/2012	Cancelled by City Prosecutor	No further discussions necessary after viewing security tapes.		
10/07/2012	Loud band playing entire night AND after hours. Noise levels so high neighbor cannot sleep. 900 Club windows are open.	Block Captain was away so another neighbor called Police.	Police called after CUP close time for noise and operating after hours. Police note call unfounded. Video shows patrons and band still in the Club. Violations continued after Police departure and all exit via rear door until 2:42am.		<p>Video: 1:55AM -Police see man flat on back at rear door and walk by him multiple times. Police knock on back door no answer. A couple patrons smoke at rear door. Police Officer leaves 900 Club; 1:57AM - Dave, Mgr, peaks out of back door; 2:00AM - Lights shut off and janitor door shut; 2:04-2:42AM - Band members move large amounts of equipment out of back door.</p>
10/9/2012 ?	Inform & discuss history of nuisances, willful violations, problems with police response and citing 900 Club.	Meet mid-week night Watch Commander. He informed us that City Prosecutor cancelled the meeting with the Club after viewing the video evidence. City Prosecutor sees they have been disingenuous in complying. She has a plan in place & is going to do something about it. No need for further discussions.	Meeting with Mid-Week Watch Commander, per Watch Commander in Charge's recommendation to talk to all night watch commanders.	Email to Neighbors recapping meeting.	

**2011 to Present - Neighborhood and 900 Club History - Second Major Attempt to Gain Compliance**

DATE	NEIGHBOR COMPLAINT	ACTION	RESULT	DOCUMENTS/VIDEO	COMMENTS
10/18/2012	Noise disturbance by patrons congregating around rear door, open after CUP hours	Call Police	Police observed Club to be closed at midnight however still operating and serving alcohol at 1:15 AM <u>Complaint NOT Filed by City Prosecutor</u>	POLICE REPORT 12-3677; Email to Code Enforcement Officer 10/19/12	
10/21/2012	Group of neighbors met to inform Watch Commander of nuisances and continued willful violations by Dave Rohrbacher. Show videos of disturbances & participation/knowledge by Dave Rohrbacher. Discuss recent incidents & ineffective police response regarding incidents June 3, Oct 7, and Oct 12, 2012.	Met with Watch Commander	Watch Commander we just met with informs us via email that he spoke to the Watch Commander in charge of case and we should only be talking to him. Neighbors respond that he was the one that told us to talk to all night watch commanders.	Neighbors video thumb drive could not be viewed on Police computer. Neighbors wanted to discuss 3 police call outs that were ineffective, but did not find reports written on June 3, Oct 7 and Oct 12, 2012.	
10/22/2012	Informed Mayor of issues, history, disturbances, lack of City & Police response/results to curtail nuisances.	Notified via email that neighbors were getting no resolution. Major emailed, City Manager, Chief of Police and Director of Community Development	Email to Mayor	Email 10/22/12	
10/24/2012	Persistent problems in enforcement and reporting by officers. Discuss Police response and how to improve effectiveness & education on our part and the department. Via video, we show the problem with response by officers.	Meeting at 220 9th Street with Watch Commander in Charge of case and Sargeant assisting.	Established a specific Watch Commander as being in charge of this case and neighbors will work through him	Video shown of call outs.	
10/27/2012	None	Police investigation independently	<b>VIOLATION CLUB OPERATING AFTER HOURS OBSERVED BY POLICE</b> - Club Operating after 1:33AM and serving alcohol to patrons still. CUP hour of 1:00AM. Club cited. <b>Complaint Never Filed by City Prosecutor</b>	Requested via Public Acts Request Act and Police Report Request, never received any documents.	<b>Video tape shows officer entering rear door at 1:33am.</b>

**2011 to Present - Neighborhood and 900 Club History - Second Major Attempt to Gain Compliance**

DATE	NEIGHBOR COMPLAINT	ACTION	RESULT	DOCUMENTS/VIDEO	COMMENTS
11/02/2012	<b>Met with Director of Community Development. Discuss CUP inadequate. ongoing nuisances</b>	Discussed the evolution of the CUPs, how the last one was stripped of previous clauses and mandates that allowed the CLUB to engage and operate as a night CLUB. 900 CLUB does not have any sound proofing, security and safe guards that were necessary in order to get the privileges of it's current status.			
11/09/2012		<b>2011 &amp; 2012 900 Club investigation completed by Police. Recommended Case Filings delivered to City Prosecutor by Police.</b>	<i>PENDING City Prosecutor decision on what cases to file and how to file them.</i>		
End of Investigation	<b>Case in hands of City Prosecutor</b>		<b>Neighbors told to be patient. The wheels of justice operate slowly.</b>		
01/04/2013	<b>Confidential list of neighbors leaked to Dave Rohrbacher.</b>	(1) Email to City Prosecutor; (2) Visit to Police Department spoke with Watch Commander in charge of case.	Yesterday Dave Rohrbacher was walking south on Bayview Drive with a paper in hand looking down at it and then looking at house addresses. Neighbor on list is later called by Dave Rohrbacher & asked if he had complained to police or filed a complaint.	Email from 1/4/13	
01/07/2013	<b>Harassment of Block Captain Continuing</b>	Notify City Prosecutor via email	Talk to Police Department	(1) Email to City Prosecutor; (2) Phone call	
01/09/2013	<b>Harassment</b>	Notify Watch Commander in charge of case in person	He said to hire an attorney this is a civil matter.		Block Captain thought that since she was providing evidence for a police case Dave Rohrbacher would be prohibited from these actions.
01/18/2013	<b>Block Captain Warning</b>	Code Enforcement Officer cited 900 Club for over height fence being constructed without permit. After being given 2 written chances and one verbal.	Dave Rohrbacher ranted and shouted expletives and profanities about Block Captain in a very agitated state. Code Officer warned Block Captain.	Warned Block Captain to "lay low for a few days and stay out of sight, Dave Rohrbacher is on the rampage for you, use your back door."	<b>Fence Violation was filed as Complaint by City Prosecutor and is still pending to date as part of plea bargain/diversion agreement 2nd attempt.</b>

**2011 to Present - Neighborhood and 900 Club History - Second Major Attempt to Gain Compliance**

DATE	NEIGHBOR COMPLAINT	ACTION	RESULT	DOCUMENTS/VIDEO	COMMENTS
		<b>Block Captain moved out of her home for one month to let things cool down.</b>	<b>Despite having a case pending prosecution, the Club's behavior continues.</b>		
02/01/2013	Highlighted on going nuisances. Not getting help we need from Police Department to document weak handling of complaints, lack of interest in viewing surveillance tapes.	<b>(1) Email &amp; Meet Mayor; (2) Request CUP be revised to ensure reasonable peace during sleeping hours.</b>	None	Email	
03/17/2013	Block Captain woken up from dead sleep at 12:45AM from live band playing loud music. At 1:02AM verified music was coming from 900 Club. 2nd Neighbor complaint confirmed. Later, voices heard as band members were in and out (30 minutes) rear door. Recorded voice clip @ 1:50AM. Although Club was to be closed, many patrons in the bar and each time door open the roar of the crowd was hear on the audio clip.	(1) Called Police - arrived (1:04AM); cleared call unfounded (2) Called Police a 2nd time when band unloading loudly in alley for 30 minutes and recorded clip at 1:50 am of patrons still partying inside after CUP closing. 2:00am Police arrive.	No effort displayed by Officers to enforce the CUP.	(1) POLICE REPORT 13-780; Audio Clip 1:50am of crowd sounds emanating from bar every time back door opened as band was unloading in alley (2) Emails to Code Enforcement Officer (5:23AM on 3/17/13) (3)Email to Watch Commander @ 4:30AM	Block Captain pointed out 2nd car loaded with equipment about to back out of parking lot of Club and asked officer to pull them over as that was the source of her noise complaint. Police refused. Block Captain stated she had patrons still partying in the bar after CUP close. Officer responded "do you want me to break down the door".
03/20/2013	Request Meeting with Director of Community Development - Still having problems with 900 Club. Shared article about Boogaloo in Hermosa. Wanted to meet to discuss solutions.	Sent article about Hermosa revising CUP of Boogaloo to Director of Community Development, City Prosecutor and Code Enforcement Officer	None		Email to Director of Community Development 3/20/13

**2011 to Present - Neighborhood and 900 Club History - Second Major Attempt to Gain Compliance**

DATE	NEIGHBOR COMPLAINT	ACTION	RESULT	DOCUMENTS/VIDEO	COMMENTS
03/23/2013	Met with Watch Commander in charge of case. Police response to 3/17/13 call out was inappropriate, given all the discussions & meetings in the past.	Meeting arranged Saturday, 5:25AM between Block Captain and Watch Commander in charge of case before his shift ended.	Block Captain perceived lack of interest in hearing complaint & discussion of solutions. Emailed Watch Commander in charge of case about her impressions.	Email	City and Police have not supported and protected the neighbors. Dave Rohrbacher's behavior continues even while prosecution is pending. He continues to behave as though he is untouchable and unaccountable. Block Captain decides to pursue renting home out.
04/30/2013	None	Police find 900 Club operating after hours on their own surveillance	Police Report Issued - Noted: Operating after hours and noise complaint - Unknown to Police - Owner, Tim Doherty operating Club after CUP hours, LIES to Officers and says he is the bartender instead of the owner. Complaint filed by City Prosecutor.	POLICE REPORT 13-1289 Violation was filed as Complaint by City Prosecutor. Original file was lost. Amended complaint filed and is currently still pending with a 2nd plea bargain/diversion agreement attempt ongoing.	Tim Doherty, Co-Owner and Spokesperson for 900 Club misstated facts to Police Officers when caught violating the CUP: (1) He was a bartender and it was his first night working; (2) He wasn't sure of the owners name. (See Police Rpt 13-1289.)
05/16/2013	Block Captain Property Damage: Block Captain's home vacant for over 2 weeks and meets appraiser. Home had been egged. Eggs are caked on & hardened, not sure when incident occurred. Balcony also had eggs tossed and broken on it.			Email to Code Enforcement Officer 5/16/2013 and Police Incident Reported	
	Block Captain - Continually harassed and Defamed, told she better turn her camera off. Rented property out for 6 months while city is "handling the prosecution."		Neighbors are led to believe that there will be future "Relief from the 900 Club" with the actions taken by the City. Expectations are that the City Attorney will prosecute and hold the 900 Club accountable.		

**2011 to Present - Neighborhood and 900 Club History - Second Major Attempt to Gain Compliance**

DATE	NEIGHBOR COMPLAINT	ACTION	RESULT	DOCUMENTS/VIDEO	COMMENTS
09/16/2013		City Prosecutor calls Block Captain to say bad news but the Torrance DA wants to Plea Bargain and that is not what she wants.			
09/18/2013	Neighbors do not want a plea bargain because all violations were willful after years of requests for compliance. Neighbors want Club accountable.	Neighbors Meeting with City Prosecutor at City Hall 8:30AM	No Result. Neighbors contact Torrance DA directly for meeting with them.		
09/29/2013	There should be no plea bargain. Discussed history and why.	Neighbors meet with Torrance DA	One (1) complaint "Disturbing the Peace" Count filed after 2 years of reports, (2011 & 2102) violations & investigations that included irrefutable video evidence and successful police reports only by City Prosecutor. Neighbors expressed shock & disappointment at lack of case charges levied and manner in which case was filed, lumped into ONE "Disturbing the Peace" Complaint.	Emails	
Asked on 2 occasions	Noise levels are too loud even with Club windows closed and neighbor windows closed.	Asked MB City and Police to Measure Noise or solution	Neighbors were told that they do not do that anymore and that officers cannot do that.	None	
10/04/2013	Live band playing loudly, with windows wide open - impacting neighbor's sleep. Neighbor measured noise levels. Dave Rohrbacher ran around yelling - "Shut the F***ing windows. Shut the F***ing windows" to workers inside club when he realized noise was being measured.	Police not called. Neighbor measured noise levels exceeded City allowable limits	Notified City Prosecutor - No Response. City Prosecutor continued to negotiate Plea Bargain/Diversion Agreement.	Email sent to City Prosecutor (10/8/13) - Regarding documentation by neighbor of actual noise levels.	
11/14/2013	Flagrant disregard of city rules continue by the Club even in middle of the Plea Bargain. No change in handling of complaints; officers still unfamiliar with CUP rules and their enforcement options. At Block Captain's request, City Prosecutor agreed to review paragraph by paragraph the Plea Bargain (Diversion Agreement) as the proposed document was weak and without teeth, per Block Captain.	Neighbors Meet City Prosecutor & Traffic Division Lieutenant	None	Gave list of recommendations.	

**2011 to Present - Neighborhood and 900 Club History - Second Major Attempt to Gain Compliance**

DATE	NEIGHBOR COMPLAINT	ACTION	RESULT	DOCUMENTS/VIDEO	COMMENTS
11/16/2013	Band Playing Loudly and AFTER CUP Hours. 1:24 AM and usage of back door after CUP Operation Hours - <b>Despite Being Involved In a Plea Bargain/Diversion Agreement with Torrance DA/City Prosecutor</b>	Police Called	Police Report- Notes noise violation and operating after hours. Citation given. Complaint filed by City Prosecutor	(1) POLICE REPORT 13-3570; (2) Photo of text sent 11/16 Block Captain and Neighbor complaint. (3) Voicemail clip of noise level sent to city on 11/17/13; (4) Email to City Prosecutor (2:42AM)	<b>Violation filed as a Complaint and is pending after 2nd attempt to plea bargain/diversion agreement.</b>
11/17/2013	<b>Emailed City Officials about previous night.</b>	<b>Notified City Prosecutor and Traffic Lieutenant via email</b>	No Response	Sent Audio Clips and Emails	
12/06/2013	No response from City Prosecutor of continued violations during Plea Bargain.	Contacted Torrance DA	<b>Torrance DA pulled Plea Bargain "Diversion Agreement" - Futile, as club continues to violate CUP</b>	Email	
12/13/2013	Discuss 10 year history, impact of neighbors, layout of Club, disconnect between CUP rules and enforcement. CUP evolution, how it does not meet intended City Council proposals at time drafted.	<b>Neighbors Meet with Director of Community Development</b>			
12/16/2013	Update Code Enforcement Officer	<b>Meet Code Enforcement Officer</b>	Code enforcer not in the loop for 1 year. Neighbors have dealt direct with City Prosecutor. No knowledge of complaints filed, additional violations and continued nuisances.		
01/05/2014	Woken up several times last night by 900 Club. Very loud voices, outbursts and music. Have to work tomorrow.	Did Not Call Police. Took Sleeping Pill	None	Email to Code Enforcement Officer and City Manager	
01/05/2014	Another neighbor sent noise complaint from evening before to City Manager	None	None	Email to City Manager	
01/08/2014	At Torrance Court House arraignment for 11/16/13 Rohbacher Noise Violation and Operating after CUP hours. <b>City Prosecutor and Defense Attorney were in back conference court room negotiating 2nd attempt plea bargain/DA that included 1993 sound proofing as a remedy and included all past Complaints filed.</b>	Contacted and informed Police, City Building Dept., City officials of bargain and how ineffective 1993 sound proofing recommendations would be and lack of accountability.	<b>Informed City Prosecutor can do what she decides and there was no oversight into City Prosecutor's decisions. City Prosecutor has "discretion".</b>	Emails and phone calls.	

**2011 to Present - Neighborhood and 900 Club History - Second Major Attempt to Gain Compliance**

DATE	NEIGHBOR COMPLAINT	ACTION	RESULT	DOCUMENTS/VIDEO	COMMENTS
01/08/2014	Neighbors met with Torrance DA	Status	The 4/20/13 Original Complaint was missing from the Torrance Court House case file. We would not be able to obtain a copy now. Only the Amended Case was in the file.		
1/2014 to 2/2014	<b>Block Captain Ongoing Harassment and Defamation:</b> Club steps up campaign to hassle, personally & professionally defame the Block Captain. Members are riled up to support Dave Rohrbacher and are given false statements.				
02/02/2014	2 Noise Complaints - Band playing too loud to sleep. Desire no more police reporting and escalation with Club. Despite ongoing nuisances continuing 900 Club defense attorney requests Plea Bargain #2 with DA supervisor and is granted yet another chance.	Police Called. Block Captain asked Police not to cite club but to observe noise levels from property line. 2nd neighbor complained & wanted Club to be cited.	Police noted levels were inappropriate and violated the noise ordinance.	Sound Clip recorded on iPhone.	Police Report #14-364
02/07/2014	Despite most recent violation 2/2/2014, The Torrance DA and City Prosecutor are in Round #2 for Plea Bargain/Diversion Agreement with 900 Club.	No Prosecution of any complaints from 2011, 2012 and 2013 to date.	ZERO accountability to date despite 10 year history.		





310.802.5061

Robert V. Wadden Jr.  
City Attorney 1400 Highland Avenue Manhattan Beach, CA 90266-4795  
Telephone (310) 802-5061 FAX (310) 802-5251 TDD (310) 546-3501

December 2, 2004

Re: 900 Club Nuisance Issues

Dear 900 Club Neighbor,

After our meeting with neighbors of the 900 club on November 12 we met with the ownership and management of the club on November 17. At that meeting the club ownership was warned about being open after the hours specified in its use permit and requested to curtail the use of the back door by customers. The club owners agreed to do this but were not prepared to specify how they would do it. They asked if City staff would meet with them at the club on December 1 to discuss the measures to be taken to restrict access to the rear door.

The Fire Code requires that the rear door be available as an emergency exit therefore it is not possible to keep it permanently locked during business hours. However, it is possible to restrict access to the rear door. At the December 1 meeting the club owners, despite the fact that nothing in their use permit regulates use of the back door, agreed to renovate the front door area and reprogram the keypad to allow all private club members access. In the upstairs private club area saloon doors have been added to the entrance to the hallway leading to the back door and a sign has been posted on the inside reading "employees only." The rear door itself is now a push bar fire door locking automatically upon closure which cannot be opened from the outside. The rear door key pad has been reprogrammed to remove the access numbers for all members allowing access only to owners and employees. The club has agreed to post a sign on the outside of the rear door which will read "employees only." The club owners indicated that it has sent e-mails to all its members informing them of the change in procedure. The changes to keypads and hardware should be final by Friday, December 3.

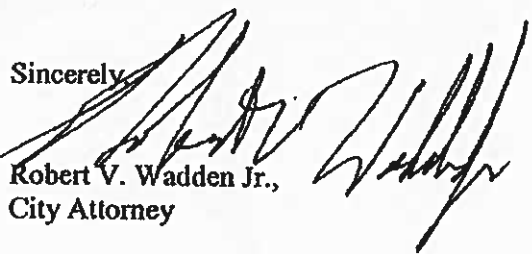
**EXHIBIT F**  
**PC\_MTG 2/26/14**

Fire Department Address: 400 15<sup>th</sup> Street, Manhattan Beach, CA 90266 FAX (310) 802-5201  
Police Department Address: 420 15<sup>th</sup> Street, Manhattan Beach, CA 90266 FAX (310) 802-5107  
Public Works Department Address: 3621 Bell Avenue, Manhattan Beach, CA 90266 FAX (310) 546-1752  
<http://www.ci.manhattan-beach.ca.us>

900 Club Neighbors  
December 2, 2004  
Page 2 of 2

The Manhattan Beach Police Department will continue to monitor adherence to closing hours as well as respond to your complaints. We urge you to provide us your feedback over the next couple of weeks to let us know how the measures described above have been fully implemented, if they are working and if you perceive an improvement. Please direct calls and e-mails to Code Enforcement Officer Jacqueline Harris. She will direct the call to other City officials as appropriate. Thank you for your patience and forbearance.

Sincerely,

  
Robert V. Wadden Jr.,  
City Attorney

cc: Dale Reissig, Police Captain  
Carol Jacobson, Building Official  
Rosie Lackow, Senior Planner  
Jacqueline Harris, Code Enforcement Officer

## **LAST CHANCE AGREEMENT-DIVERSION CONDITIONS**

**Premises located at 900 Manhattan Ave, Manhattan Beach**

**19 January 2014**

1. From 9 P.M. to 9 A.M. every day: 1) All patrons and employees shall enter and exit through the doorway fronting on Manhattan Ave.” This exit door shall be a push bar locking door locking automatically upon closure which cannot be opened from the outside. All ingress-egress openings shall comply with the State Building Code for Occupancy and Use.
2. The Premises shall comply with all occupancy requirements in the City use and annual entertainment permits, as well as posted by the City Fire Department. The City may at any time without notice or a public hearing, ministerially reduce permitted occupancies, pursuant to the Entertainment Permit ordinance, Chapter 4.20 in the municipal code.
3. Possession and consumption of alcoholic beverages shall be restricted to inside the Premises building. Possession and consumption of alcoholic beverages shall be prohibited outside the building, in the east parking and utility area. Off-sale shall be prohibited.
4. After 9 P.M. until 60 minutes after closing, every day, the Premises shall employ a professional security guard to discourage patrons from loitering on adjoining public right of ways and violating the noise ordinance.
5. The Premises shall comply with closing time as follows 1) Music off and lights turned up 20 minutes before closing time; 2) On or before closing time, all glasses, bottles, cans, and drinks collected to comply with the ABC standard for closed, as “no sale, service, or consumption of alcoholic beverages”; and, 3) All persons except bona-fide employees out of the Premises and doors locked at closing time.
6. The Manhattan Beach [“City”] policy regarding alcohol-serving establishments located adjacent to residential-zoned areas shall be implemented. There shall be no entertainment, live music or DJ until a new Noise Study is conducted under the review and supervision of the City of Manhattan Beach and the solutions recommended by the City are implemented.
7. Pursuant to City of Manhattan Beach [“City”] policy regarding alcohol-serving establishments located adjacent to residential-zoned areas, the premises at 900 Manhattan Ave [“Premises”] shall be inaudible at 75 feet from all property lines, as determined by officers from the Manhattan Beach Police Department [“MBPD”], any law enforcement agency, any City of Manhattan Beach Official and audible recordings by reasonable persons or neighbors that legitimately substantiate the location and time of the nuisance.
8. For the Premises, certified acoustic experts shall design, implement and demonstrate physical noise mitigation that will reduce noise just outside all property lines, not to exceed an A-weighted noise level of 65dB, for any 30 minutes during any one-hour interval, pursuant to the City municipal code [“MBMC”] Section 5.48.160, Table 6, entitled, “Exterior Equivalent Noise Standard—LEE.”
9. For the Premises, the physical noise mitigation methods shall include: 1) At all ingress-egress openings, double or revolving doors to block direct sound transmission; 2) Acoustically sealed exterior wall and roof assemblies; 3) All window and other opening assemblies certified to have a Sound Transmission Coefficient (STC) of -39 dB or more attenuation; and, 4) For both the ground and second floors, acoustic absorber devices affixed to the ceilings in all customer service areas.

**EXHIBIT G  
PC MTG 2/26/14**

## **LAST CHANCE AGREEMENT-DIVERSION CONDITIONS**

**Premises located at 900 Manhattan Ave, Manhattan Beach**

**19 January 2014**

10. All doors, openable windows and other non-duct openings shall remain closed during entertainment, including any recorded music or DJ.
11. The Premises shall comply with all City, CUP and ABC regulations.
12. Premises to install clearly visible signage to patrons at locations inside and outside of the rear emergency exit. Interior of door sign posted at eye level shall state: "Emergency Exit Only". Exterior of door sign posted at eye level shall state: "No entrance, Use front Door Only. Residential Neighborhood, City Noise Ordinance Applies (code number)"  
Tent signs - (movable) at least 23 inches x 24 inches in dimension with metal frames shall be created. One of the two signs shall have a large pointing arrow. The captions designated below shall be bold letters at least 3 inches high. Every evening at 9 pm two (2) signs (designated below as 1<sup>st</sup> and 2<sup>nd</sup>) shall be placed adjacent to the back emergency door and along the 9<sup>th</sup> Street sidewalk and subsequently later removed at closing time.  
The caption on the signs shall state:  
1<sup>st</sup> Sign: "No entrance, Use front Door Only" and the large arrow will be facing west towards Manhattan Avenue.  
2<sup>nd</sup> Sign: "Please be Considerate, Residential Neighborhood".  
The area designated above and it's exterior building lights shall be maintained to make this area well lit until closing time so that signs are readable to passing patrons.  
Both 1<sup>st</sup> and 2<sup>nd</sup> sign to be displayed every evening from 9pm until closing. Back up signs are recommended in the event some are lost or stolen as the display of these signs are mandatory each night.

## 900 CLUB –AGREEMENT

The 900 Club will:

1. Abide by all CUP's, City and ABC Regulations.
2. Although there is no CUP restriction on the use of the back door, 900 Club agrees that this door will not be used after 10 PM at night for patrons to enter or exit the club. The door has a "key code" entrance device, which will be turned off each night at 10 PM. Of course it must comply with State Building Code for occupancy and use and for emergencies and disabled person to have access. The rear door currently installed is a push bar fire door locking automatically upon closure and cannot be opened from the outside.
3. Will comply with occupancy requirements in the city use and City use and annual entertainment permits as well as posted by the City Fire Department. If the City wants to change occupancy requirements it needs to follow proper city procedures, pursuant to the Entertainment permit ordinance Chapter 4.20 in the municipal code.
4. After 10 PM until 60 minutes after closing on Thurs, Fri, and Sat nights the 900 Club will employ a security guard to discourage patrons from loitering on adjoining public right of ways and violating the noise ordinance.
5. Will comply with closing time requirements as listed in CUP's and by ABC. Music off, glass bottles collected etc., no further sales or service or consumption of alcoholic beverages and all persons out of the premises except bona fide employees.
6. Will cooperate with any new Noise Study undertaken by City of Manhattan Beach and only use live music or DJ as permitted by our CUP's.
7. Agree to abide by the Manhattan Beach ordered noise requirements regarding alcohol serving establishments adjacent to residential zoned areas. Will abide by the current standard noise decibel level, as recorded by any law enforcement agency or the City of Manhattan Beach.
8. Will consult with, acoustic experts to design implement and demonstrate physical noise mitigation that will reduce just outside all property lines, not to exceed an A-weighted noise level of 65dB, for any 30 minutes during any one-hour interval, pursuant to the City municipal code ["MBMC"] Section 5.48.160, Table 6, entitled, "Exterior Equivalent Noise Standard-LEE". (See attached photos of noise mitigation steps already taken)

**EXHIBIT H**  
**PC MTG 2/26/14**

9. **Will replace all windows with triple paned glass, and sound proofing shades, ceiling sound proofing assemblies and sound proofed doors.**
10. **All doors, openable windows and other non-duct openings shall remain closed during entertainment, including any recorded music or DJ.**
11. **Signs will be posted at rear door area at 10 PM indicating emergency exit only and entrance closed use front door and please respect our neighbor's peace and quiet. (See photos of signs already prepared)**

# PC MEETING

2/26/14

ATTACHMENT I:

COMMENTS IN  
SUPPORT OF 900  
CLUB

(OVERSIZED DOCUMENT – AVAILABLE  
SEPARATELY AT COMMUNITY  
DEVELOPMENT DEPT., PLANNING  
COMMISSION MEETING AND E-MAILED TO  
PLANNING COMMISSIONERS)

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Rock Bottom  
59/10/01

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH DENYING A PORTION OF A USE PERMIT AMENDMENT APPLICATION PERTAINING TO DANCING, APPROVING PORTIONS OF A USE PERMIT AMENDMENT, INCLUDING CONVERSION OF AN UPSTAIRS SERVICE BAR TO A FULL SERVICE BAR, AND EXPANSION OF MORNING OPERATING HOURS FOR AN EXISTING RESTAURANT/BAR, LOCATED AT 900 MANHATTAN AVENUE (NATHAN/ROCK BOTTOM INC.)

WHEREAS, the Planning Commission of the CITY OF MANHATTAN BEACH, conducted a public hearing pursuant to applicable law to consider an application for Use Permit Amendment, for the property legally described as Lot, 6 Block 69, Manhattan Beach Division #2; and,

WHEREAS, the applicant for said Use Permit Amendment is Thomas Nathan, representing Rock Bottom Inc., property tenant; and,

WHEREAS, a public hearing was advertised pursuant to applicable law, testimony was invited and received both for and against the subject project; and,

WHEREAS, an Initial Study and Negative Declaration have been prepared in compliance with the California Environmental Quality Act (CEQA) and the City of Manhattan Beach Guidelines, which identify significant effects, but revisions have been made to the project, agreed by the applicant, to mitigate effects to levels of insignificance; and therefore, it has been determined that there is no substantial evidence that a revised project may have a significant effect on the environment. The Planning Commission hereby affirms the findings of said Initial Study and approves the Negative Declaration; and,

WHEREAS, the Planning Commission finds that, based upon the Initial Study and hearing record, the project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.

WHEREAS, the following findings were made with respect to this application:

1. The applicant is requesting an Amendment to an existing Use Permit, Resolution No. 3555, which governs the restaurant/bar use on this site. The applicant is asking for three modifications:
  - A) Addition of dancing to existing live entertainment.
  - B) Expansion of an existing service bar on the second level to full service retail bar.
  - C) Expansion of the morning opening of business hour on weekend only (Saturday and Sunday) from 11:00 to 9:00 a.m.
2. The site has historically been utilized under prior land use entitlements primarily as a restaurant, with incidental cocktail lounge and bar with live entertainment. Prior to Resolution 3555, referenced above and adopted by the City Council on August 2, 1977, the site was approved for Use Permit Amendments by the Board of Zoning Adjustment through Resolutions BZA 74-13 and 75-12. In Resolution BZA 74-13 the applicant was allowed to expand the lower level for the purpose of installing a cocktail lounge and expand the hours of operation to 11:00 a.m. to 1:00 a.m. In Resolution BZA 75-12, the applicant was allowed to have live entertainment in the form of four (4) musicians, permitted seven days a week, until closing time.

3. The property is located in Area District III and is zoned CD, Downtown Commercial, as are the properties to the north, south and west. The properties to the east are zoned RM, Residential Medium Density. The property is designated CD (Downtown Commercial) in the General Plan. There are residential developments located nearby across Bayview Drive and on the south side of 9th Street beyond the CD District.
4. Since the opening of the subject business, the owner has utilized the upstairs area of the structure for live entertainment. There is concern that this change in the location of the live entertainment area may be a violation of the intent of Resolution 3555, approved by the City Council of Manhattan Beach. The purpose of the subject Amendment is to clarify the scope and conditions contained in Resolution 3555 with modification to address the applicant's business objective to offer a fuller range of entertainment.
5. A substantial number of phone calls and letters of opposition have been received by the Police and Community Development Department from the neighbors of the restaurant pertaining to the volume of the live entertainment and nuisances created by the service of alcohol.
6. Upon being informed that several noise complaints were received by the City, on or around February 1, 1993, the applicant has sound attenuated the building on the upper level as follows: "Lexan" plastic panels were placed on the interior of the existing stained glass windows on the south side of the building; burlap wrapped foam rubber material was placed on the ceiling, and openings near the rear exit passageway have been sealed. Given these improvements, it would be appropriate to permit musical entertainment to be conducted on the upper level of the building, provided the operation complies with the City's Noise Ordinance.
7. Subsequent to the added sound attenuation improvements, a Noise Study was prepared for the applicant by the acoustical consulting firm Davy and Associates, dated June 2, 1993, which concluded that the existing building complies with applicable noise level requirements of the effective Municipal Noise Ordinance 1875, adopted by the City Council on May 4, 1993.

However, upon receiving testimony in the public hearing, the Planning Commission determined that an expanded Noise Study is necessary to provide sufficient information to determine compliance with the Noise Ordinance as described in condition #24. Furthermore, additional improvements recommended in the June 2, 1993 Noise Study are included as conditions to mitigate noise impacts, including sealing existing east facing door(s) and limitation of a rear door at the south-east corner of the building for use as an emergency exit only.

8. The business is not in strict compliance with condition number 10 of referenced Resolution 3555, which requires 4 parking spaces be provided. The site currently has three spaces and one substandard compact space. It is desirable to clarify and modify this condition, and decrease the on-site parking requirement to three full sized spaces. Under the current Code the subject business exceeds the number of required parking spaces, and additional parking is available through curbside parking on Manhattan Avenue, 9th Street and in nearby City owned parking lots located on Bayview Drive between 9th and 10th Streets.

9. The introduction of dancing constitutes an expansion of use consistent with activities more commonly associated with a nightclub. The requested amendment to the subject Use Permit including dancing would therefore constitute a significant change in the character of the subject site as historically approved, from a restaurant with incidental bar and entertainment to a restaurant/nightclub.
10. The subject change in use to a nightclub with dancing would introduce an incompatible and undesirable land use to the existing surrounding neighborhood, the characteristics of which would be difficult to mitigate to less than significant levels. The potential nuisances include noise, parking and alcohol related problems. Therefore, the proposed use expansion would be potentially detrimental to the public health, safety, or welfare of persons residing in the adjacent neighborhood.
11. The proposed expansion of hours in the a.m. to allow a 9:00 opening for business, Saturday and Sunday, is consistent with hours of nearby restaurants, and is not expected to negatively impact the surrounding neighborhood. Restriction of the closing hour from 1:30 a.m. as currently approved to 1:00 a.m. on weekends will potentially mitigate nuisance conditions emanating from the business and is consistent both with recent Use Permit approvals for similar businesses and Municipal Code 4.20.090, pertaining to hours of operation applicable for "Group Entertainment" permits.
12. The project is consistent with the Land Use Element of the General Plan and Plan of the Local Coastal Program approved for Manhattan Beach.
13. The project shall be in compliance with the provisions of the Manhattan Beach Municipal Code.
14. This Resolution contains all appropriate conditions of prior Resolutions and is the governing Use Permit, thereby replacing past approvals, including City Council 3555, and BZA Resolutions 77-27, 75-12, and 74-13.

**NOW, THEREFORE, BE IT RESOLVED** that based on the above findings, the Planning Commission of the City of Manhattan Beach hereby **DENIES** the portion of the subject Use Permit Amendment pertaining to the addition of dancing and **APPROVES** the requested expansion in morning hours of operation on the weekend and expansion of the upstairs service bar to a full service retail bar, subject to the conditions enumerated below.

1. Service of alcohol shall be in conjunction with and incidental to the sale of food in a bona fide restaurant.
2. The service of food and beverages shall be primarily by employees served to customers seated at tables.
3. Three parking spaces for the use of patrons shall be maintained permanently on-site at the rear of the subject property. These parking spaces shall not be blocked or utilized in such a way to prevent parking.
4. The applicant shall maintain the public sidewalk adjacent to the business, and shall remove all sand, if any, which has sloughed from the subject private property onto the sidewalk near the northwesterly corner of the lot.

5. A clean up patrol program shall be provided and monitored by the restaurant manager to eliminate trash and litter generated from the restaurant patrons in the nearby residential area and public right-of-way adjacent to the south, east, and west of the subject site. The patrol should take place at least once per day.
6. The noise level emanating from the site shall at all times comply with the provisions of the City's Noise Ordinance.
7. Entertainment shall be limited to four musicians, and "deejays" shall be strictly prohibited.
8. If additional refuse or litter is generated in public areas as the result of the restaurant operation, the applicant shall bear the cost of the installation and service of City-owned decorative refuse containers in the sidewalk area.
- 9. The applicant/lessee shall obtain and maintain a valid Class I Group Entertainment Permit from the Director of Community Development prior to the provision of any live music.

FIRE DEPARTMENT

10. All exits shall be kept clear and unobstructed including access aisles leading to the exits, subject to the approval of the Fire Marshal.

COMMUNITY DEVELOPMENT DEPARTMENT

11. The doors leading from the upstairs to the east (toward the parking lot and Bayview Drive) shall be retro-fitted with adjustable door seals and door bottoms as recommended in a Noise Study prepared by the firm Davy and Associates, dated June 2, 1993.
12. All entrance and exit doors shall be made to be self-closing.
13. All doors and windows shall be closed during any live entertainment performance.
14. The restrooms shall be made available to patrons during all hours of operation of the restaurant.
15. Dancing shall be prohibited.
16. The hours of operation of the subject use shall be limited to:

Sunday	9:00 a.m. to 12:00 a.m.
Monday through Thursday	11:00 a.m. to 12:00 a.m.
Friday	11:00 a.m. to 1:00 a.m.
Saturday	9:00 am to 1:00 am

The hours of operation shall be permanently mounted and clearly displayed for public view. The location shall be subject to the approval of the Community Development Department.

17. The restaurant shall comply with all South Coast Air Quality Management District Regulations and shall not transmit excessive emissions or odors across property lines.

18. The business proprietor shall provide adequate management and/or supervisory techniques to prevent loitering, unruliness, and boisterous activities of patrons outside the business and in the immediate area.
19. A security person shall be hired to monitor the parking lot and the public sidewalk area adjacent to 900 Manhattan Avenue; and prevent possible nuisances by patrons of the subject business. This security shall be provided on Fridays and Saturdays from 10 p.m. till 2 a.m..
20. Adequate provisions for refuse storage shall be maintained in accordance with the Municipal Code subject to the approval of the Public Service Department.
21. The restaurant shall remain in compliance with all Fire and Building occupancy requirements at all times.
22. The business owner shall work with the Building Official to resolve any matters relating to conformance with the Uniform Building Code and disabled access regulations.

General

23. This Resolution shall become effective on September 10, 1993, unless appealed to the City Council within the required 30 day appeal period.
24. Three months following the effective date of this Resolution, a fully noticed public hearing shall be conducted by the Planning Commission for the purpose of reviewing the subject Use Permit for compliance with all conditions. The applicant shall bear one-half of the cost associated with processing said hearing. Prior to the conduct of said hearing the applicant shall submit to the Community Development Department a supplemental Noise Study which shall include additional live band noise measurements taken on at least two dates both at 10:00 p.m. and 12:00 midnight.
25. At any time in the future, the Planning Commission reserves the right to review the subject Conditional Use Permit for the purposes of revocation or modification in accordance with Section 10.104.030 of the Municipal Code. Modification may consist of the following, but is not necessarily limited to: limitation of hours, further limitation of total occupancy, requirement for valet parking, elimination of entertainment or the establishment of any other condition or conditions deemed reasonable to mitigate or alleviate impacts to adjacent or nearby land uses.
26. This Use Permit shall lapse one-year after its date of approval, unless implemented or extended pursuant to 10.84.090 of the Municipal Code.
27. Pursuant to Public Resources Code section 21089(b) and Fish and Game Code section 711.4(c), the project is not operative, vested or final until the required filing fees are paid.
28. Applicant agrees, as a condition of approval of this project, to pay all reasonable legal and expert fees and expenses of the City of Manhattan Beach in defending any legal action brought against the City, other than one by the Applicant, challenging the approval of this project, or any action or failure to act by the City relating to the environmental review process pursuant to the California Environmental Quality Act. In the event such a legal action is filed

RESOLUTION NO. PC 93-28  
(page 6 of 6)

against the City, the City shall estimate its expenses for the litigation and Applicant shall deposit said amount with the City or enter into an agreement with the City to pay such expenses as they become due.

I hereby certify that the foregoing is a full, true, and correct copy of the Resolution as adopted by the Planning Commission at its regular meeting of August 11, 1993 and that said Resolution was adopted by the following votes:

AYES: Adamek, Blanton, Fahey,  
Kaprielian and Chairman Hall

NOES: None

ABSTAIN: None

ABSENT: None

*Byron L. Woosley*  
BYRON L. WOOSLEY *by mlu*  
Secretary to the Planning Commission

*Sylvia Root*  
Sylvia Root, *by mlu*  
Recording Secretary (Acting)

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**City of Manhattan Beach  
Citywide List of Restaurants and Bars with On-Sale Alcohol Service**

**EXHIBIT K  
PC MTG 2/26/14**

	<b>Establishment</b>	<b>Address</b>	<b>Approved Hours of Operation</b>	<b>Approved Alcohol Hours</b>	<b>Alcohol License</b>	<b>Resolution Nos. &amp; Dates</b>	<b>Entertainment</b>
1	Houston's Restaurant	1550 Rosecrans Ave.	6am-12am, Daily	6am-12am, Daily	Full Liquor	90-19 07/25/90	None
2	Century Club	304 12th Street	10am-12am, Sun-Thu 10am-1am, Fri-Sat	10am-12am, Sun-Thu 10am-1am, Fri-Sat	Full Liquor	87-36 12/08/87	Live Entertainment & Dancing
3	Kettle	1138 Highland Ave.	24 Hours Daily	11am-1am	Beer & Wine	83-06 01/11/83	None
4	Rockefeller	1209 Highland Ave.	7am-11pm, Sun-Thu 7am-12am, Fri-Sat	7am-11pm, Sun-Thu 7am-12am, Fri-Sat	Beer & Wine	07-04 05/09/07	None
5	Marine Street Café	2201 Highland Ave.	6am-10:30pm, Daily Patio Dining Stops @ 9pm, Sun-Thu	6am-10:30pm, Daily Patio Dining Stops @ 9pm, Sun-Thu	Beer & Wine	03-10 5/14/03	None
6	Beach Pizza	3301 Highland Ave.	11am-12am, Sun-Thu 11am-1am Fri-Sat	11am-12am, Sun-Thu 11am-1am Fri-Sat	Beer & Wine	84-31 07/24/84	None
7	The Local Yolk	3414 Highland Ave.	6am-12am, Daily 6am-11pm Outdoor Dining	6am-12am, Daily 6am-11pm Outdoor Dining	Beer & Wine	02-26 08/14/02	None
8	Sloopy's Beach Café	3416 Highland Ave.	Unspecified opening time, Closes by 9 pm	Unspecified opening time, Closes by 9 pm	Beer & Wine	83-14 03/22/83	None
9	North End Café	3421 Highland Ave	7am-10pm, Sun-Thu 7am-11pm, Fri-Sat	7am-10pm, Sun-Thu 7am-11pm, Fri-Sat	Beer & Wine	10-06 8/25/10	None
10	Four Daughters	3505 Highland Ave.	Unspecified opening time, Closes by 2am	6am-2am, ABC	Beer & Wine	82-32 10/12/82	None
11	Sharkeez	3600 Highland Ave.	No Limits Specified	6am-2am, ABC	Full Liquor	89-19 05/23/89	No more than 5 musicians. Live entertainment must stop by 1am
12	OB's Bar & Grill	3610 Highland Ave.	8am-2am, Daily	8am-2am, Daily	Full Liquor & Caterers	92-22 10/20/92	Live entertainment 8pm-1am Thu-Sat; 3pm-9pm Sun/Holidays No dancing
13	Pancho's	3615 Highland Ave.	Unspecified Opening Time 2am (Rest, Bar, Lounge) 9pm (Deck & Patio)	6am-2am, ABC	Full Liquor	76-10 02/10/76	2 Musicians
14	Vacant (01/16/2014)	3713 Highland Ave.	7am-1am, Daily	7am-1am, Daily	Beer & Wine	84-40 09/01/84	Alcohol service with food only, low background music only
15	Summers	3770 Highland Ave.	Unspecified opening time, Closes by 2am	6am-2am, ABC	Full Liquor	82-25 08/24/82	None

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	Establishment	Address	Approved Hours of Operation	Approved Alcohol Hours	Alcohol License	Resolution Nos. & Dates	Entertainment
16	FishBar	3801 Highland Ave.	9am-2am, Daily	9am-2am, Daily	Full Liquor	89-50 12/19/89	None
17	The Strand House	117 Manhattan Beach Blvd.	10am-12am, Mon-Thu 10am-1am, Fri 8am-1am, Sat 8am-12am, Sun	10am-12am, Mon-Thu 10am-1am, Fri 8am-1am, Sat 8am-12am, Sun	Full Liquor	CC Reso. 6304 04/19/11 PC 11-02 02/23/11	Live Entertainment & Dancing Fri-Sat, till 1am Thu & Sun, till 11:30pm
18	Manhattan Pizzeria	133 Manhattan Beach Blvd.	6am-2am, Daily	6am-2am, Daily	Beer & Wine	CC Reso. 5175 06/20/95 86-38 12/09/86	None
19	Sharks Cove	309 Manhattan Beach Blvd.	7am-2am, Daily	7am-2am, Daily	Full Liquor	03-24 12/10/03	3 nonamplified muscians, no later than 12am
20	Hennesseys	313 Manhattan Beach Blvd.	11am-2am, Daily No Outdoor Dining After 10pm When Entertainment Performs	11am-2am, Daily	Full Liquor	83-18 04/26/83	Live entertainment til 1:30am, Mon-Sun
21	Café Pierre	317 Manhattan Beach Blvd.	9am-1am, Daily	9am-1am, Daily	Full Liquor & Caterer's	94-20 07/13/94	2 entertainers til 1am Fri, Sat & 12am Sun
22	Fusion Sushi	1150 Morningside Dr.	9am-11pm Sun-Wed 7am-12am Thu-Sat	9am-11pm Sun-Wed 7am-12am Thu-Sat	Beer & Wine	05-05 03/23/05	Entertainment/Dancing for Private Parties In Banquet Room Only Thu-Sat
23	Pitfire Pizza	401 Manhattan Beach Blvd.	7am-11pm, Daily	7am-11pm, Daily	Beer & Wine	05-05 03/23/05	None
24	Little Sister	1131 Manhattan Ave.	6am-11pm, Sun-Thu 6am-12am, Fri-Sat	6am-11pm, Sun-Thu 6am-12am, Fri-Sat	Beer & Wine	CC Reso. 5175 06/20/95	None
25	Post	1142 Manhattan Ave.	11am-11pm, Mon-Wed 11am-12am, Thu-Fri 7am-12am, Sat 7am-11pm, Sun	11am-11pm, Mon-Wed 11am-12am, Thu-Fri 7am-12am, Sat 7am-11pm, Sun No Alcohol on Patio After 10pm	Full Liquor	CC 5513 10/19/99	"Kids Night" Monday 5pm-7pm
26	Katsu	302 Rosecrans Ave.	5pm-11pm, Sun-Thu 5pm-12am, Sat-Sun	5pm-11pm, Sun-Thu 5pm-12am, Sat-Sun	Beer & Wine	02-11 03/27/02	None
27	Verandas	401 Rosecrans Ave.	7am-12am, Daily	7am-12am, Daily	Full Liquor	99-15 05/26/99	Entertainment/Dancing subject to permit



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28	Aji Sushi	1019 Manhattan Beach Blvd.	11:30am-3pm, Mon-Fri 5pm-12am, Sun-Thu 5pm-1am, Fri-Sat	11:30am-3pm, Mon-Fri 5pm-12am, Sun-Thu 5pm-1am, Fri-Sat	Full Liquor	83-43 08/09/83	None
29	Grunions	1501 Sepulveda Blvd.	No Resolution	No Resolution	Full Liquor	No Resolution	
30	The Castle	2401 Sepulveda Blvd.	Unspecified opening time, Closes by 2am	6am-2am, ABC	Full Liquor	80-12 06/22/80	None
31	Cocos	2620 N. Sepulveda Blvd.	6am-2am, Daily	6am-2am, Daily	Full Liquor	01-27 12/12/01	None
32	The Schooner	1120 22nd St.	No Limits Specified	No Limits Specified, Alcohol Served In Conjunction with Food Service	Full Liquor	81-07 02/10/81	None
33	Residence Inn	1700 N. Sepulveda Blvd.	No Limits Specified	4pm-9pm, Daily Hospitality Service	Beer & Wine	90-24 09/19/90	None
34	Sesame Moe's	2640 N. Sepulveda Blvd.	6am-2am, Daily	6am-2am, Daily	Beer & Wine	01-27 12/12/01	None
35	CA Pizza Kitchen	3280 N. Sepulveda Blvd.	6am-2am, Daily	6am-2am, Daily	Full Liquor	01-27 12/12/01	None
36	China Grill	3282 N. Sepulveda Blvd.	6am-2am, Daily	6am-2am, Daily	Beer & Wine	01-27 12/12/01	None
37	Joey's Smokin BBQ	3564 N. Sepulveda Blvd.	6am-2am, Daily	6am-2am, Daily	Beer	01-27 12/12/01	None
38	Chili's	2622 N. Sepulveda Blvd.	6am-2am, Daily	6am-2am, Daily	Full Liquor	01-27 12/12/01	None
39	Tin Roof Bistro	3500 N. Sepulveda Blvd. Ste. 100	11am-12am, Daily	11am-12am, Daily	Full Liquor	CC 01/06/09 Minute Action 08-15 11/12/08 01-27 12/12/01	None
40	Tin Roof Bistro (Private Dining Area)	3500 N. Sepulveda Blvd. Ste. 120	8am-12am, Daily	8am-12am, Daily	Beer & Wine	12-02 02/08/12	None
41	Lido Di Manhattan Beach	1550 Rosecrans Ave. Suite G	6am-2am, Daily	6am-2am, Daily	Full Liquor	90-30 10/10/90	None
42	Bristol Farms	1570 Rosecrans Ave. Suite H	7am-10pm, Daily	7am-10pm, Daily	Beer & Wine & Off Sale General	90-29 10/10/90	None

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43	Union Pizza Company	1570 Rosecrans Ave. Suite K	9am-12am, Daily	9am-12am, Daily	Beer & Wine	91-04 03/13/91	None
44	Samari Sams Grill	1570 Rosecrans Ave. Suite P	6am-12am, Daily	6am-12am, Daily	Beer & Wine	04-12 06/14/04	None
45	Rubios Baja Grill	2000 Sepulveda Blvd.	No Limits Specified	Must Be In Conjunction w/ Food Service at All Hours	Beer & Wine	08-05 04/09/08	4 Video Games
46	Olive Garden	2610 Sepulveda Blvd.	6am-2am, Daily	6am-2am, Daily	Full Liquor	01-27 12/12/01	None
47	Islands	3200 N. Sepulveda Blvd.	6am-2am, Daily	6am-2am, Daily	Full Liquor	01-27 12/12/01	None
48	Brickworks Roasthouse & Grill	3212 N. Sepulveda Blvd.	6am-2am, Daily	6am-2am, Daily	Full Liquor	01-27 12/12/01	None
49	Belamar Hotel	3501 N. Sepulveda Blvd.	Garden Room & Outdoor Patios: 9am-10pm, Sun-Thu 9am-11pm, Fri-Sat No Other Limits Specified	Not Specified	Full Liquor	91-08 04/23/91	None
50	El Sombrero #2	1157 Artesia Blvd. Suite B	11am-10pm, Daily	11am-10pm, Daily	Beer & Wine	84-30 06/26/84	None
51	El Tarasco	350 N. Sepulveda Blvd. #2	10am-11pm, Daily	10am-11pm, Daily	Beer & Wine	05-03 01/26/05	None
52	Big Wok	350 N. Sepulveda Blvd	11:30am-10pm, Daily	11:30am-10pm, Daily	Beer & Wine	CC 5617 11/07/00	
53	Mr. Pockets	516 N. Sepulveda Blvd.	11am-2am, Daily	11am-2am, Daily	Full Liquor	90-04 01/23/90	Pool Tournaments
54	India's Tandoori	916 N. Sepulveda Blvd.	11am-9pm, Mon-Thu 11am-11pm, Fri 8am-11pm, Sat 8am-8pm. Sun	11am-9pm, Mon-Thu 11am-11pm, Fri 8am-11pm, Sat 8am-8pm. Sun	Beer & Wine	00-38 12/13/00	None
55	Cantina Real	926 N. Sepulveda Blvd.	Unspecified opening time, Closed by 12am, Sun-Thu Closed by 1am, Fri-Sat	Unspecified Start Time, End by 12am, Sun-Thu End by 1am, Fri-Sat	Full Liquor	84-43 09/25/84	None
56	The Hanger Inn	1001 S. Aviation Blvd.	No Resolution	No Resolution	Beer	No Resolution	
57	Vacant (01/16/2014)	500 S. Sepulveda Blvd	6am-10pm, Sun-Thu 6am-12am, Fri-Sat	6am-10pm, Sun-Thu 6am-12am, Fri-Sat	Beer & Wine	95-20 07/12/95	None
58	El Torito	600 S. Sepulveda Blvd.	11am-12am, Daily	11am-12am, Daily	Full Liquor	94-33 11/09/94	None

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59	Versailles	1000 N. Sepulveda Blvd.	7am-10pm, Daily	7am-10pm, Daily	Full Liquor	86-25 09/09/86	None
60	Sion's	235 S. Sepulveda Blvd.	7am-10pm, Mon-Sun	7am-10pm, Mon-Sun	Beer & Wine	CC 4338 07/01/86	None
61	Osho	913 N. Sepulveda Blvd.	No Resolution	No Resolution	Beer & Wine	No Resolution	
62	Thai Dishes	1015 N. Sepulveda Blvd.	11am-10:30pm, Daily	11am-10:30pm, Daily	Beer & Wine	89-03 01/24/89	None
63	El Gringo	921 N. Sepulveda Blvd.	No Resolution	No Resolution	Beer & Wine	No Resolution	
64	Izaka-Ya	1133 Highland Ave.	11:00am-11:00pm Sun-Wed 11:00am-12am Thu-Sat	11:00am-11:00pm Sun-Wed 11:00am-12am Thu-Sat	Beer & Wine	10-04 07/14/10	None
65	Shellback	116 Manhattan Beach Blvd.	No Resolution	No Resolution	Full Liquor	No Resolution	
66	Rock N Fish	120 Manhattan Beach Blvd.	7am-12am, Sun-Thu 7am-1am, Fri-Sat	7am-12am, Sun-Thu 7am-1am, Fri-Sat	Full Liquor	99-04 02/10/99	None
67	MB Brewing Co	124 Manhattan Beach Blvd.	7am-12am, Sun-Thu 7am-1am, Fri-Sat	7am-12am, Sun-Thu 7am-1am, Fri-Sat	Full Liquor	09-01 01/14/09	None
68	Mangiamo	128 Manhattan Beach Blvd.	11am-12am, Mon-Sat 8am-12am, Sun	11am-12am, Mon-Sat 8am-12am, Sun	Full Liquor	83-28 06/14/83	Maximum 3 musicians, nonamplified
69	Rice	820 Manhattan Ave.	7am-10:30pm, Sun-Thu 7am-11:30pm, Fri-Sat	7am-10:30pm, Sun-Thu 7am-11:30pm, Fri-Sat	Beer & Wine	89-23 06/27/89	Nonamplified live music
70	900 Manhattan Club/Red Room	900 Manhattan Ave.	9am to 12am Sunday 11am-12 am, Mon-Thu 11am-1 am, Fri 9am-1am, Sat	9am to 12am Sunday 11am-12 am, Mon-Thu 11am-1 am, Fri 9am-1am, Sat-Sun	Full Liquor	CC Reso. 5155 04/04/95	Live allowed on 2nd floor Dancing allowed on Fri/Sat nights
71	Circa	903 Manhattan Ave.	11am-12am, Sun-Thu 11am-2am, Fri-Sat	11am-12am, Sun-Thu 11am-2am, Fri-Sat	Full Liquor	CC Reso. 4108 01/03/84	No Limit
72	Old Venice	1001 Manhattan Ave.	7am-11pm, Sun-Thu 7am-12am, Fri-Sat	7am-11pm, Sun-Thu 7am-12am, Fri-Sat	Beer & Wine	07-09 06/25/07	None
73	El Sombrero	1005 Manhattan Ave.	7am-11pm, Sun-Thu 7am-12am, Fri-Sat	7am-11pm, Sun-Thu 7am-12am, Fri-Sat	Beer & Wine	07-09 06/25/07	None
74	Fonzs	1017 Manhattan Ave.	9am-9pm, Sun 5:30am-10pm, Mon-Thu 5:30am-11pm, Fri-Sat	9am-9pm, Sun 5:30am-10pm, Mon-Thu 5:30am-11pm, Fri-Sat	Full Liquor	01-04 02/14/01	None
75	Ercoles	1101 Manhattan Ave.	11am-2am, Daily	11am-2am, Daily	Full Liquor	85-32 11/12/85	None

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76	Mama D's	1125 A Manhattan Ave.	6am-11pm, Sun- Thu 6am-1am, Fri-Sat	6am-11pm, Sun- Thu 6am-1am, Fri-Sat	Beer & Wine	CC Reso. 5175 06/20/95	None
77	Wahoo's	1129 Manhattan Ave.	6am-11pm, Sun-Thu 6am-12am, Fri-Sat	6am-11pm, Sun-Thu 6am-12am, Fri-Sat	Beer & Wine	CC Reso. 5312 02/18/97	None
78	Darren's Restaurant	1141 Manhattan Ave.	11am-11pm, Sun-Thu 6am-12am, Fri-Sat	11am-11pm, Sun-Thu 6am-12am, Fri-Sat	Full Liquor	02-28 08/28/02	None
79	Fishing with Dynamite	1148 Manhattan Ave.	7am-11pm, Sun-Wed 7am-12am, Thu-Sat	7am-11pm, Sun-Wed 7am-12am, Thu-Sat	Full Liquor	01-24 11/28/01	None
80	Crème De La Crepe	1140 Highland Ave.	6am-10pm, Sun-Thu 6am-11pm, Fri-Sat	6am-10pm, Sun-Thu 6am-11pm, Fri-Sat	Beer & Wine	02-14 05/08/02	None
81	Simmzy's	229 Manhattan Beach Blvd.	6am - 11pm, Mon-Thu 6am-12am, Fri-Sat	6am - 11pm, Mon-Thu 6am-12am, Fri-Sat	Beer & Wine	03-20 01/22/03	None
82	Le Pain Quotidien	451 Manhattan Beach Blvd.	7am-7:30pm, Daily	10am-7:30pm, Daily	Limited Selection of Beer & Wine	CC 5770 07/16/02 08-08 05/14/08	2 Unamplified Entertainers Background Music Class I Entertainment Permit Required for More
83	Shade Hotel	1221 Valley Drive	Zinc Lobby Bar & Zinc Terrace: 11pm Daily Interior Courtyard (for Special Events Only) 11pm, Sun-Thurs 12am, Fri-Sat Rooftop Deck, 10pm Daily	Zinc Lobby Bar & Zinc Terrace: 11pm Daily Interior Courtyard (for Special Events Only) 10:30pm, Sun-Thurs 11:30pm, Fri-Sat Rooftop Deck, 9pm Daily	Full Liquor	05-08 05/25/05 CC 5770 07/16/02 (CC 6275 07/09/10 Hours Not Shown As Reso. Not Yet Implemented)	2 Unamplified Entertainers Background Music Class I Entertainment Permit Required for More
84	Petro's	451 Manhattan Beach Blvd Suite B-110	6am-12 am, Sun-Thu 6am-1am, Fri-Sat	6am-11:30pm, Sun-Thu 6am-12:30am, Fri-Sat	Full Liquor	06-20 12/13/06 CC 5770 07/16/02	2 Unamplified Entertainers Background Music Class I Entertainment Permit Required for More

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85	Vacant (01/16/2014)	451 Manhattan Beach Blvd Suite D-126 1200 Morningside	6am-11pm, Sun-Thu 6am-12am, Fri-Sat	6am-10:30pm, Sun-Thu 6am-11:30pm, Fri-Sat	Full Liquor	CC 5770 07/16/02	2 Unamplified Entertainers Background Music Class I Entertainment Permit Required for More
86	Il Forniao	1800 Rosecrans Ave. Unit F	6am-2am, Daily	6am-2am, Daily	Full Liquor	98-25 08/12/98	None
87	Sushi Ya Matsu	210 N Aviation Blvd Manhattan Triangle	6am-11pm, Daily	6am-11pm, Daily	Beer & Wine	02-21 07/24/02	None
88	Vacant (01/16/2014)	1605 N. Sepulveda Blvd.	7am-10pm Sunday to Thursday, 7am-12am, Friday and Saturday	7am-10pm Sunday to Thursday, 7am-12am, Friday and Saturday	Beer & Wine	CC 6322 07/05/11	Family style business, no outside sound, no bar seats, no beer and wine without a meal, rear driveway at Oak Ave. close by 10pm