

LATE ATTACHMENTS

FROM

2/26/14

PLANNING
COMMISSION

MEETING

INCLUDES:

- COMMENTS RECEIVED
AFTER 2/20/14
- HANDOUTS
DISTRIBUTED AT
MEETING ON 2/26/14

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INTENTIONALLY

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PC MTG

2/26/14

900 CLUB

LATE

ATTACHMENTS

(RECEIVED SINCE 2/20/14)

Angelica Ochoa

From: Ed Stevens <stevens29@verizon.net>
Sent: Friday, February 21, 2014 3:11 PM
To: Planning Commissioner
Cc: Angelica Ochoa
Subject: FW: Letter on 9th St Nightclub

Don McPherson

Edward Stevens
P.O.Box 1865
Rancho Mirage,CA 92270

Planning Commission
City of Manhattan Beach
1400 Highland Ave.
Manhattan Beach, CA 90266

Dear Planning Commissioners,

I write to you regarding the revocation/modification of the permit for the 900 Club. First, let me say it's about time. Looking back through my files, in 2000, I complained to the Planning Commission about the problems with the nightclub at 9th and Manhattan Ave. Of course, that was long before your time.

I own the property along the south side of the Tenth St. walkstreet, from Manhattan Ave. to Bayview Drive, including the four-unit residential building at 919 Bayview. I mostly worry about the impacts from the 900 Club on my tenants in the apartments. They have the 9th St. nightclub on the south and the city parking lot to the east, where the drunks park. The end of this email lists my properties on the block occupied by the 900 Club.

According to my files, regarding bars disturbing my tenants, I have complained to Mr. Thompson, the ABC and the Coastal Commission, in addition to the Planning Commission. But nothing ever changes; truthfully, it only gets worse.

In one letter, I wrote, "People coming from the bars to the parking lot urinate in the lobby of my building. We have fights out there. Police have to come, and they make lots of noise. Once, somebody forgot to set their brake, and the car rolled into my building. We do not need any more drunks coming to that parking lot late at night."

Unfortunately, living in Rancho Mirage, I am unable to attend your meeting. I hope that you can do something about these problems. I have owned these properties for decades. Frankly, I am skeptical that anything good will come out of this, but I certainly appreciate your efforts on my behalf.

Angelica Ochoa

From: Barry M Taylor <barrymtaylor@earthlink.net>
Sent: Saturday, February 22, 2014 4:19 PM
To: Angelica Ochoa
Subject: Fw: 900 Club

-----Forwarded Message-----

From: Barry Taylor
Sent: Feb 22, 2014 4:15 PM
To: PlanningCommission@citymb.infor, BARRY TAYLOR
Subject: 900 Club

FIRST, THANK YOU FOR READING MY CONCERNS— Barry and Sharon Taylor 900 The Strand M.B

I am a 73 year old life time residence of Manhattan Beach. I live about 4 or 5 houses from the 900 club. I have never heard any noise from the club. The club was open about 10 years before I became a member. If I had ever had a problem living so close to the club I never would have joined. Many friends invited me to be a guest and I loved the low key friends and family feeling of the club. I live on the strand and believe me people walking home from town offer dinner and drinks talk, laugh, and sometimes sing loud past my windows. I have NEVER called police in 25 years. Do we want to close down all the restaurants and bars that they left? I new all the good and bad of living near town and made my CHOICE to live in town. The people that are complaining should take the good with the bad or MOVE. Manhattan Beach is now attracting more and more young people that pay lots of taxes and I would like them to spend their money in town. MOST of the time my wife and I stop by to have a last glass of wine at the 900 club and only 5 to 10 people are sitting around talking or watching sports even on the weekends. We also like to take our grandchildren to dinner because they are very welcome. I am not sure if lots of different people are calling police or the same people are calling all the time or they are asking other people to call for support. This club is a wonderful addition to our town and the few problems are not worth adding any more regulation.

P.S. I am a member but NO ONE has ask me to write this letter. I got it in the mail just like anyone else. Please do not add addition regulations unless you have taken the time to come to the club during the week and not one occasional Sat. night. All our bars and restaurants have a few loud people and a few complainers that should not speak for all the people that love living close to this GREAT popular town.

I would love to come to the town meeting but I am out of town on that day but feel free to read my letter at the meeting (please do). any questions call —Barry M. Taylor—310 6991444 or 760-771 5058. or email—barrymtaylor@gmail.com

Angelica Ochoa

From: Richard Thompson
Sent: Saturday, February 22, 2014 5:12 PM
To: Angelica Ochoa
Subject: Fwd: Regarding the 900 Club

Sent from my iPad

Begin forwarded message:

From: David Liggett <daliggett@gmail.com>
Date: February 22, 2014 at 5:05:21 PM PST
To: <PlanningCommission@citymb.info>
Subject: Regarding the 900 Club

Dear Commissioners:

We reside at our own property in Manhattan Beach near the 900 Club at 117 9th Street. We also own property at 116 9th place.

We do not belong to the 900 Club though we have on occasion dined there. We have never at any time had or heard of any complaints from our neighbors with regard to any disturbances or the operation of the club.

Regretfully we will be out of town the week of the hearing on February 26.
We do not support any additional regulation of the 900 Club.


Sincerely,

David A. Liggett
Robin S. Liggett
310-379-9136
daliggett@gmail.com
rliggett@ucla.edu

Richard Thompson
Director of Community Development

P: (310) 802-5502
E: rthompson@citymb.info



 Please consider the environment before printing this email.

Angelica Ochoa

From: Don <don@carpenterconstruction.com>
Sent: Saturday, February 22, 2014 4:32 PM
To: Angelica Ochoa
Cc: List - Planning Commission
Subject: 900 club
Attachments: Doc1_.docx

The club members act like they are special and don't have to abide by the city rules. They are very noisy, way past midnight! They should be cited for permit and code infractions/violations and pay the cost of enforcement.

Thank all of you for your hard work, you have helped make this the greatest city on the planet!

**Best,
Don Carpenter
321 10th St., MB
(60 year resident)**

**INDIVIDUAL PETITION REGARDING REVOCATION/MODIFICATION
OF USE PERMIT FOR 900 CLUB**

Located at 900 Manhattan Ave, Manhattan Beach CA, 90266

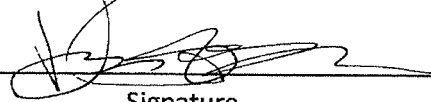
I/WE reside at or own property in Manhattan Beach, near the 900 Club, on
the following street:

10TH ST.

Street Name (Number not necessary, but please print)

DON CARPENTER

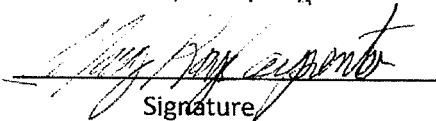
Name (Please print)



Signature

MARY KAYE CARPENTER

Name (Please print)



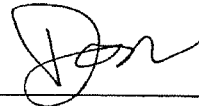
Signature

My/Our opinion regarding revocation or modification of the 900 Club use permit:

- I/We want the 900 Club use permit revoked
- I/We want the 900 Club use permit modified to stop the disturbances
- I/We do not support any additional regulation of the 900 Club

COMMENTS

IT'S A PRIVATE CLUB, SHOULD BE EASY TO
CONTROL THE MEMBERS!
APPARENTLY IT'S NOT, BECAUSE THEY
DON'T CARE!



Angelica Ochoa

From: James Maertz <rjmaertz@yahoo.com>
Sent: Monday, February 24, 2014 7:13 AM
To: Angelica Ochoa; List - Planning Commission
Subject: The 900 Club - WE DO NOT SUPPORT ADDITIONAL REGULATION
Attachments: 900 Club.pdf

Planning Commission,

Please find form attached not supporting the petition filed by our neighbor. In the comments section I have written:

We live much closer to The 900 Club than the gentleman who has brought up this complaint. Our bedroom window is on the alley of Bayview yet we have not heard anything late night from The 900 Club. We have been guests of several members and enjoyed the club thoroughly. We believe shutting down The 900 Club would be very Un-American. What's next every other restaurant and bar on Manhattan Ave. and Manhattan Beach Blvd!

James & Donna Maertz
217 8th St.
MB, CA 90266
(310) 874-3528

**INDIVIDUAL PETITION REGARDING REVOCATION/MODIFICATION
OF USE PERMIT FOR 900 CLUB**

Located at 900 Manhattan Ave, Manhattan Beach CA, 90266

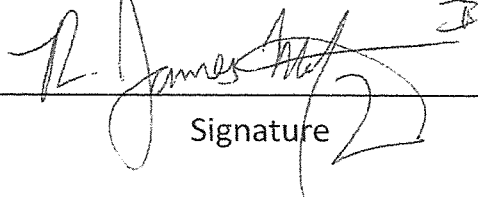
I/WE reside at or own property in Manhattan Beach, near the 900 Club, on the following street:

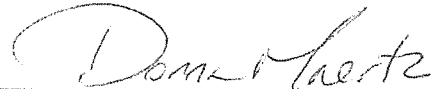
217 8th St.

Street Name (Number not necessary, but please print)


R. JAMES MAERTZ #

Name (Please print)


Signature



Name (Please print)


Signature

My/Our opinion regarding revocation or modification of the 900 Club use permit:

- I/We want the 900 Club use permit revoked
- I/We want the 900 Club use permit modified to stop the disturbances
- I/We do not support any additional regulation of the 900 Club

COMMENTS

We live much closer to The 900 Club than the gentleman who has brought up this complaint. Our bedroom window is on the alley of Bayview yet we have not heard anything late night from The 900 Club. We have been guests of several members and enjoyed the club thoroughly. We believe shutting down the 900 Club would be very un-American. What's next every other restaurant and bars on Manhattan Ave. and Manhattan Beach Blvd!

INDIVIDUAL PETITION REGARDING REVOCATION/MODIFICATION
OF USE PERMIT FOR 900 CLUB

Located at 900 Manhattan Ave, Manhattan Beach CA, 90266

I/WE [€]reside at or own property in Manhattan Beach, near the 900 Club, on
the following street:

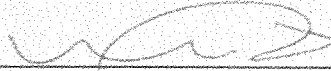
~~11th Street~~ Ninth Place

Street Name (Number not necessary, but please print)

Marc Theodore

Name (Please print)

Name (Please print)



Signature

Signature

My/Our opinion regarding revocation or modification of the 900 Club use permit:

- I/We want the 900 Club use permit revoked
- I/We want the 900 Club use permit modified to stop the disturbances
- I/We do not support any additional regulation of the 900 Club

COMMENTS

Please make the following changes to their permits.
No live bands or DJs ever. No loud music
ever. Shorten their hours to close at 11pm.
only allow entrance and exit of 900 club
on Manhattan Ave. ~~at 11pm~~. Keep back
door closed at all hours.

Angelica Ochoa

From: Don McPherson <dmcphersonla@gmail.com>
Sent: Sunday, February 23, 2014 7:55 PM
To: Christopher Conaway; Kathleen Paralusz; Martha Andreani; Paul Gross; Steve Ortmann
Cc: John Jalili; David Biggs; Liza Tamura; Richard Thompson; Angelica Ochoa; Rosanna Libertucci; Mark Tuccinardi; Wayne Partridge
Subject: Recommendations for 900 Club Public Hearing, February 26
Attachments: 140224-McP-PC-900Club-Input-Compiled-ABY.pdf

Planning Commission
City of Manhattan Beach
Via Email

Subject: Recommendations for 900 Club Public Hearing, February 26

Commissioners,

The attachment provides my recommendations for the forthcoming public hearing on the 900 Club. The narrative runs three pages, with a decent amount of white space,

As always, the exhibits provide factual evidence to substantiate the narrative.

MAJOR POINTS

- **Revocations vs Modification.** I have given this issue a great deal of thought these past two months, having settled on **revocation**. It came to me today, that revocation will result in the ABC revoking the alcohol license. When the 900 Club applies to the ABC for license reinstatement, that will provide the City and residents the opportunity to protest and to impose use-permit conditions on the license. This will ensure that the 900 Club can never evolve their new CUP into a more intense use. I and others have done this successfully on five alcohol licenses in Manhattan Beach: Fonz's, Bacchus, North End Cafe, Four Daughters and Barsha Wine & Spirits.
- **Noise Measurements.** After midnight on 5 October 2013, I recorded noise levels from a rock band at various locations around the premises. At the curb on Manhattan Ave, the noise exceed permitted levels by 20dB, this with the band on the second floor, isolated from the sidewalk by flooring and closed doors. Soundproofing the 900 Club might prove impossible.
- **Draft Conditions for the Use Permit.** An exhibit provides draft use permit conditions based on the Shade Hotel 2010 CUP, but tailored to the 900 Club.

Thanks for your consideration. I mailed a flyer to the city distribution list, received Saturday. I will mail another tomorrow morning. Unfortunately, public apathy may rule the day.

Don McPherson
1014 1st St, Manhattan Beach CA 90266
Cell: 310 487 0383
dmcphersonla@gmail.com

Planning Commission
City of Manhattan Beach
Via Email

Subject: Public Hearing for 900 Club, 26 February 2014

BACKGROUND.

Since 1974, I have owned the residential building at 213 10th St, on the corner of Bayview Dr with the 10th St walkstreet, one block north of the 900 Club. Our tenants have experienced unending problems with noise and disturbances from intoxicated bar patrons, who park, yell, urinate, and fight in the city parking lot, directly across Bayview from our building. Twice, cars have rolled out of the lot and smashed into our building. Arguably, most of these late-night revelers have come from the 900 Club and its predecessor, the Rock Bottom Saloon.

I participated in the 1993-1995 hearings for the current use permit, Resolution 5155. At one point in May 1994, staff recommended revocation [Exhibit 1], but the city council ignored that. In 1995, the council approved the current CUP, which actually intensified the use, by adding dancing, a full-service bar on the second floor, and live entertainment on Sundays.

SUMMARY.

Revocation vs Modification.

Last December, I learned from the office of the city attorney that the City planned to conduct a public hearing for revocation, pursuant to MBMC 10.104.030, *Revocation and Modification of Discretionary Permits*. Since then, I have switched back and forth between either revocation or modification, before settling on requesting **revocation**.

The revocation option will result in the ABC **revoking the alcohol license**, which will require public notice to reinstate. As explained below, the noticing will enable the City and residents to protest the reinstatement and impose conditions on the license consistent with the new use permit.

As result of stringent conditions on the alcohol license, which are virtually impossible to remove, the creeping intensification over thirty years from the Courtney's and Silo restaurants to the Rock Bottom Saloon and the 900 Club will never again happen to 900 Manhattan Ave.

Your legacy will ensure that the alcohol genie will stay in the cage where you put it.

Violations of the Use Permit and City Regulations.

The staff report leaves no question unanswered, but that grounds exist for violations by the 900 Club of its use permit and city regulations.

This Wednesday, you should make that finding during the public hearing, to satisfy MBMC 10.104.030 (D)(2), and thereby enabling the PC to either revoke or modify the use permit, as required. The staff report provides the revocation/modification ordinance on Pg 2.

In the Discussion section below, I briefly add or expand on some evidence of violations relevant to the eventual new use permit for the 900 Club, as follows:

- Noise measurements demonstrate that soundproofing the 900 Club will constitute a formidable, if not impossible task, based on sound-meter records obtained during live entertainment after midnight on 5 October 2013,;
- The staff report at Pg 6 mentions violations of the entertainment permit. In response to my Public Records Act request [PRAR], the City could find only one entertainment permit, dated 1979. [Exhibit 2] By never applying for an entertainment permit, the 900 Club has violated Municipal Code Chapter 4.20, for 17 continuous years, while occupying 900 Manhattan Ave.; and,
- My PRAR resulted in police call logs from 2003 to 2013, much longer than the excellent detailed analysis for 2011-2013 provided by MBPD in Exhibit C of the staff report. During the ten years, 2003-2014, the police recorded well over 500 incidents, or on the average 1 per week. [Exhibit 3]

Draft Conditions for the New Use Permit.

My interest lies primarily in the future, to anticipate the conditions required for the new use permit, which will come, regardless whether you choose revocation or modification.

The neighbors requested that I prepare a draft of conditions required to stop the disturbances caused by the 900 Club. [Exhibit 4] Considerable potential for synergy exists, by considering together, the proceedings for fixing the problems with use permits for the 900 Club and Shade Hotel.

Consequently, you will find that the Exhibit 4 conditions I propose for the 900 Club mirror those for Shade.

This summary stands alone regarding my recommendations for revocation/modification of the 900 Club use permit. The following section provides some brief detail.

DISCUSSION.

Revocation Enables Use-Permit Conditions Imposed on ABC License

The revocation option will result in the ABC revoking the alcohol license, which will require public notice to reinstate. In that case, an ABC regulation requires conditions placed on the license, if the premises or off-street parking used by its patrons lie within 100 feet of residential properties, the case for the 900 Club. [Exhibit 5, Calif. Code of Regs., §61.4]

By this means, I and others have imposed city use-permit conditions on ABC licenses for Bacchus and Barsha wine tasting, as well as the licenses for Fonz's, the North End Café, and the Four Daughters. Fear of losing their ABC licenses force owners of these establishments to toe the line, without the extensive policing by the MBPD required for the 900 Club.

Removal of the conditions on the 900 Club alcohol license will require that the premises no longer lie within 100 feet of residential properties, which obviously cannot happen.

900 Club Soundproofing Formidable, Perhaps Impossible.

After midnight on 5 October 2013, I measured external noise levels, created by a rock band on the second floor. At the curb on Manhattan Ave, the noise exceeded by 20 dB, the maximum average level of 65 dB, permitted by the municipal code. [Exhibit 6] The chart shows one three-minute recording sequence, of a couple taken at that location.

The noise heard on the sidewalk came through the ground-floor window, so I assumed the band down there. Mr. Louis Giovannetti, manager of the downstairs bar, informed me the band played on the second floor, separated from the lower level by flooring and presumably doors.

The external sound levels cannot exceed 65 dB on the average, pursuant to the sound ordinance, MBMC 5.48.160, Table 6. With the band isolated upstairs by flooring and doors, the noise measured on the sidewalk still exceeded the standard by 20 dB.

For comparison, at the Feb 12 hearing, Shade Hotel proposed mitigation measures estimated to reduce noise levels by 3 to 7 dB.

Clearly, for the 900 Club will require assemblies of walls, roof, windows and doors to have a sound transmission coefficient [STC] of 50 dB, the acoustic standard. To achieve that level of soundproofing, the 900 Club will have to gut the building and reconstruct the interior.

Draft Use Permit Conditions.

As the case for the Shade Hotel use permit, for the 900 Club, I propose application of the 75-ft inaudibility rule formulated by MBPD for the Strand House. In the spirit of considering both the 900 Club and Shade together, the 75-ft standard must be maintained. The city must treat both projects equally.

The 900 Club and Shade do have differences requiring tailoring the conditions, as appropriate. The 900 Club notoriously lets patrons party outside the back door on the parking and sidewalk, with direct line of sight to residences. In December 2004, former City Attorney Robert Wadden negotiated an agreement with the 900 Club, that only employees can use the backdoor. [Exhibit 7] The 900 Club has arrogantly ignored that agreement.

Condition 5 prohibits patrons from loitering in the rear yard, a requirement the ABC license should have as well.

CONCLUSION.

I request that the planning commission revoke the use permit for the 900 Club, so that the ABC will revoke the alcohol license. In that case, to reinstate its license, the 900 Club must go through the application process, which will provide the City and residents the opportunity to appeal and impose use permit conditions on the license.

By this means, any violation of the use permit becomes a violation of the ABC license.

It will require considerable study and analysis to determine whether it possible to soundproof the 900 Club premises. If not, then the new use permit cannot allow entertainment and dancing.

To take advantage of potential for synergy, the planning commission should consider together, the proceedings for fixing problems with the use permits for the 900 Club and Shade Hotel.

Don McPherson

Copy: J. Jalili, D. Biggs, L. Tamura, R. Thompson, A. Ochoa

CITY OF MANHATTAN BEACH
DEPARTMENT OF COMMUNITY DEVELOPMENT
MEMORANDUM

TO: Planning Commission
FROM: Byron L. Woosley, Director of Community Development *BLW*
THROUGH: Maxine R. Woerner, Planning Administrator
BY: Rosemary A. Lackow, Senior Planner
DATE: May 11, 1994
SUBJECT: Public Hearing to Consider the REVOCATION or MODIFICATION of a USE PERMIT for an Existing Restaurant/Bar with full alcohol service and live entertainment on the Property Located at 900 Manhattan Avenue (Rock Bottom Saloon Inc.)

PERMITTEE:

Tom Nathan, President
Rock Bottom Inc.
900 Manhattan Avenue
Manhattan Beach, Ca., 90266

PROPERTY OWNER

David Phifer
Silo Manhattan Ltd.
15301 Ventura Blvd., #300
Sherman Oaks, CA 91403

RECOMMENDATION

That the Planning Commission CONDUCT THE PUBLIC HEARING, and, subject to public testimony, ADOPT THE ATTACHED DRAFT RESOLUTION, REVOKING THE USE PERMIT, Resolution 3555, for the subject property.

BUDGET IMPLICATION

Total Staff time involved is approximately 50 hours, with a total labor cost (salary and benefits) of approximately \$ 2,250.00.

BACKGROUND

On April 5, 1994 the City Council directed that the Planning Commission conduct a public hearing to consider possible revocation or modification of an existing use permit for the business known as the Rock Bottom Saloon, 900 Manhattan Avenue (see 4/05/94 Council minutes excerpt attached, Exhibit 1).

The basis for the Council's action was twofold: 1) continuing nuisance complaints received from nearby residents and 2) reports from Staff that the business has been operating in violation of the governing use permit approval for the site (Council Resolution 3555, see Exhibit 2).

DISCUSSION

1. Authority to Revoke/Modify Use Permit

Section 10.84.070 of the Municipal Code provides that conditions may be imposed in approving a use permit, for four purposes. These purposes are: 1) to achieve the purposes of the applicable site's zoning district as stated in the Zoning Ordinance and General Plan, 2) to protect the general public health, safety and welfare, 3) to ensure land use compatibility of the subject use and site with adjoining and surrounding properties, and 4) to provide for periodic compliance review.

Section 10.84.090 D. of said chapter provides that a use permit which is exercised in violation of a condition of approval or any provision of the Zoning Ordinance may be revoked.

When the City Council referred this hearing to the Commission, it was under advice from the City Attorney that the Council and/or Commission also implicitly have the right to modify the permit's terms and conditions within a revocation hearing. The action to modify a use permit in a revocation hearing would have the result of addressing specific issues such as nuisance abatement or enhanced land use compatibility, and therefore advance the purposes of the use permit conditions.

2. Use Permit History: 1973 - 1993

To provide background, Staff has attached a chronological list detailing the entire use permit history for the site from the initial approval in 1973 to the most recent amendment application filed by Rock Bottom in March, 1993 (Exhibit 3).

1993 Amendment Request: Planning Commission Review

The Council initially directed Staff to pursue enforcement for Rock Bottom on December 15, 1992, as a result of complaints received from the surrounding business and residential neighborhood. On February 16, 1993 the Council directed the business owner to pursue an amendment to the use permit, based on concern that the business operation was possibly in violation of its use permit.

Business owner Tom Nathan filed a use permit amendment on March 18, 1993, requesting permission to allow the upstairs main dining room for dancing in conjunction with live entertainment, with a full service retail bar, in conjunction with a cocktail lounge located on the ground floor, as well as expanded weekend hours in the morning.

The Planning Commission **denied dancing** in the amendment request, but otherwise **approved** other aspects of the Rock Bottom amendment (Resolution PC 93-28, 8/11/93), including:

- full "retail" bar in the upstairs dining room.
- expansion of weekend morning hours (9:00 a.m. opening).
- earlier evening closing hour, from 1:30 a.m., seven days a week, to 12:00 a.m. weekdays and 1:00 a.m. on weekends.
- live entertainment (music) with a limitation of four musicians, seven days a week, in the upstairs area.

The Commission imposed a number of new conditions, including but not limited to noise mitigation and use permit monitoring.

All materials related to the Planning Commission hearing on the Rock Bottom Amendment are attached, including, copies of Resolution PC 93-28, the Staff report to the Commission and related minutes dated July 28, 1993. (see Exhibit 4).

1993 Amendment Request: City Council Review

On September 9, 1993, the City Council appealed the Commission's decision (Reso. PC 93-28) and, on November 16th 1993 concluded its review with the adoption of Resolution 5038, denying the amendment application in its entirety.

In the initial public hearing conducted October 5, 1993, the applicant's legal representative indicated acceptance of the decision of the Planning Commission, with one exception, that relating to a 90 day special review, which appears as condition 24, Resolution PC 93-28. The applicant also indicated that, while the Commission did not condition the number of days permitted for live entertainment, he was willing to accept a limit of four days per week.

In the continued public hearing held November 2, 1993, the applicant stated that his main issue was the ability to use the upstairs bar as a "retail", full service facility, meaning patrons could be sold a beverage directly from a bartender at the bar.

The City Council conducted extensive discussion as to how to appropriately limit and condition the project approval, but ultimately, in the hearing, the applicant stated that the final approval package was unacceptable. Therefore, the Council modified its final motion from an approval with conditions, to a denial.

The final denial by the Council ("with prejudice") was based on findings that the applicant's request, including live musical entertainment, dancing and bar service constitutes a change in primary use from a restaurant to a nightclub, and as such would introduce an incompatible and undesirable land use to the existing surrounding neighborhood. The Council also received considerable testimony from nearby residents stating that they were unable to

enjoy their property due to nuisances emanating from Rock Bottom.

As a result of the City Council denial, the applicant had three options, including, 1) comply with the scope of entitlement contained in Council Resolution 3555, as specified by the City, 2) file a follow-up use permit amendment application within one year of the denial which would be substantively different from the previous 1993 request, or 3) wait one year from the denial date to re-file the same amendment application. (The latter two options result from the fact that the Council's denial was "with prejudice".)

Staff has attached reports to the City Council, as well as the related minutes of the appeal hearing (Exhibit 5).

3. Use Permit Compliance Issues

Since the amendment proceedings, the Department of Community Development again reviewed in detail all past use permit records, to ascertain the scope of the governing permit, Resolution 3555, and intent of conditions of approval, which were being challenged by the business. In a letter dated January 31, 1994 (Exhibit 6), the Community Development Department concluded that, out of six areas of initial disagreement, there were three aspects of the business operation which were in conflict with conditions of approval, including dancing (condition 8), the location of entertainment (condition 8) and use of the upstairs "retail" bar (condition 9).

More recently, Staff has found a letter in Community Development records dated April 27, 1979 which transmits an Annual Class II Dance/Entertainment Permit for the site (Exhibit 7). Under Ordinance 1493, (the effective entertainment regulations at the time), a Class II permit is authorized to allow "cafe entertainment" only and not dancing. In order for a business to conduct dancing, a Class I Permit was required.

Further, Section 10-3.801 of the Municipal Code (adopted 6/2/76), relating to conditional commercial uses in the C-2 zone, specified that dancing and entertainment are activities which each require a use permit when incidental to an eating and drinking establishment.

The above information regarding conditional commercial use and entertainment regulations further supports the Staff position that dancing was not permitted in the subject use permit, under the general umbrella of "entertainment".

It appears from reading the administrative records for this site that the intent regarding entertainment is that the live bands would be relatively low profile in character and incidental to the "restaurant" use. As such, the use permit allowance for seven days a week entertainment has heretofore not been a neighborhood

compatibility issue, as reflected by the absence of complaints in City files for those restaurants which preceded Rock Bottom Saloon (Silo, Royal Thai Cuisine, Mickey D's, etc.).

Staff also emphasizes that, when entertainment was initially approved in 1975, and again in 1977, the use permit conditions highlighted the possibility for revocation if related adverse impacts occurred. In the 1977 approval, the emphasis on the possibility of revocation is carried forward and expanded to address not only live entertainment but also hours of operation, limitation of total occupancy, provision for valet parking, or any other measures "deemed reasonable to mitigate or alleviate impacts to adjacent land uses" (condition 11, Reso. 3555).

4. Downtown Task Force Enforcement

In early 1993, as a result of citizen complaints, the Council directed Staff to form a multi-department task force to investigate allegations of noise, use permit, building occupancy and other Code violations for businesses in the downtown and north end Highland commercial districts.

On March 15, and April 5, 1994, Police Chief Mertens provided status reports to the Council which containing observations regarding "downtown issues" and a summary of the Task Force inspections. A total of 29 inspections were conducted between April 30, 1993 and March 11, 1994, and of these, Rock Bottom was found to be in violation on 15 dates, most often resulting from unauthorized use of the upstairs for retail bar service (as opposed to a service bar) and dancing. Chief Mertens' reports are attached for reference (Exhibit 8).

5. Resident Complaints/Concerns

Extensive public testimony has been received by the City Council and Planning Commission regarding nuisances allegedly emanating from the subject business. The main issue has been noise originating from live bands playing amplified instruments, and boisterous patrons leaving or congregating around the establishment. Other complaints have been received regarding property damage, littering, and parking intrusion in nearby residential neighborhoods.

More generally, residents have expressed concerns that the subject business is part of an undesirable proliferation of establishments characterized as bars and nightclubs in the downtown area. In particular there has been input that the subject project site, being on the southerly boundary of the downtown commercial district, adjacent to a residential district, is especially inappropriate for a bar or nightclub.

Prior to the processing of the 1993 use permit amendment and

establishment of the Downtown Task Force, complaints were received through the Code Enforcement Officer, Community Development Department. Staff has attached a table summary of citizen complaints and Police Department reports received or directed to the Code Enforcement Officer between December, 1992 and March, 1993 (Exhibit 9).

6. Recent Correspondence/Public Contacts

Staff has included all previous correspondence received by the Council and Commission related to past hearings or status report presentations (attached to prior Staff reports). Five new letters from residents have been received since late February 1994 and are attached separately as Exhibit 10.

Staff has also received a letter from Tom Nathan dated May 5, 1994 (Exhibit 11). Mr. Nathan states he will be presenting new information (unseen by Staff) in the hearing which he believes will provide evidence that there are no grounds for the revocation hearing. Mr. Nathan requests that the Commission continue the hearing if, after receiving new information, it does not agree with Mr. Nathan's position that there are no grounds for revocation.

Staff emphasizes that grounds for revocation are not limited to strict permit compliance, but also whether there are adverse impacts resulting from the conditional use which should be addressed in the permit through the public hearing process.

Two new complaints have surfaced as a result of discussions with interested residents within the noticing radius. First, a resident reports that a side door to the business is frequently open, creating a point of boisterous patron congregation on the 9th Street sidewalk, as well as an opening for noise. Secondly, there is concern about the legality and bar promoting appearance of several neon beer signs hung in the windows. Staff suggests that these two concerns may be addressed in appropriate conditions.

ENVIRONMENTAL DETERMINATION

An Initial Study and Negative Declaration were prepared in conjunction with the 1993 amendment application, in accordance with the California Environmental Quality Act (CEQA), and Manhattan Beach CEQA Guidelines. Staff has determined that the conclusions of that document are unchanged as a result of the current action, in that all appropriate mitigation measures can be incorporated into a revised use permit, if approved.

STAFF RECOMMENDATION

The City Council has directed the conduct of this hearing based on evidence that the subject site is in violation of the governing use permit in three areas, and because of the continuing receipt of

complaints received regarding the business operation.

In the preparation of this hearing, Staff has found no evidence to support a finding that either the permittee is willing to abate these specified use permit violations, or that the types of nuisances giving rise to complaints have been eliminated.

Therefore Staff is recommending that, subject to public testimony and any further information or evidence received in the hearing, the Commission adopt the attached Resolution, revoking the subject use permit.

Should the Commission decide that modification, and not revocation should be the preferred action, there are many options available in framing the conditions and scope of approval for the revised use permit ranging from most to least restrictive. In the 1993 amendment hearings, for example, the elements of approval and conditions varied when comparing the initial Staff recommendation, Planning Commission decision, and City Council position prior to the final denial. The basic components of entitlement include (but are not necessarily limited to): **the extent of entertainment** (live bands and/or dancing), **alcoholic service** (number of allowed "retail bars"), **hours of operation** (for both general business and forms of entertainment).

There are many other issues which may be addressed in the use permit conditions which can greatly affect the entitlement. These may include, for example, **requirements for physical improvements** required to mitigate noise, **periodic compliance review** (frequency and level of review) and the degree of **noise mitigation monitoring** needed to regulate the effectiveness of sound attenuation by the permittee.

If, after reaching a threshold decision as to whether revocation or modification is appropriate, at the pleasure of the Commission, Staff will return any additional information deemed appropriate.

This hearing before the Commission is the appropriate forum for working out possible ways to modify the use permit, short of a final decision of revocation. Further, Staff is advised by the City Attorney that the ultimate decision of the Commission would constitute an effective modification as long as the basic changes in the scope of approval or conditions are consented to by the permittee. Should, in the course of the public hearing, the permittee not consent to the significant changes in scope of approvals and conditions, then the action by the City becomes a unilateral action, and would constitute a revocation.

CONCLUSION

The main issues are first, to determine whether the current use is in violation of the governing use permit, and secondly, whether the

EXHIBIT 1. 1994 REVOCATION STAFF REPORT FOR 900 MANHATAN AVE

permit can be revised such that land use compatibility issues or adverse impacts are controlled to an level acceptable to the community and through mutual agreement between the City and business owner.

ALTERNATIVES

Upon conduct of a public hearing, and subject to testimony received, the available alternatives are:

1. **ADOPT THE ATTACHED DRAFT RESOLUTION, REVOKING** the subject use permit, Resolution 3555.
2. **CONTINUE THE PUBLIC HEARING** to a date certain, and **DIRECT STAFF** as appropriate.

Respectfully submitted,

DEPARTMENT OF COMMUNITY DEVELOPMENT

Byron L. Woosley Director

BY: Rosemary Lackow
Senior Planner

Attachments:

Draft Resolution No. PC 94-

Exhibit 1: Council minutes excerpt, 4/05/94

Exhibit 2: Council Reso. No. 3555

Exhibit 3: History of use permit approvals

Exhibit 4: Staff report & minutes: PC action on amendment application dated 3/18/93

Exhibit 5: Staff reports and minutes: CC action on amendment

Exhibit 6: Letter dated 1/31/94 to Tom Nathan from B. Woosley

Exhibit 7: Class II Dance/Entertainment Permit Letter, dated 4/27/79, from William Orndorff to Silo Inc.

Exhibit 8: Downtown Issues/Task Force reports, 3/15 & 4/5/94

Exhibit 9: Code Enforcement Officer Summary of Complaints

Exhibit 10: New correspondence (5 letters)

Exhibit 11: Letter dated 5/5/94 from Tom Nathan

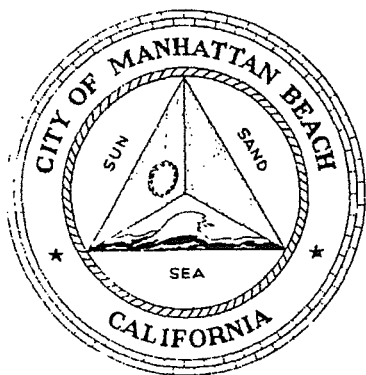
Exhibit 12: Proposed Rock Bottom Floor Plan: 1993 Use Permit Amendment application

cc: Tom Nathan, business owner
David Phifer, property owner
William Beverly, business owner's representative
Ted Mertens, Police Chief
Dennis Groat, Fire Chief
Steve Age, Fire Marshal
Mohamed Ganaba, Building Official

rl:cup/rockbtm/5-11-94.mem

EXHIBIT 2. ONLY ENTERTAINMENT PERMIT FOR 900 MANHATTAN AVE

PHONE: 545-5621



COMMUNITY DEVELOPMENT DEPARTMENT - April 27, 1979
CITY HALL - 1400 HIGHLAND AVENUE - MANHATTAN BEACH, CALIFORNIA - 90266

Mr. William Kaufmann
3204 The Strand
Manhattan Beach, CA 90266

Re: Silo Restaurant, 900 Manhattan Avenue
Annual Class II Dance/Entertainment Permit

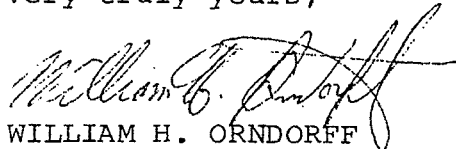
Dear Mr. Kaufmann:

Attached is a copy of your Annual Class II Dance/Entertainment Permit for the Silo Restaurant, 900 Manhattan Avenue, APPROVED with the following conditions:

1. Conditions Nos. 1 through 11, as contained in City Council Resolution No. 3555, adopted August 2, 1977, "...granting a Conditional Use Permit for the property located at 900 Manhattan Avenue". (Copy of said conditions attached.)
2. That exits shall be kept clear of all obstructions. No bar stools or chairs on the south side of bar.

This permit is renewable annually on March 1st.

Very truly yours,



WILLIAM H. ORNDORFF
Planning Administrator

al
attachment

EXHIBIT 2. ONLY ENTERTAINMENT PERMIT FOR 900 MANHATTAN AVE

21 Permit subject to the following conditions:

- 22 1. Landscaping which has overgrown the public
23 sidewalk area shall be trimmed and maintained
24 in such a manner as to permit proper pedestrian
25 passage.
- 26 2. Sand which erodes onto the public sidewalk
27 shall be removed and the slope retained at the
28 northwesterly corner of the lot.
- 29 3. The brick parkway area on Manhattan Avenue
30 which has settled shall be adjusted to the
31 grade of the sidewalk.
- 1 4. Provisions shall be made for drainage of
2 surface water generated on site beneath the
3 sidewalk at the rear exit area rather than
4 washing across the surface of the public
5 sidewalk.
- 6 5. A minimum of two street trees shall be
7 installed on the Manhattan Avenue frontage
8 of the property in conformance with the
9 street tree installation in the adjacent
10 business district.
- 11 6. The hours of operation of the business
12 shall be limited to 11:00 A.M. to 1:30
13 A.M. on all days.
- 14 7. The noise level emanating across residential
15 property lines shall be subject
16 to the City's noise ordinance.
- 17 8. Entertainment shall be limited to four
18 musicians.
- 19 9. Service of food and beverages shall be
20 primarily by employee service to customers
seated at tables.
- 10 10. Four off-street parking spaces shall be
11 maintained at the rear of the subject
12 property.
- 13 11. At any time in the future, the Board
14 of Zoning Adjustment reserves the right
15 to review the subject Conditional Use
16 Permit for the purposes of revocation
17 or modification in accordance with
18 Section 10.3.2001 of the Municipal
19 Code. Modification may consist of the
20 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.

EXHIBIT 3

POLICE CALL LOG FOR 900 CLUB, 2003-2013
510 CALLS IN TEN YEARS

CallNumber	ReportNumber	ReceivedDate	OriginalCall	Location	Disposition
31380078	030001809	05/18/2003	415F	900 N MANHATTAN AV	REPT
30950479		04/05/2003	PRES	900 N MANHATTAN AV	CANC
033290349		11/25/2003	CODE-6	900 MANHATTAN AV	TRFCIT
033300358		11/26/2003	CODE-6	900 MANHATTAN AV	
041510321		05/30/2004	FLAG	900 MANHATTAN AV	ADAST
042030540	040002598	07/21/2004	415	900 N MANHATTAN AV	TRFCIT
042030644		07/21/2004	OTHER	900 N MANHATTAN AV	ADAST
042040574		07/22/2004	CODE-6	900 N MANHATTAN AV	
042210018	040002848	08/08/2004	SECCHK	900 N MANHATTAN AV	CMC
042140094		08/01/2004	415	900 N MANHATTAN AV	ADAST
042330594	040003063	08/20/2004	MPAJ	900 N MANHATTAN AV	REPT
042540004	040003387	09/10/2004	SECCHK	900 N MANHATTAN AV	REPT
042670001		09/23/2004	SS	900 N MANHATTAN AV	FI
042620554		09/18/2004	OTHER	900 N MANHATTAN AV	ADAST
042680011		09/24/2004	SECCHK	900 N MANHATTAN AV	CMC
042590659		09/15/2004	SECCHK	900 N MANHATTAN AV	ADAST
042560053		09/12/2004	415	900 N MANHATTAN AV	ADAST
042590669		09/15/2004	SECCHK	900 N MANHATTAN AV	ADAST
042600589	040003510	09/16/2004	SECCHK	900 N MANHATTAN AV	SECURE
042550023	040003400	09/11/2004	415	900 N MANHATTAN AV	ADAST
042770086		10/03/2004	415	900 N MANHATTAN AV	ADAST
042680701		09/24/2004	SS	900 N MANHATTAN AV	ADAST
042690627		09/25/2004	SS	900 N MANHATTAN AV	ADAST
042930116		10/19/2004	CODE-6	900 N MANHATTAN AV	TRFCIT
043090546		11/04/2004	SECCHK	900 N MANHATTAN AV	SECURE
043050679		10/31/2004	SECCHK	900 N MANHATTAN AV	SECURE
043050750		10/31/2004	SECCHK	900 N MANHATTAN AV	ADAST
043040082		10/30/2004	SECCHK	900 N MANHATTAN AV	SECURE
042970530		10/23/2004	459A	900 N MANHATTAN AV	OTHER
043040014		10/30/2004	SECCHK	900 N MANHATTAN AV	CANC
043220570		11/17/2004	SS	900 N MANHATTAN AV	ADAST
043180523		11/13/2004	SECCHK	900 N MANHATTAN AV	ADAST
043200605		11/15/2004	SECCHK	900 N MANHATTAN AV	SECURE
043220517		11/17/2004	925	900 N MANHATTAN AV	ADAST
043220542		11/17/2004	SECCHK	900 N MANHATTAN AV	SECURE
043130626		11/08/2004	SECCHK	900 N MANHATTAN AV	SECURE
043150536		11/10/2004	SECCHK	900 N MANHATTAN AV	SECURE
043160512		11/11/2004	SECCHK	900 N MANHATTAN AV	ADAST
043120557		11/07/2004	SECCHK	900 N MANHATTAN AV	SECURE
043160005		11/11/2004	415	900 N MANHATTAN AV	ADAST
043160007		11/11/2004	415	900 N MANHATTAN AV	ADAST
043390042		12/04/2004	SECCHK	900 N MANHATTAN AV	SECURE
043350496		11/30/2004	ILLPKG	900 N MANHATTAN AV	ADAST

EXHIBIT 3

POLICE CALL LOG FOR 900 CLUB, 2003-2013
510 CALLS IN TEN YEARS

CallNumber	ReportNumber	ReceivedDate	OriginalCall	Location	Disposition
043330543		11/28/2004	SECCHK	900 N MANHATTAN AV	SECURE
043350608		11/30/2004	SECCHK	900 N MANHATTAN AV	OTHER
043360024		12/01/2004	SECCHK	900 N MANHATTAN AV	SECURE
043390509		12/04/2004	SECCHK	900 N MANHATTAN AV	SECURE
043310067		11/26/2004	SECCHK	900 N MANHATTAN AV	OTHER
043280623		11/23/2004	SECCHK	900 N MANHATTAN AV	SECURE
043320032		11/27/2004	SECCHK	900 N MANHATTAN AV	SECURE
043320040		11/27/2004	SECCHK	900 N MANHATTAN AV	SECURE
043290047		11/24/2004	415	900 N MANHATTAN AV	GOAUTL
043300007		11/25/2004	SECCHK	900 N MANHATTAN AV	ADAST
043300013		11/25/2004	SECCHK	900 N MANHATTAN AV	SECURE
043300021		11/25/2004	SECCHK	900 N MANHATTAN AV	ADAST
043310521		11/26/2004	SECCHK	900 N MANHATTAN AV	SECURE
043320469		11/27/2004	SECCHK	900 N MANHATTAN AV	ADAST
043250651		11/20/2004	SECCHK	900 N MANHATTAN AV	SECURE
043260552		11/21/2004	SECCHK	900 N MANHATTAN AV	OTHER
043310561		11/26/2004	SECCHK	900 N MANHATTAN AV	SECURE
043310582		11/26/2004	SECCHK	900 N MANHATTAN AV	SECURE
043270593		11/22/2004	SECCHK	900 N MANHATTAN AV	SECURE
043310051		11/26/2004	SECCHK	900 N MANHATTAN AV	SECURE
043310626		11/26/2004	SECCHK	900 N MANHATTAN AV	ADAST
043520701		12/17/2004	CODE-6	900 N MANHATTAN AV	OTHER
043540060		12/19/2004	SECCHK	900 N MANHATTAN AV	OTHER
043460058		12/11/2004	SECCHK	900 N MANHATTAN AV	SECURE
043460632		12/11/2004	SECCHK	900 N MANHATTAN AV	OTHER
043470018		12/12/2004	415	900 N MANHATTAN AV	CANC
043470047		12/12/2004	415	900 N MANHATTAN AV	UNFOUN
043410529		12/06/2004	925C	900 N MANHATTAN AV	ADAST
043430001		12/08/2004	SECCHK	900 N MANHATTAN AV	OTHER
043660038		12/31/2004	SECCHK	900 N MANHATTAN AV	OTHER
050010235		01/01/2005	SECCHK	900 N MANHATTAN AV	OTHER
050030404		01/03/2005	PHZCON	900 N MANHATTAN AV	DUP
043600003		12/25/2004	SECCHK	900 N MANHATTAN AV	OTHER
043570552		12/22/2004	SECCHK	900 N MANHATTAN AV	SECURE
043590036		12/24/2004	SECCHK	900 N MANHATTAN AV	OTHER
050140022		01/14/2005	415	900 N MANHATTAN AV	GOAUTL
050160036		01/16/2005	SECCHK	900 N MANHATTAN AV	ADAST
050070022		01/07/2005	SECCHK	900 N MANHATTAN AV	OTHER
050260450		01/26/2005	SECCHK	900 N MANHATTAN AV	SECURE
050290696		01/29/2005	SECCHK	900 N MANHATTAN AV	SECURE
050300547		01/30/2005	SECCHK	900 N MANHATTAN AV	ADAST
050270538		01/27/2005	SECCHK	900 N MANHATTAN AV	SECURE
050290710		01/29/2005	SECCHK	900 N MANHATTAN AV	ADAST

EXHIBIT 3

POLICE CALL LOG FOR 900 CLUB, 2003-2013
510 CALLS IN TEN YEARS

CallNumber	ReportNumber	ReceivedDate	OriginalCall	Location	Disposition
050330409		02/02/2005	SECCHK	900 N MANHATTAN AV	ADAST
050300033		01/30/2005	SECCHK	900 N MANHATTAN AV	SECURE
050300590		01/30/2005	SECCHK	900 N MANHATTAN AV	SECURE
050270007		01/27/2005	SECCHK	900 N MANHATTAN AV	SECURE
050300048		01/30/2005	SECCHK	900 N MANHATTAN AV	SECURE
050300059		01/30/2005	SECCHK	900 N MANHATTAN AV	SECURE
050280524		01/28/2005	SECCHK	900 N MANHATTAN AV	SECURE
050280563		01/28/2005	SECCHK	900 N MANHATTAN AV	SECURE
050310566		01/31/2005	SECCHK	900 N MANHATTAN AV	SECURE
050320002		02/01/2005	SECCHK	900 N MANHATTAN AV	SECURE
050290616		01/29/2005	SECCHK	900 N MANHATTAN AV	SECURE
050270455		01/27/2005	SECCHK	900 N MANHATTAN AV	SECURE
050220515		01/22/2005	SECCHK	900 N MANHATTAN AV	SECURE
050230035		01/23/2005	SECCHK	900 N MANHATTAN AV	SECURE
050250531		01/25/2005	SECCHK	900 N MANHATTAN AV	DUP
050230636		01/23/2005	SECCHK	900 N MANHATTAN AV	SECURE
050250534		01/25/2005	SECCHK	900 N MANHATTAN AV	ADAST
050230061		01/23/2005	SECCHK	900 N MANHATTAN AV	SECURE
050220564		01/22/2005	SECCHK	900 N MANHATTAN AV	SECURE
050250001		01/25/2005	SECCHK	900 N MANHATTAN AV	OTHER
050250017		01/25/2005	SECCHK	900 N MANHATTAN AV	OTHER
050250611		01/25/2005	SECCHK	900 N MANHATTAN AV	SECURE
050260014		01/26/2005	SECCHK	900 N MANHATTAN AV	OTHER
050220709		01/22/2005	SECCHK	900 N MANHATTAN AV	ADAST
050420424		02/11/2005	SECCHK	900 N MANHATTAN AV	OTHER
050430534		02/12/2005	SECCHK	900 N MANHATTAN AV	SECURE
050470547		02/16/2005	SECCHK	900 N MANHATTAN AV	ADAST
050430022		02/12/2005	SECCHK	900 N MANHATTAN AV	SECURE
050410536		02/10/2005	SECCHK	900 N MANHATTAN AV	ADAST
050460464		02/15/2005	SECCHK	900 N MANHATTAN AV	ADAST
050480454		02/17/2005	SECCHK	900 N MANHATTAN AV	ADAST
050430468		02/12/2005	SECCHK	900 N MANHATTAN AV	OTHER
050350583		02/04/2005	SECCHK	900 N MANHATTAN AV	OTHER
050340501		02/03/2005	SECCHK	900 N MANHATTAN AV	SECURE
050350713		02/04/2005	SECCHK	900 N MANHATTAN AV	SECURE
050340605		02/03/2005	SECCHK	900 N MANHATTAN AV	SECURE
050560553		02/25/2005	SECCHK	900 N MANHATTAN AV	OTHER
050560575		02/25/2005	SECCHK	900 N MANHATTAN AV	SECURE
050630586		03/04/2005	SECCHK	900 N MANHATTAN AV	SECURE
050570593		02/26/2005	SECCHK	900 N MANHATTAN AV	SECURE
050580281		02/27/2005	902T	900 N MANHATTAN AV	ADAST
050580035		02/27/2005	SECCHK	900 N MANHATTAN AV	SECURE
050550651		02/24/2005	SECCHK	900 N MANHATTAN AV	OTHER

EXHIBIT 3

POLICE CALL LOG FOR 900 CLUB, 2003-2013
510 CALLS IN TEN YEARS

CallNumber	ReportNumber	ReceivedDate	OriginalCall	Location	Disposition
050500571		02/19/2005	SECCHK	900 N MANHATTAN AV	SECURE
050500048		02/19/2005	SECCHK	900 N MANHATTAN AV	SECURE
050550582		02/24/2005	SECCHK	900 N MANHATTAN AV	OTHER
050520498		02/21/2005	SECCHK	900 N MANHATTAN AV	ADAST
050770012	050000907	03/18/2005	SECCHK	900 N MANHATTAN AV	ADAST
050690574		03/10/2005	SECCHK	900 N MANHATTAN AV	SECURE
050700539		03/11/2005	SECCHK	900 N MANHATTAN AV	OTHER
050650035		03/06/2005	SECCHK	900 N MANHATTAN AV	SECURE
050700635		03/11/2005	SECCHK	900 N MANHATTAN AV	SECURE
050900012		03/31/2005	SECCHK	900 N MANHATTAN AV	SECURE
050900019		03/31/2005	SECCHK	900 N MANHATTAN AV	SECURE
050900592		03/31/2005	SECCHK	900 N MANHATTAN AV	ADAST
050900619		03/31/2005	SECCHK	900 N MANHATTAN AV	OTHER
050900625		03/31/2005	SECCHK	900 N MANHATTAN AV	SECURE
050900702		03/31/2005	SECCHK	900 N MANHATTAN AV	SECURE
050900731		03/31/2005	SECCHK	900 N MANHATTAN AV	SECURE
050910013		04/01/2005	SECCHK	900 N MANHATTAN AV	SECURE
050880584		03/29/2005	SECCHK	900 N MANHATTAN AV	SECURE
050840535		03/25/2005	SECCHK	900 N MANHATTAN AV	SECURE
051030491		04/13/2005	SECCHK	900 N MANHATTAN AV	SECURE
051000048		04/10/2005	SECCHK	900 N MANHATTAN AV	SECURE
051040534		04/14/2005	SECCHK	900 N MANHATTAN AV	SECURE
051020562		04/12/2005	SECCHK	900 N MANHATTAN AV	SECURE
051050031		04/15/2005	SECCHK	900 N MANHATTAN AV	SECURE
050920580		04/02/2005	SECCHK	900 N MANHATTAN AV	SECURE
050920659		04/02/2005	SECCHK	900 N MANHATTAN AV	SECURE
050990032		04/09/2005	SECCHK	900 N MANHATTAN AV	SECURE
050960538		04/06/2005	SECCHK	900 N MANHATTAN AV	SECURE
050950005		04/05/2005	SECCHK	900 N MANHATTAN AV	SECURE
050960014		04/06/2005	SECCHK	900 N MANHATTAN AV	OTHER
050960023		04/06/2005	SECCHK	900 N MANHATTAN AV	SECURE
050960597		04/06/2005	SECCHK	900 N MANHATTAN AV	SECURE
051150227		04/25/2005	OTHER	900 N MANHATTAN AV	OTHER
051180020		04/28/2005	415M	900 N MANHATTAN AV	UNFOUN
051200674		04/30/2005	SECCHK	900 N MANHATTAN AV	SECURE
051130001	050001337	04/23/2005	415M	900 N MANHATTAN AV	ADAST
051120572		04/22/2005	SECCHK	900 N MANHATTAN AV	SECURE
051090534		04/19/2005	925A	900 N MANHATTAN AV	TRFCIT
051110367		04/21/2005	SECCHK	900 N MANHATTAN AV	SECURE
051370127		05/17/2005	CODE-6	900 N MANHATTAN AV	TRFCIT
051320553		05/12/2005	SECCHK	900 N MANHATTAN AV	ADAST
051310555		05/11/2005	SECCHK	900 N MANHATTAN AV	SECURE
051340049		05/14/2005	SECCHK	900 N MANHATTAN AV	SECURE

EXHIBIT 3

POLICE CALL LOG FOR 900 CLUB, 2003-2013
510 CALLS IN TEN YEARS

CallNumber	ReportNumber	ReceivedDate	OriginalCall	Location	Disposition
051290483		05/09/2005	SECCHK	900 N MANHATTAN AV	ADAST
051260583		05/06/2005	SECCHK	900 N MANHATTAN AV	SECURE
051270571		05/07/2005	SECCHK	900 N MANHATTAN AV	SECURE
051280006		05/08/2005	10851R	900 N MANHATTAN AV	ADAST
051280012		05/08/2005	SECCHK	900 N MANHATTAN AV	OTHER
051490081		05/29/2005	SECCHK	900 N MANHATTAN AV	OTHER
051380532		05/18/2005	SECCHK	900 N MANHATTAN AV	ADAST
051380583		05/18/2005	SECCHK	900 N MANHATTAN AV	SECURE
051400031		05/20/2005	SECCHK	900 N MANHATTAN AV	ADAST
051630045		06/12/2005	HANGUP	900 N MANHATTAN AV	CANCEL
051560527		06/05/2005	FLAG	900 N MANHATTAN AV	ADAST
051550023		06/04/2005	SECCHK	900 N MANHATTAN AV	SECURE
051760060		06/25/2005	SECCHK	900 N MANHATTAN AV	SECURE
051740550		06/23/2005	SECCHK	900 N MANHATTAN AV	ADAST
051660698		06/17/2005	415M	900 N MANHATTAN AV	ADAST
051700039		06/19/2005	415M	900 N MANHATTAN AV	ADAST
051840712		07/03/2005	SECCHK	900 N MANHATTAN AV	OTHER
052050047		07/24/2005	SECCHK	900 N MANHATTAN AV	SECURE
052080545		07/27/2005	SECCHK	900 N MANHATTAN AV	SECURE
052030597		07/22/2005	CODE-6	900 N MANHATTAN AV	
052200303		08/08/2005	242R	900 N MANHATTAN AV	NRD
052370613		08/25/2005	SECCHK	900 N MANHATTAN AV	ADAST
052320419	050002963	08/20/2005	OTHER	900 N MANHATTAN AV	REPT
052330020		08/21/2005	SECCHK	900 N MANHATTAN AV	SECURE
052480066		09/05/2005	FLAG	900 N MANHATTAN AV	ADAST
052540621		09/11/2005	SECCHK	900 N MANHATTAN AV	SECURE
053100463		11/06/2005	SECCHK	900 N MANHATTAN AV	SECURE
053030071	050003878	10/30/2005	SECCHK	900 N MANHATTAN AV	OTHER
053230463		11/19/2005	SECCHK	900 N MANHATTAN AV	SECURE
053430021		12/09/2005	SECCHK	900 N MANHATTAN AV	SECURE
060220483		01/22/2006	SECCHK	900 N MANHATTAN AV	SECURE
060390006		02/08/2006	415M	900 N MANHATTAN AV	UNFOUN
060600426		03/01/2006	HAZARD	900 N MANHATTAN AV	OTHER
060410017		02/10/2006	SECCHK	900 N MANHATTAN AV	SECURE
060660528		03/07/2006	SS	900 N MANHATTAN AV	ADAST
060730435		03/14/2006	SECCHK	900 N MANHATTAN AV	SECURE
061170577		04/27/2006	FLAG	900 N MANHATTAN AV	ADAST
061080447		04/18/2006	925C	900 N MANHATTAN AV	ADAST
061040006		04/14/2006	SECCHK	900 N MANHATTAN AV	SECURE
061380027		05/18/2006	PGASIN	900 N MANHATTAN AV	CANC
061530569		06/02/2006	FOOTBT	900 N MANHATTAN AV	SECURE
061660597		06/15/2006	SECCHK	900 N MANHATTAN AV	SECURE
061610604		06/10/2006	SECCHK	900 N MANHATTAN AV	ADAST

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CallNumber	ReportNumber	ReceivedDate	OriginalCall	Location	Disposition
061830615		07/02/2006	415P	900 N MANHATTAN AV	UNFOUN
061900098		07/09/2006	SS	900 N MANHATTAN AV	ADAST
062080381		07/27/2006	FOOTBT	900 N MANHATTAN AV	ADAST
062090367		07/28/2006	FOOTBT	900 N MANHATTAN AV	ADAST
062020590		07/21/2006	SECCHK	900 N MANHATTAN AV	SECURE
062510626		09/08/2006	SECCHK	900 N MANHATTAN AV	SECURE
062940258		10/21/2006	SECCHK	900 N MANHATTAN AV	SECURE
062970021		10/24/2006	SECCHK	900 N MANHATTAN AV	SECURE
062990567	060004352	10/26/2006	CODE-6	900 N MANHATTAN AV	REPT
063050511		11/01/2006	SECCHK	900 N MANHATTAN AV	ADAST
063570324		12/23/2006	FOOTBT	900 N MANHATTAN AV	ADAST
063550562	060005200	12/21/2006	928	900 N MANHATTAN AV	REPT
070120001	070000161	01/12/2007	594	900 N MANHATTAN AV	BKG
070160361		01/16/2007	FOOTBT	900 N MANHATTAN AV	SECURE
070130443		01/13/2007	SECCHK	900 N MANHATTAN AV	SECURE
070340373		02/03/2007	FOOTBT	900 N MANHATTAN AV	ADAST
070760705		03/17/2007	415	900 N MANHATTAN AV	ADAST
070830057		03/24/2007	415	900 N MANHATTAN AV	GOAUTL
070720657		03/13/2007	415M	900 N MANHATTAN AV	ADAST
071030598		04/13/2007	647F	900 N MANHATTAN AV	GOAUTL
071160062		04/26/2007	PHZCON	900 N MANHATTAN AV	CANC
071480535		05/28/2007	FLAG	900 N MANHATTAN AV	ADAST
071850706		07/04/2007	SS	900 N MANHATTAN AV	ADAST
071980578	070002908	07/17/2007	415	900 N MANHATTAN AV	REPT
072090712		07/28/2007	415P	900 N MANHATTAN AV	ADAST
072020717		07/21/2007	SS	900 N MANHATTAN AV	ADAST
072310661		08/19/2007	SECCHK	900 N MANHATTAN AV	OTHER
072440525		09/01/2007	SECCHK	900 N MANHATTAN AV	SECURE
072660447		09/23/2007	415	900 N MANHATTAN AV	GOAUTL
072670249		09/24/2007	FLAG	900 N MANHATTAN AV	ADAST
072670609		09/24/2007	SECCHK	900 N MANHATTAN AV	SECURE
072760724		10/03/2007	415M	900 N MANHATTAN AV	ADAST
072770683	070004111	10/04/2007	SECCHK	900 N MANHATTAN AV	SECURE
072720635		09/29/2007	CODE-6	900 N MANHATTAN AV	OTHER
072900672		10/17/2007	415M	900 N MANHATTAN AV	UNFOUN
072850602		10/12/2007	CODE-6	900 N MANHATTAN AV	ADAST
072810688		10/08/2007	SECCHK	900 N MANHATTAN AV	ADAST
072820572		10/09/2007	SECCHK	900 N MANHATTAN AV	SECURE
072830567		10/10/2007	415M	900 N MANHATTAN AV	UNFOUN
073030619		10/30/2007	CODE-6	900 N MANHATTAN AV	
073010075		10/28/2007	415M	900 N MANHATTAN AV	ADAST
072960731		10/23/2007	415M	900 N MANHATTAN AV	UNFOUN
072960755		10/23/2007	415M	900 N MANHATTAN AV	UNFOUN

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CallNumber	ReportNumber	ReceivedDate	OriginalCall	Location	Disposition
072970706		10/24/2007	415M	900 N MANHATTAN AV	ADAST
073460562		12/12/2007	SECCHK	900 N MANHATTAN AV	SECURE
073460655		12/12/2007	SECCHK	900 N MANHATTAN AV	SECURE
073420543		12/08/2007	SECCHK	900 N MANHATTAN AV	SECURE
080010017		01/01/2008	415	900 N MANHATTAN AV	OTHER
080240709		01/24/2008	SECCHK	900 N MANHATTAN AV	SECURE
080280667		01/28/2008	SECCHK	900 N MANHATTAN AV	SECURE
080250766		01/25/2008	902T	900 N MANHATTAN AV	ADAST
080250799		01/25/2008	FUG	900 N MANHATTAN AV	ADAST
080410242		02/10/2008	FLAG	900 N MANHATTAN AV	ADAST
080610017		03/01/2008	PRES	900 N MANHATTAN AV	CANC
080550528		02/24/2008	SECCHK	900 N MANHATTAN AV	SECURE
080820035		03/22/2008	SECCHK	900 N MANHATTAN AV	SECURE
080820770		03/22/2008	415M	900 N MANHATTAN AV	ADAST
080950925		04/04/2008	415M	900 N MANHATTAN AV	ADAST
081000013	080001415	04/09/2008	415	900 N MANHATTAN AV	REPT
081200727		04/29/2008	FOOTBT	900 N MANHATTAN AV	ADAST
081180063		04/27/2008	415	900 N MANHATTAN AV	GOAUTL
081170722		04/26/2008	415M	900 N MANHATTAN AV	ADAST
081590011		06/07/2008	SECCHK	900 N MANHATTAN AV	SECURE
081740099		06/22/2008	415M	900 N MANHATTAN AV	ADAST
081860217		07/04/2008	OTHER	900 N MANHATTAN AV	
081880088		07/06/2008	415M	900 N MANHATTAN AV	ADAST
081960716		07/14/2008	SECCHK	900 N MANHATTAN AV	SECURE
081910849		07/09/2008	415M	900 N MANHATTAN AV	ADAST
082170695		08/04/2008	484	900 N MANHATTAN AV	ADAST
082220720		08/09/2008	SECCHK	900 N MANHATTAN AV	SECURE
082300629		08/17/2008	SECCHK	900 N MANHATTAN AV	SECURE
082260443		08/13/2008	FOOTBT	900 N MANHATTAN AV	ADAST
082420941		08/29/2008	415M	900 N MANHATTAN AV	ADAST
082360007		08/23/2008	SECCHK	900 N MANHATTAN AV	SECURE
082520903		09/08/2008	SECCHK	900 N MANHATTAN AV	ADAST
082500699		09/06/2008	SECCHK	900 N MANHATTAN AV	SECURE
082490832		09/05/2008	SECCHK	900 N MANHATTAN AV	SECURE
082470040		09/03/2008	SECCHK	900 N MANHATTAN AV	ADAST
082650677		09/21/2008	SECCHK	900 N MANHATTAN AV	SECURE
082660792		09/22/2008	SECCHK	900 N MANHATTAN AV	SECURE
082620897		09/18/2008	415M	900 N MANHATTAN AV	OTHER
082760387		10/02/2008	FOOTBT	900 N MANHATTAN AV	SECURE
082690780		09/25/2008	415M	900 N MANHATTAN AV	ADAST
082900756		10/16/2008	415M	900 N MANHATTAN AV	ADAST
082840008		10/10/2008	415M	900 N MANHATTAN AV	ADAST
082820828		10/08/2008	415P	900 N MANHATTAN AV	ADAST

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CallNumber	ReportNumber	ReceivedDate	OriginalCall	Location	Disposition
083070528		11/02/2008	SS	900 N MANHATTAN AV	ADAST
083070531		11/02/2008	SECCHK	900 N MANHATTAN AV	SECURE
083140294		11/09/2008	SECCHK	900 N MANHATTAN AV	SECURE
083320437		11/27/2008	SS	900 N MANHATTAN AV	ADAST
083660640		12/31/2008	SECCHK	900 N MANHATTAN AV	SECURE
083630042		12/28/2008	415	900 N MANHATTAN AV	ADAST
090460397		02/15/2009	SS	900 N MANHATTAN AV	ADAST
091350770		05/15/2009	OTHER	900 N MANHATTAN AV	ADAST
091510085		05/31/2009	HAZARD	900 N MANHATTAN AV	DUP
091730481		06/22/2009	FOOTBT	900 N MANHATTAN AV	ADAST
091851059		07/04/2009	SS	900 N MANHATTAN AV	OTHER
091930005		07/12/2009	FOOTBT	900 N MANHATTAN AV	SECURE
091930050		07/12/2009	SS	900 N MANHATTAN AV	ADAST
091960263		07/15/2009	PHZCON	900 N MANHATTAN AV	CANC
092430742	090003673	08/31/2009	CODE-6	900 N MANHATTAN AV	REPT
092720784		09/29/2009	925	900 N MANHATTAN AV	GOAUTL
092690715		09/26/2009	SECCHK	900 N MANHATTAN AV	SECURE
092840517		10/11/2009	SECCHK	900 N MANHATTAN AV	SECURE
092980065		10/25/2009	211	900 N MANHATTAN AV	ADAST
093260055		11/22/2009	415	900 N MANHATTAN AV	ADAST
093330009		11/29/2009	FOOTBT	900 N MANHATTAN AV	SECURE
100100090		01/10/2010	415	900 N MANHATTAN AV	GOAUTL
101250838		05/05/2010	SECCHK	900 N MANHATTAN AV	SECURE
101500622		05/30/2010	SECCHK	900 N MANHATTAN AV	SECURE
101480916		05/28/2010	SECCHK	900 N MANHATTAN AV	SECURE
101480008	100001746	05/28/2010	PRES	900 N MANHATTAN AV	REPT
101620777		06/11/2010	FLAG	900 N MANHATTAN AV	ADAST
101690002		06/18/2010	SECCHK	900 N MANHATTAN AV	SECURE
101870738	100002277	07/06/2010	SS	900 N MANHATTAN AV	REPT
101850095		07/04/2010	594	900 N MANHATTAN AV	ADAST
102050022		07/24/2010	SS	900 N MANHATTAN AV	ADAST
102130087		08/01/2010	647F	900 N MANHATTAN AV	ADAST
102120855		07/31/2010	FLAG	900 N MANHATTAN AV	DUP
102120858		07/31/2010	FLAG	900 N MANHATTAN AV	ADAST
102690041		09/26/2010	415P	900 N MANHATTAN AV	ADAST
103090983		11/05/2010	SECCHK	900 N MANHATTAN AV	SECURE
103100077		11/06/2010	990	900 N MANHATTAN AV	ADAST
103090021		11/05/2010	CODE-6	900 N MANHATTAN AV	
103030822		10/30/2010	415P	900 N MANHATTAN AV	ADAST
103030864		10/30/2010	PCROWD	900 N MANHATTAN AV	ADAST
103190406		11/15/2010	LOSTC	900 N MANHATTAN AV	ADAST
103380466		12/04/2010	SS	900 N MANHATTAN AV	ADAST
103470669	100004163	12/13/2010	415R	900 N MANHATTAN AV	REPT

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CallNumber	ReportNumber	ReceivedDate	OriginalCall	Location	Disposition
110210011		01/21/2011	415M	900 N MANHATTAN AV	ADAST
110920005		04/02/2011	415M	900 N MANHATTAN AV	ADAST
111070037		04/17/2011	415	900 N MANHATTAN AV	ADAST
111040724		04/14/2011	415M	900 N MANHATTAN AV	ADAST
110990548	110000991	04/09/2011	STAKE	900 N MANHATTAN AV	ADAST
111130042		04/23/2011	SECCHK	900 N MANHATTAN AV	SECURE
111200004		04/30/2011	SECCHK	900 N MANHATTAN AV	SECURE
111210069		05/01/2011	415	900 N MANHATTAN AV	ADAST
111280086		05/08/2011	FOOTBT	900 N MANHATTAN AV	SECURE
111260861		05/06/2011	SECCHK	900 N MANHATTAN AV	SECURE
111270729		05/07/2011	415	900 N MANHATTAN AV	ADAST
111480637		05/28/2011	SECCHK	900 N MANHATTAN AV	SECURE
111610835		06/10/2011	415M	900 N MANHATTAN AV	ADAST
111900038		07/09/2011	415M	900 N MANHATTAN AV	ADAST
111910015		07/10/2011	SECCHK	900 N MANHATTAN AV	SECURE
112100811	110002399	07/29/2011	242	900 N MANHATTAN AV	CARD
112050074		07/24/2011	SECCHK	900 N MANHATTAN AV	SECURE
112050632		07/24/2011	SECCHK	900 N MANHATTAN AV	SECURE
112180816		08/06/2011	SECCHK	900 N MANHATTAN AV	SECURE
112220008		08/10/2011	647F	900 N MANHATTAN AV	CANCEL
112451013	110002875	09/02/2011	647F	900 N MANHATTAN AV	BKG
112610740		09/18/2011	SECCHK	900 N MANHATTAN AV	SECURE
112680662		09/25/2011	T	901 N MANHATTAN AV	ADAST
11269206		09/26/2012	SECCHK	902 N MANHATTAN AV	SECURE
112700276		09/27/2011	SECCHK	900 N MANHATTAN AV	SECURE
112690206		09/26/2011	SECCHK	900 N MANHATTAN AV	SECURE
112970053		10/24/2011	T	900 N MANHATTAN AV	ADAST
113070501		11/03/2011	T	900 N MANHATTAN AV	ADAST
113110775		11/07/2011	T	900 N MANHATTAN AV	TRFCIT
113160453		11/12/2011	T	900 N MANHATTAN AV	ADAST
113200696		11/16/2011	OTHER	900 N MANHATTAN AV	ADAST
113210017		11/17/2011	PRES	900 N MANHATTAN AV	CANC
113250079		11/21/2011	PRES	900 N MANHATTAN AV	CANC
113440093		12/10/2011	FLAG	900 N MANHATTAN AV	ADAST
113450444	11-023	12/11/2011	926MB	901 N MANHATTAN AV	REPT
113450454	11-023	12/11/2011	926MB	902 N MANHATTAN AV	REPT
113570780		12/23/2011	T	903 N MANHATTAN AV	ADAST
113570870	11-198	12/23/2011	T	904 N MANHATTAN AV	TRFCIT
120350753		02/04/2012	T	900 N MANHATTAN AV	SECURE
120360566		02/05/2012	647F	900 N MANHATTAN AV	OTHER
120490846		02/18/2012	SS	901 N MANHATTAN AV	ADAST
120730647		03/13/2012	T	902 N MANHATTAN AV	TRFCIT
120840701		03/24/2012	SECCHK	900 N MANHATTAN AV	SECURE

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CallNumber	ReportNumber	ReceivedDate	OriginalCall	Location	Disposition
120860396		03/26/2012	FOOTBT	900 N MANHATTAN AV	SECURE
120900262		03/30/2012	T	900 N MANHATTAN AV	ADAST
121260824		05/05/2012	T	900 N MANHATTAN AV	ADAST
121330749		05/12/2012	415M	900 N MANHATTAN AV	ADAST
121480740		05/27/2012	SECCHK	900 N MANHATTAN AV	SECURE
121550684		06/03/2012			
121620561		06/10/2012			
121680027	12-2063	06/16/2012			
121840477		07/02/2012			
121880815		07/06/2012	5150	900 N MANHATTAN AV	GOAUTL
121950055		07/13/2012	SECCHK	900 N MANHATTAN AV	SECURE
122130716		07/31/2012	925	900 N MANHATTAN AV	GOAUTL
122130885		07/31/2013	T	901 N MANHATTAN AV	REPT
		08/22/2012	20002R	900 N MANHATTAN AV	ADAST
122410637		08/28/2012	T	900 N MANHATTAN AV	TRFCIT
122430831		08/30/2012	SECCHK	900 N MANHATTAN AV	SECURE
122440010		08/31/2012	SECCHK	900 N MANHATTAN AV	SECURE
122440017		08/31/2012	SECCHK	900 N MANHATTAN AV	SECURE
122440039		08/31/2012	SECCHK	900 N MANHATTAN AV	SECURE
122450021		09/01/2012	SECCHK	900 N MANHATTAN AV	SECURE
122450454		09/01/2012	926	900 MANHATTAN AV	
122470493		09/03/2012	HAZARD	900-BLK N MANHATTAN /	ADAST
122520860		09/08/2012	SECCHK	900 N MANHATTAN AV	SECURE
122720902		09/28/2012	SECCHK	900 N MANHATTAN AV	SECURE
122800008		10/06/2012	ILLPKG	900 MANHATTAN AV	GOAUTL
122810034		10/07/2012	SECCHK	900 N MANHATTAN AV	SECURE
122810187		10/07/2012	PARKHB	;900 MANHATTAN AV	VEHHC
122860758		10/12/2012	PARKHB	900 MANHATTAN AV	VEHHC
122860843		10/12/2012	SECCHK	900 N MANHATTAN AV	SECURE
122870110	12-3318	10/13/2012	415	900 MANHATTAN AV	BKG
122880537		10/14/2012	NARC	900-BLK MANHATTAN AV	GOAUTL
122910973		10/17/2012	SECCHK	900 N MANHATTAN AV	SECURE
122920273		10/18/2012	STAKE	900-BLK MANHATTAN AV	OTHER
122920565		10/18/2012	BRIEF	900 MANHATTAN AV	
122921006	12-3677	10/18/2012	415	900 N MANHATTAN AV	REPT
122940006		10/20/2012	SECCHK	900 N MANHATTAN AV	SECURE
122950055		10/21/2012	SECCHK	900 N MANHATTAN AV	SECURE
122990030		10/25/2012	SECCHK	900 N MANHATTAN AV	OTHER
122990846	12-3760	10/25/2012	STAKE	900 N MANHATTAN.AV	REPT
123010086	12-3771	10/27/2012	CODE-6	900 N MANHATTAN AV	
123010470		10/27/2012	T	900 N MANHATTAN AV	ADAST
123050956		10/31/2012	T	900-BLK MANHATTAN AV	ADAST
123120044		11/07/2012	SECCHK	900 N MANHATTAN AV	SECURE

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CallNumber	ReportNumber	ReceivedDate	OriginalCall	Location	Disposition
123120564		11/07/2012	STAKE	900 MANHATTAN AV	
123120567		11/07/2012	CODE-6	900 MANHATTAN AV	OTHER
123140896		11/09/2012	SECCHK	900 N MANHATTAN AV	SECURE
123160531		11/11/2012	T	900 N MANHATTAN AV	ADAST
		11/25/2012	SS	900-BLK N MANHATTAN /	ADAST
123370001		12/02/2012	415DMB	300 N MANHATTAN AV	OTHER
123440433	12-4217	12/09/2012	PARKMB	900-BLK N MANHATTAN A	OTHER
123490414		12/14/2012	BRIEF	900-BLK MANHATTAN AV	
123540534		12/19/2012	CODE-6	900 MANHATTAN AV	<\DAST
123550540		12/20/2012	CODE-6	900-BLK MANHATTAN AV	
123590329		12/24/2012	SECCHK	900 N MANHATTAN AV	SECURE
123660371		12/31/2012	T	900-BLK N MANHATTAN A	ADAST
130100589		01/10/2013	STAKE	900-BLK MANHATTAN AV	OTHER
130180472	13-190	01/18/2013	OTHER	900 N MANHATTAN AV	
130210220		01/21/2013	PARKMB	900 N MANHATTAN AV	VEHMC
130420021		02/11/2013	SECCHK	900-BLK N MANHATTAN A	SECURE
130480156		02/17/2013	T	900 M MANHATTAN AV	ADAST
130550044		02/24/2013	FOOTBT	900 N MANHATTAN AV	SECURE
130550502		02/24/2013	T	900 N MANHATTAN AV	ADAST
130690027		03/10/2013	SECCHK	900 N MANHATTAN AV	SECURE
130760094		03/17/2013	T	900 MANHATTAN AV	ADAST
130760115	13-780	03/17/2013	415	900 N MANHATTAN AV	ADAST
130810027		03/22/2013	SECCHK	900 N MANHATTAN AV	SECURE
130010040		03/22/2013	SECCHK	900 N MANHATTAN AV	SECURE
130840037		03/25/2013	SECCHK	900 N MANHATTAN AV	SECURE
130050853		03/26/2013	SECCHK	900 N MANHATTAN AV	SECURE
130860805		03/27/2013	SECCHK	900 N MANHATTAN AV	SECURE
130060849		03/27/2013	SECCHK	900 N MANHATTAN AV ,	SECURE
130930619		04/03/2013	FCOTBT	900-BLK N MANHATTAN A	SECURE
130940922		04/04/2013	T	900-BLK N MANHATTAN A	ADAST
130970319		04/07/2013	SECCHK	900-BLK N MANHATTAN A	SECURE
131010833		04/11/2013	T	900 N MANHATTAN AV	ADAST
131200015	13-1289	04/30/2013	SECCHK	900 N MANHATTAN AV	REPT
131230912		05/03/2013	T	900-BLK N MANHATTAN A	ADAST
131318758		05/11/2013	T	900-BLK MANHATTAN AV	ADAST
131320381		05/12/2013	FOOTBT	900 N MANHATTAN AV	SECURE
131350505		05/15/2013	FOOTBT	900-BLK N MANHATTAN A	SECURE
131350541		05/15/2013	SECCHK	900 N MANHATTAN AV	SECURE
131380591		05/18/2013	PRES	300 N MANHATTAN AV	CANC
131580088		06/07/2013	FOOTBT	900 N MANHATTAN AV	SECURE
131650860		06/14/2013	FOOTBT	900 N MANHATTAN AV	SECURE
131720070		06/21/2013	925	900-BLK N MANHATTAN f	OTHER
131730126		06/22/2013	SECCHK	900 N MANHATTAN AV	OTHER

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CallNumber	ReportNumber	ReceivedDate	OriginalCall	Location	Disposition
131750330	13-193.	06/24/2013	926 MB	900 N MANHATTAN AV	REPT
131000021	13-980-	06/29/2013	T	900-BLK N MANHATTAN AV	
131850510		07/04/2013	T	900 MANHATTAN AV	ADAST
131860775		07/05/2013	SECCHK	900 N MANHATTAN AV	SECURE
131860786		07/05/2013	T	900 MANHATTAN AV	ADAST
131870064		07/06/2013	FOOTBT	900 N MANHATTAN AV	ADAST
131880760		07/07/2013	SECCHK	900 H MANHATTAN AV	SECURE
131960569	13-2248	07/15/2013	484R	900-BLK MANHATTAN AV	REPT
132030606		07/22/2013	FOOTBT	900-BLK N MANHATTAN AV	SECURE
132050796		07/24/2013	FCOTBT	900 N MANHATTAN AV	SECURE
132180696		08/06/2013	CODE-6	900 MANHATTAN AV	
132220738		08/10/2013	T	900 N MANHATTAN AV	ADAST
132380266		08/26/2013	FOOTBT	900-BLK N MANHATTAN AV	SECURE
132430678		08/31/2013	SECCHK	900 N MANHATTAN AV	SECURE
132440792		09/01/2013	SECCHK	900 N MANHATTAN AV	SECURE
132450639		09/02/2013	T	900-BLK MANHATTAN AV	ADAST
132520425		09/09/2013	FCOTBT	900-BLK N MANHATTAN AV	SECURE
132580018		09/15/2013	secch;	900 N MANHATTAN AV	SECURE
132610551		09/18/2013	CODE-6	900 N MANHATTAN AV	
132650357		09/22/2013	SECCHK	900 N MANHATTAN AV	SECURE
132710557		09/28/2013	FOOTBT	900-BLK N MANHATTAN AV	SECURE
132830635		10/10/2013	FOOTBT	900-BLK N MANHATTAN AV	SECURE
132830790		10/10/2013	FCOTBT	900 N MANHATTAN AV	SECURE
133050373		11/01/2013	FOOTBT	900-BLK N MANHATTAN AV	SECURE
133070067		11/03/2013	,415	900 N MANHATTAN AV	UNFOUN
133070660		11/03/2013	SECCHK	900 N MANHATTAN AV	SECURE
133110293		11/07/2013	SECCHK	900 N MANHATTAN AV	SECURE
133120181		11/08/2013	T	900 N MANHATTAN AV	ADAST
133200057	13-3570	11/16/2013	415H	900 N MANHATTAN AV	REPT
133210479	13-3598	11/17/2013	415M	900 N MANHATTAN AV	REPT
133260776		11/22/2013	SECCHK	900 N MANHATTAN AV	SECURE
133350002		12/01/2013	PRES	900 N MANHATTAN AV	ADAST
133350002		12/01/2013	PRES	900 N MANHATTAN AV	ADAST
133540848		12/20/2013	SECCHK	900 N MANHATTAN AV	SECURE
133550177		12/21/2013	T	900 N MANHATTAN AV	ADAST

DRAFT USE PERMIT CONDITIONS

Premises located at 900 Manhattan Ave, Manhattan Beach

19 January 2014, Revised 15 February 2014

1. 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"] and from the Los Angeles County Sheriff's Department ["LACSD"].
2. 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.*"
3. Notwithstanding Condition 2, 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.
4. All doors, openable windows and other non-duct openings shall remain closed during entertainment, including any recorded music amplified to an A-weighted noise level 65dB or more.
5. From 9 P.M. to 9 A.M. every day: 1) All customers shall enter and exit through the doorway fronting on Manhattan Ave; 2) The south-facing door shall remain closed and shall ring an interior alarm if opened; and, 3) Only employees shall use the rear door facing east, which shall require a key-code to open from the outside, and be labeled inside and out as "Emergency Exit; Employees Only." All ingress-egress openings shall comply with the State Building Code for Occupancy and Use.
6. Only employees may use the utility room on the east side of the building. No Club members or their guests shall use the utility room. A single exterior door shall provide ingress-egress. All existing interior ingress-egress to the utility shall be removed and walled-in. The rear east door to the premises and the door to the utility room shall remain in clear view from the adjoining right of way on 9th St and Bayview Dr, without any impediments to visual inspection from any point outside the Premises property line.
7. The Premises shall annually apply to the City for an annual entertainment permit. Without notice, the City may ministerially reduce entitlements in the use permit, such as closing time, occupancies, and entertainment parameters, including permitted days and times, location in the premises, number of entertainers and level of amplified sound.
8. 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.
9. After 9 P.M. until 30 minutes after closing, every day, the Premises shall employ a security guard to discourage patrons from loitering on adjoining public right of ways.

EXHIBIT 4

DRAFT USE PERMIT CONDITIONS

Premises located at 900 Manhattan Ave, Manhattan Beach

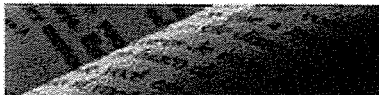
19 January 2014, Revised 15 February 2014

10. 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.
11. The premises shall operate only during 11 AM to 11 PM on Sunday through Thursday and 11 AM to 12 PM (midnight) on Fridays and Saturdays.
12. The Club shall provide names and addresses of all members and update said list annually. The list of members and addresses shall constitute a public record available for review by the public upon request.
13. 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 on each member, pursuant to municipal code section MBMC §10.104.040 and Gov. Code §36900(a) & (b). The Club shall pay the total penalty and collect reimbursements for amounts due from members. Notwithstanding the aforementioned civil actions, the City may also prosecute violations in the name of the people of the State of California, pursuant to MBMC §10.104.050 and Gov. Code §36900(c).
14. The Premises shall comply with all City and ABC regulations.

EXHIBIT 5. CA CODE OF REGULATIONS, ABC, SECTION 61.4

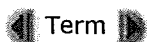


California Office of Home Most Recent Updates Search Help
Administrative Law ©



Welcome to the online source for the
California Code of Regulations

4 CA ADC § 61.4



4 CCR § 61.4

Cal. Admin. Code tit. 4, § 61.4

BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS
TITLE 4. BUSINESS REGULATIONS
DIVISION 1. DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL
ARTICLE 11. APPLICATIONS AND LICENSES

This database is current through 7/3/09, Register 2009, No. 27

§ 61.4. Proximity to Residences. The 900 Club only has to be down for 90 days,
for this regulation to take effect.

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

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

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

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

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

<General Materials (GM) - References, Annotations, or Tables>

Note: Authority cited: Section 25750, Business and Professions Code; Section 22, Article XX, California Constitution. Reference: Section 23958, Business and Professions Code.

HISTORY

1. New section filed 8-1-77; effective thirtieth day thereafter (Register 77, No. 32). For history of former section, see Register 61, No. 20.

EXHIBIT 5. CA CODE OF REGULATIONS, ABC, SECTION 61.4

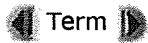
2. Amendment filed 6-27-79 as an emergency; effective upon filing (Register 79, No. 26).

3. Certificate of Compliance filed 10-25-79 (Register 79, No. 43).

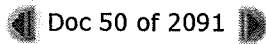
4 CCR § 61.4, **+4 CA ADC+** § 61.4
1CAC

+4 CA ADC+ § 61.4

END OF DOCUMENT



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THOMSON REUTERS™

900 CLUB MUSIC EXCEEDS MUNICIPAL CODE LIMITS BY 20 dB
On Manhattan Avenue Sidewalk, at the Curb
After Midnight, 5 October 2013

TIME-AVERAGED NOISE NOT TO EXCEED 65 dB, 10 PM to 7 AM

Table 6, MBMC 5.48.160, Commercial External Noise Standards

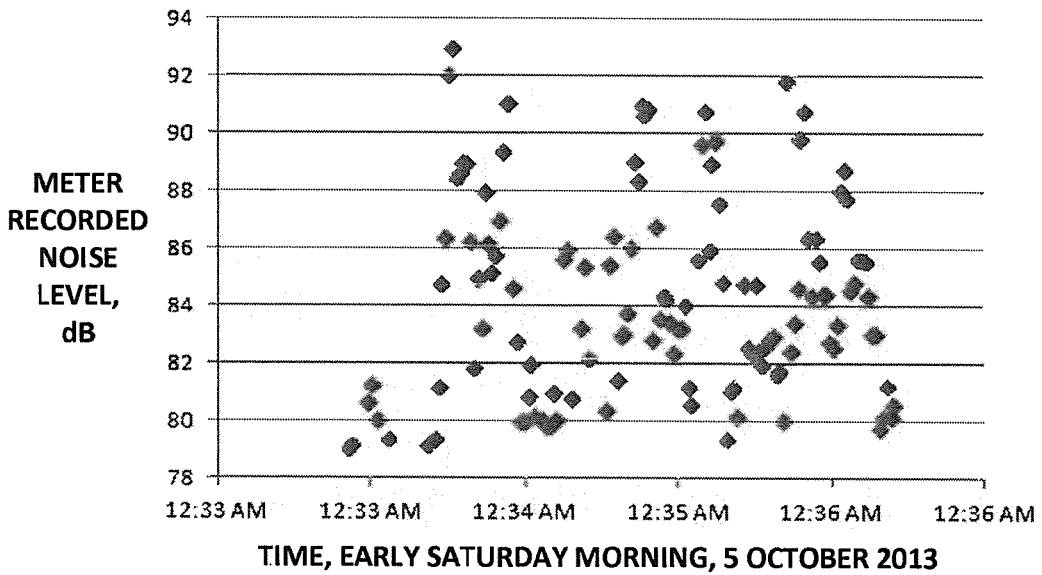


EXHIBIT 7. CITY ATTORNEY WADDEN AGREEMENT WITH 900 CLUB



310, 302 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.

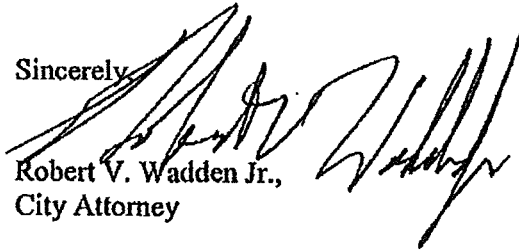
Fire Department Address: 400 15th Street, Manhattan Beach, CA 90266 FAX (310) 802-5201
Police Department Address: 420 15th Street, Manhattan Beach, CA 90266 FAX (310) 802-5107
Public Works Department Address: 3621 Bell Avenue, Manhattan Beach, CA 90266 FAX (310) 546-1752
<http://www.ci.manhattan-beach.ca.us>

EXHIBIT 7. CITY ATTORNEY WADDEN AGREEMENT WITH 900 CLUB

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,

A handwritten signature in black ink, appearing to read "Robert V. Wadden Jr.", is written over the word "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

Angelica Ochoa

From: Don McPherson <dmcphersonla@gmail.com>
Sent: Monday, February 24, 2014 1:54 AM
To: Christopher Conaway; Kathleen Paralusz; Martha Andreani; Paul Gross; Steve Ortmann
Cc: John Jalili; David Biggs; Quinn Barrow; Joan S. Jenkins; Eve R. Irvine; Liza Tamura; Richard Thompson; Angelica Ochoa; Rosanna Libertucci; Mark Tuccinardi; Wayne Partridge
Subject: 2nd Neighborhood Flier, 900 Club Hearing
Attachments: 140224-McP-900Club-Neighborhood-Flyer2-Compiled.pdf

The attached 2nd mailer gets dropped first thing tomorrow morning, which for the U.S. Postal Service is now 9 AM. Possible delivery Tuesday.

Sorry if I stepped on some city toes, but time's a-wastin.

Public apathy drives me crazy.

Don McPherson
1014 1st St, Manhattan Beach CA 90266
Cell: 310 487 0383
dmcphersonla@gmail.com.

THE MB CITY PROSECUTOR RECOMMENDS REVOCATION/MODIFICATION OF 900 CLUB USE PERMIT

For the hearing at City Hall this Wednesday, 6:30 PM February 26, the City staff report states:

“For this reason, the City Prosecutor recommended that the City initiate a revocation/modification hearing for consideration and action.”

- Police Chief Eve Irvine will support revocation/modification at the hearing.
- The Office of the City Manager has taken over management of the 900 Club revocation/modification hearing, to ensure its success.
- The staff report excerpt on reverse side explains the City’s reluctant decision to prosecute the 900 Club on its violations of use permit and other regulations.

PLEASE SUPPORT OUR PUBLIC OFFICIALS; THEY MUST STOP THE 900 CLUB FROM IMPACTING MBPD READINESS

A couple on the 100 Block of 9th St cannot hear the 900 Club noise. They emailed the planning commission to oppose the revocation/modification of the Club use permit, which City officials require to reduce the MBPD workload necessary to police the Club. Officers must now respond at least once a week.

Please don’t stick YOUR head In the sand; speak out.

Let’s help solve the problem, by vocally supporting our public officials and the planning commission at the hearing, to approve a new use permit for the 900 Club that will stop the disturbances in the adjoining residential neighborhood.

In over 350 pages sent to the city council, 900 Club members oppose the use-permit changes needed to reduce the MBPD workload in policing the Club.

LET’S VOICE OUR SUPPORT FOR THE POLICE DEPARTMENT!

HOW TO EXPRESS YOUR OPINION TO THE PLANNING COMMISSION

- Please get your petition received Saturday to the city by Wednesday!
- You can scan the petition and email to Angelica Ochoa, aocchoa@citymb.info
- Email the planning commission at PlanningCommission@citymb.info
- **MOST IMORTANTLY!** Please attend the hearing at City Hall, 6:30 PM Wednesday February 26. The commissioners want to hear your opinions. Testimony from you carries more weight than ten letters, emails or petitions!

CITY RELUCTANT DECISION TO PROSECUTE 900 CLUB

Citation: City staff report for 26 February 2014 public hearing
to revoke or modify the use permit for the 900 Club, Pg 1

“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.”
[Emphasis added]

PLEASE HELP STOP NEIGHBORHOOD DISTURBANCES BY 900 CLUB

To My Neighbors,

This Wednesday, February 26, the City will conduct a public hearing to either **revoke or modify the use permit**, for the exclusively private 900 Club at 9th St and Manhattan Ave. See the public notice on the other side.

This marks my 20th year in trying to get the City to stop the noise.

I request that you express your opinion to the City, regarding the frequent disturbances caused by late-night 900 Club members in our neighborhood. You can tell the City what you think of the 900 Club, by mailing the enclosed petition in the stamped, addressed envelope.

Mail your petition immediately, so that the City receives it before Wednesday!

The 900 Club routinely violates its use permit and the noise ordinance, as evidenced by the following:

- Since 2003, **every ten days on average**, the police have received complaints from residents disturbed by noise, fights and other public annoyances;
- Since 2012, the City Prosecutor has filed in Superior Court three complaints against the 900 Club, charging criminal misdemeanors such as disturbing the peace, violating the noise ordinance and staying open after hours.

These frequent late-night disturbances at the 900 Club subtract from precious Police resources available to enforce security in the City.

HOW TO EXPRESS YOUR OPINION TO THE PLANNING COMMISSION

- **Please mail your petition immediately!**
- You can scan the petition and email to Angelica Ochoa, aocchoa@cityymb.info
- Email the planning commission at PlanningCommission@cityymb.info
- **MOST IMPORTANTLY!** Please attend the hearing at City Hall, 6:30 PM Wednesday February 26. The commissioners want to hear your opinions. Testimony from you carries more weight than ten letters, emails or petitions!

CITY OF MANHATTAN BEACH

NOTICE OF A PUBLIC HEARING BEFORE THE PLANNING COMMISSION OF THE CITY OF
MANHATTAN BEACH TO CONSIDER A REVOCATION/MODIFICATION OF AN EXISTING USE
PERMIT FOR AN EXISTING RESTAURANT/BAR LOCATED AT 900 MANHATTAN AVENUE

Project Location: 900 Manhattan Avenue (900 Club and Red Room)

Project Description: Application to consider a revocation/modification to an existing Use Permit, Resolution No. 5155, for an existing restaurant/bar located at 900 Manhattan Avenue

Project Planner: Angelica Ochoa, 310-802-5517, aochoa@citymb.info

Public Hearing

Date: Wednesday, February 26, 2014

Time: 6:30 p.m.

Location: Council Chambers, City Hall, 1400 Highland Avenue,
Manhattan Beach

Further Information: Proponents and opponents may be heard at that time. For further information contact the project Planner. The project file is available for review at the Community Development Department at City Hall.

A Staff Report will be available for public review at the Community Development Department on Monday, February 24, 2014, or City website: <http://www.citymb.info> on Friday, February 21, 2014 after 5 p.m.

Public Comments: Anyone wishing to provide written comments for inclusion in the Staff Report must do so by Wednesday, February 19, 2014. Written comments received after this date will be forwarded to the Planning Commission at, or prior to, the public hearing, but will not be addressed in the Staff Report. Oral and written testimony will be received during the public hearing.

Appeals: The Planning Commission's decision is appealable to the Manhattan Beach City Council within 15 days from the date of the Planning Commission's decision, of the City's final action. Appeals to the City Council shall be accompanied by a fee in the amount of \$500.

Richard Thompson
Director of Community Development

Mail: February 12, 2014
Publish: February 13, 2014 – Beach Reporter

**INDIVIDUAL PETITION REGARDING REVOCATION/MODIFICATION
OF USE PERMIT FOR 900 CLUB**

Located at 900 Manhattan Ave, Manhattan Beach CA, 90266

I/WE reside at or own property in Manhattan Beach, near the 900 Club, on the following street:

Street Name (Number not necessary, but please print)

Name (Please print)

Name (Please print)

Signature

Signature

My/Our opinion regarding revocation or modification of the 900 Club use permit:

- I/We want the 900 Club use permit revoked
- I/We want the 900 Club use permit modified to stop the disturbances
- I/We do not support any additional regulation of the 900 Club

COMMENTS

Angelica Ochoa

From: Don McPherson <dmcphersonla@gmail.com>
Sent: Tuesday, February 25, 2014 3:38 PM
To: Christopher Conaway; Kathleen Paralusz; Martha Andreani; Paul Gross; Steve Ortmann
Cc: John Jalili; David Biggs; Quinn Barrow; Joan S. Jenkins; Eve R. Irvine; Liza Tamura; Richard Thompson; Angelica Ochoa; Mark Tuccinardi; Wayne Partridge
Subject: Law-Enforcement Statistics, 900 Club

Planning Commission
City of Manhattan Beach
Via Email

Subject: Law-Enforcement Statistics from Exhibits C and D, Staff Report, 900 Club

Summary

This email supplements my input to you, dated Monday February 23, to include law enforcement statistics derived from the staff-report Exhibits C and D, which provide the analyses prepared by the Police Department and the City Prosecutor, respectively.

These statistics show that the 900 Club constitutes a major and serious law-enforcement problem for the MBPD. Presumably, that explains why the City Manager has taken the extraordinary and perhaps unprecedented action to schedule the public hearing for revocation/modification of the 900 Club CUP, pursuant to MBMC 10.104.030 *Revocation and Modification of Discretionary Permits*.

In Exhibit C, the police state how many interactions they have had with the 900 Club, in which they **have not** issued a citation. The statistics below estimate that they may have issued up to 80 citations during 2011-2013.

I request that the Commissioners ask how many citations were issued for incidents associated with the 900 Club, during 2011-2013.

Law Enforcement Statistics, 900 Club.

The following statistics illustrate the magnitude of the law-enforcement problem caused by the 900 Club:

- Approximately once a week for the past ten years, on the average, the MBPD has had some involvement with the 900 Club. The frequency of the interactions has measurably increased since 2010;
- During 2011 through 2013, the MBPD may have issued up to **80 citations** for incidents related to the 900 Club. Exhibit C does not state the number of citations issued, only the numbers of incidents for which the police **did not** issue a citation or initiate an investigation for prosecution; and,
- During 2012 to present, including a recent incident in January, the City Prosecutor and the LA County DA have filed eight complaints with the Superior Court, charging criminal misdemeanors for violations by the 900 Club of its use permit or other city regulations.

These statistics result from analysis of facts stated in the staff-report Exhibits C and D, as well as facts derived from MBPD call logs for the ten-year span, 2003-2013. The analysis depended upon data provided in the staff report, not available until last Friday evening.

Consequently, I have not yet received verification by MBPD of the results, so some numbers might change, such as the estimated citations for 2011-2013. The eight Superior Court complaints of criminal misdemeanor charges come straight from Exhibit D, prepared by the City Prosecutor.

Conclusion.

The 900 Club stands out far above all other alcohol-serving premises in the city, for causing law-enforcement problems. This contrasts with the many emails you have received from members who laud the family-friendly, charity-minded and business-oriented attributes that they love and cherish in their club.

I have read every one of the over 140 letters and absolutely believe in the sincerity of the writers.

One explanation for this dichotomy suggests itself. Perhaps the officers of 900 Manhattan LLC use their unknowing members as a guise, front or cover. After the diners go home, the management then feels free to operate their highly-profitable illegitimate nightclub, which disrupts the neighborhood with disturbances, sometimes hours after closing time.

Thanks for your consideration of my law-enforcement statistics.

Don McPherson
1014 1st St, Manhattan Beach CA 90266
Cell: 310 487 0383
dmcphersonla@gmail.com

Copy: J. Jalili; D. Biggs, Q. Barrow; J. Jenkins; E. Irvine; L. Tamura; R. Thompson; A. Ochoa; M. Tuccinardi; W. Partridge

Angelica Ochoa

From: kelly@downtownmanhattanbeach.com
Sent: Monday, February 24, 2014 12:04 PM
To: List - Planning Commission; List - City Council; Richard Thompson; Laurie B. Jester; Angelica Ochoa
Cc: 'Chandra Shaw'
Subject: DBPA Request for Due Process of 900 Club Hearing on Feb. 26th.
Attachments: DBPA Request for Due Process-900 Club.pdf

Hello City Council,

Planning Commission and Staff,

It was brought to my attention this morning that the letter I issued on behalf of the DBPA was not included in the Staff Report for the 900 Club hearing tomorrow night. The letter was originally written on February 17th and subsequently emailed to Staff. From February 13th- February 18th I experienced several computer problems with a full crash of my system. I fear that my letter was lost and that my email never transmitted. My sincere apologies for this mishap as this matter is of utmost importance to the DBPA.



It is important to the DBPA that any and all business owners in Downtown Manhattan Beach receive proper due process.

Thank you for your consideration-
Kelly Stroman

THINK LOCAL FIRST

Kelly Stroman
Executive Director/

Downtown Manhattan Beach
Business & Professional Association
P.O. Box 3298
Manhattan Beach, CA 90266
O:310-379-9901
M:310-413-0836
www.downtownmanhattanbeach.com



February 17, 2014

To: Honorable Mayor Amy Howorth
City Council Members
Mayor-Pro-Tem Wayne Powell
David Lesser
Mark Burton
Tony D'Errico
Planning Commission
Steve Ortmann
Kathleen Paralusz
Martha Andreani
Chris Conaway
Paul Gross

The Downtown Manhattan Beach Business & Professional Association (DBPA) would like to respectfully request the City Council and Planning Commission allow the proper due process and hearing be afforded to the 900 Club regarding the "Revocation" Hearing set for Wednesday, February 26, 2014 at which time Planning Staff is set to make a report to the Planning Commission.

900 Club and Red Room

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 Avenue

It has been brought to my attention that a Revocation Hearing at this point does not follow standard procedure for the hearing of such complaints. We feel it is important for any and all complaints to be heard but that all business owners are afforded proper due process. The DBPA kindly and respectfully asks that a final decision not be made at the Revocation Hearing on February 26th, rather all parties are given equal opportunity to present their case.

Sincerely,

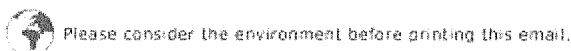
A handwritten signature in black ink, appearing to read "Kelly Stroman", with a long horizontal line extending to the right.

Kelly Stroman
Executive Director
Downtown Manhattan Beach
Business & Professional Association
P.O. Box 3298
Manhattan Beach, CA 90266

Angelica Ochoa

From: Richard Thompson
Sent: Tuesday, February 25, 2014 1:37 PM
To: Angelica Ochoa
Subject: FW: Support For 900 Manhattan

Richard Thompson
Director of Community Development
P: (310) 802-5502
E: rthompson@citymb.info



From: Jay Gleason [<mailto:jaygleason@insitefulproductions.com>]
Sent: Tuesday, February 25, 2014 12:23 PM
To: List - Planning Commission
Subject: Support For 900 Manhattan

Dear Planning Commission Members,

I am writing to respectfully voice my concern about the formal complaint that has been issued against 900 Manhattan. I am shocked to learn that there is actually a hearing scheduled to possibly close down this beloved, local landmark business. I am proud to say that I was one of the first ten members of 900 Manhattan. I have so many fond memories of times spent here with family, friends and loved ones that the thought of it ever closing saddens me greatly.

900 Manhattan has grown to become a well respected institution within the Manhattan Beach community. It is a place where friends and families can socialize in a safe and comfortable environment. I like to think of it as a smaller, in town version of the Manhattan Beach Tennis Club and as a matter of fact, many of the Manhattan Beach Tennis Club members are also members of 900. Many couples met for the first time at 900 resulting in new families that reside in Manhattan Beach homes and support Manhattan Beach schools.

If you have never been to 900, a typical day would start with the late afternoon seeing parents in with their kids enjoying a meal and the company of other friends and families. As the families leave for home, the dinner hour brings couples and groups for a delicious dinner and camaraderie and to watch the Lakers, Dodgers or Kings or other sporting events.

Not only is 900 Manhattan a place for friends and family, but, it serves as one of the only places in town that one can take a client or a prospective client for a quiet business meeting. Many successful local businesses have been started at 900, businesses that have benefitted the city of Manhattan Beach in many ways. Multiple ideas for charitable organizations have also been conceived here. And speaking of charities, 900 hosts many fund raising events and supports many local charities.

These accusations are unwarranted. As you well know, Downtown Manhattan Beach is a town center full of shops, restaurants and bars. The building in which 900 Manhattan resides has been a restaurant/bar for well over 30 years. As I recall, It was the Silo, then Rock Bottom before becoming the great landmark 900 Manhattan that it is today. Residents that chose to move into the downtown neighborhood knew very well going in that occasional noise is inherent to the neighborhood. But 900 is really not that noisy.

The management of 900 has take significant steps to curtail noise in the area on 9th street behind the club. For instance:

- The keypad does not work after 10 PM. thereby preventing access via the back door after 10:00 PM.
- There is a smoking area down at the front of the establishment on Manhattan Avenue, that is even fenced off so that it can not be seen from the street.

It is not fair to penalize the many patrons of 900 Manhattan who are well respected, voting & property tax paying citizens of Manhattan Beach because a few residents now decide they are no longer happy with the area in which they live.

Please understand that 900 Manhattan is a cherished part of our community and to close it down would be a tremendous disservice to the city of Manhattan Beach. I hope that you will seriously consider the efforts that have been taken to reduce the cause for any future complaints & the dire impact that the loss of 900 would have on our community.

Sincerely yours,

Jay Gleason
jaygleason@insitefulproductions.com
www.insitefulproductions.com
310-995-1734

Angelica Ochoa

From: Richard Thompson
Sent: Monday, February 24, 2014 4:47 PM
To: Angelica Ochoa
Subject: FW: 900 Club
Attachments: 900 club.Rohrbacher.pdf

Richard Thompson
Director of Community Development

P: (310) 802-5502

E: rthompson@citymb.info



Please consider the environment before printing this email.

From: Robert Courtney [<mailto:robertcourtney@mminternet.com>]
Sent: Monday, February 24, 2014 4:07 PM
To: Richard Thompson
Subject: 900 Club

Sorry this came to me so late, but it is important that it came from Mr. Amundson who rented the house at 220 9th Street for 6 months from Rosanna Libertucci.

He indicated he never had any issues or complaints about the sound level coming from the 900 Club.

Robert E. Courtney

Diamond Dave

From: Chelsea Rashoff [chelsearashoff@gmail.com]
Sent: Wednesday, February 19, 2014 10:06 PM
To: dave@900manhattan.com
Subject: Fwd: Letter for Dave

Hey Dave,

Had Lou write this letter for you. Hopefully this helps for keeping 900 around!!

Sincerely,
Chelsea Rashoff

Begin forwarded message:

From: LOUIS AMUNDSON <louisamundson@mac.com>
Date: February 19, 2014 at 9:37:12 PM PST
To: Chelsea <chelsearashoff@gmail.com>
Subject: Letter for Dave

To whom it may concern,

I spent the entire summer of 2013 from May to November at the address of 220 9th st., across the street from The 900 Club. Not knowing anybody in the neighborhood, The 900 Club's owner Dave was one of the first people I met. He was very friendly and welcoming of me to the neighborhood and told my roommate and I to come over anytime to say hi. He also explained to us that he had received some complaints and had some issues with the owner of the house we were staying in. He was very up front about these issues and had reassured us that he had taken measures to reduce some of the noise on 9th st by making the manhattan ave door the primary entrance. He told us if we ever felt disturbed with the noise level or traffic or anything to let him know directly and he would take care of it. I found Dave to be very personable and up front with me during my entire stay at 220 9th st. My roommate and I frequented his club often for dinner and drinks and really enjoyed the convenience and privacy of it. 9th st is very noisy by nature with houses in such close proximity, there are garbage trucks that come through in the mornings and would wake me up, but I never had any issues or complaints about the sound level coming from 900 Club my entire stay there.

I really enjoyed my summer living at 220 9th st which was really made more enjoyable by living across the street from the 900 club. I ate dinner and lunch there every week and felt very welcomed by Dave and his staff. I would hate to see this place go.

Sincerely,

Louis Amundson

Sent from my iPad

Angelica Ochoa

From: Richard Thompson
Sent: Tuesday, February 25, 2014 3:07 PM
To: Angelica Ochoa
Subject: FW: Consider Revocation of a Use Permit 900 Manhattan LLC dba 900 Club

Richard Thompson
Director of Community Development
P: (310) 802-5502
E: rthompson@citymb.info



From: Dan Fein [<mailto:dfein@sullicurt.com>]
Sent: Tuesday, February 25, 2014 2:40 PM
To: Amy Thomas Howorth; Richard Thompson; List - Planning Commission; Eve R. Irvine
Subject: Consider Revocation of a Use Permit 900 Manhattan LLC dba 900 Club

Dear Manhattan Beach Planning Commission and City Council Members,

I am writing to you in regards to a notice to Consider Revocation of a Use Permit that was forwarded to 900 Manhattan LLC dba 900 Club.

A little background on myself, I have been a property owner in town for over 15 years and even longer as a member of the 900 Club. I have been a member since the day it has opened 17 years ago.

During this 17 year period, I have seen many establishments transition through our town. I can imagine that many of those business owners have come before the city council for a multitude of issues.

I cannot profess to be knowledgeable of all the circumstances that have led to this consideration to revoke 900 Club's Use Permit, but I can write knowledgeably of the type of establishment the 900 Club is in our community.

This is truly one of the more family centric places as compared to other establishments in our town.

To list a few of the activities that come to my mind during the holiday season; are the Santa Claus for the children to listen to their wishes while their photo is taken, The Thanksgiving Turkey Carving evening and the bringing an ornament for the Christmas tree along with charitable gift for deprived children.

I am aware that the 900 Club is part of our philanthropic community, because I have attended those events. There are also charitable events that I am notified via email from the 900 club, but can't attend as my schedule will not permit.

I often comment when other places of dining are too busy to get into that we can always go to 900 Club for a meal.

To be honest, I am not sure why after 17 years this notice is currently under consideration.

I hope this committee takes into consideration and weighs accordingly all of the attributes of what is being decided on.

Sincerely,

Dan Fein

Dan Fein, CIC, CRM | Vice President
SullivanCurtisMonroe | 550 South Hope Street, Suite 1000 | Los Angeles, CA 90071
Direct Line - 213-233-0497 | Fax - 213-892-1593
<http://www.sullivancurtismonroe.com>



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Angelica Ochoa

From: Richard Thompson
Sent: Wednesday, February 26, 2014 5:47 AM
To: Angelica Ochoa
Subject: Fwd: Support of Conditional Use Permit for 900 Man. Ave. Club

Sent from my iPad

Begin forwarded message:

From: Chantal Zamrini Wallin <chantalwallin@hotmail.com>
Date: February 25, 2014 at 10:07:24 PM PST
To: "rthompson@citymb.info" <rthompson@citymb.info>, "planningcommission@citymb.info" <planningcommission@citymb.info>, "eirvine@citymb.info" <eirvine@citymb.info>, "ahoworth@citymb.info" <ahoworth@citymb.info>
Cc: "robertcourtney@mmineternet.com" <robertcourtney@mmineternet.com>
Subject: Support of Conditional Use Permit for 900 Man. Ave. Club

To the concerning parties,

As a long time employee of the 900 Club, I felt compelled to write to you a heartfelt letter and tell you what 900 means to me.

My boss, his family and staff have been like a family to me. We all depend on each other and at making 900 a fun, pleasant, family oriented place for our members. It is not just an establishment I work at but more like a place that has helped me and others integrate into this community that I love and cherish so much.

Through all these years I have come to know the many members and their families, some of which met each other through 900 and got married and then watched their children grow.

I have the pleasure of serving our members which are upstanding citizens of this community. Helped them organize their baby showers, engagement parties, business meetings, birthdays for the adults and their kids, music talent which is enjoyed by everyone, athletic celebrations like the LA Kings, LA Galaxy etc... and the many charity events put on by the members and that we have contributed to in donations and time. The big Christmas event that we host each year by having one of the members dress up as Santa and give out gifts to the kids while collecting toys for Toys For Tots.

I understand the frustration of a couple of neighbors regarding noise sometimes or the conjugation of people on the corner street (I used to live across from Mucho, now Circa, except I never complained about the noise which was right under my window, the loud music and people smoking and yelling outside. I didn't call the cops or complain to the city as it was my choice to live by a bar in downtown manhattan beach). In our defense, we have been working hard at making things better for everyone. So to call us a public nuisance is a little harsh especially when, first of all, we're not the only bar in the vicinity, this is Downtown Manhattan Beach. Secondly, there is a parking lot on Bayview and taxi cabs driving up and down 9th st, as the only way from Highland to Manhattan Ave. is either driving down Manhattan Beach Blvd, or 9th street, hence traffic.

At the end of the day, All this wasted time, the shuffling of paper, the arguments and the pointing fingers at us or us being mad at the city for not being understanding is pointless. We at 900, the staff and I speak for the members too, would love to find a solution or solutions to make this work to the satisfaction of all parties involved. Working together and not against each other. There are people's livelihood at stake here after all and years of hard work that it breaks my heart to see it all vanish away. This city needs to hang on to the VERY few establishments that have been part of this city for a long time and which makes Manhattan Beach a unique and special place to live.

Thank you,
Chantal (a 22 year resident of Manhattan Beach)

Richard Thompson
Director of Community Development

P: (310) 802-5502

E: rthompson@citymb.info

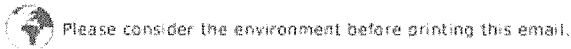


 Please consider the environment before printing this email.

Angelica Ochoa

From: Richard Thompson
Sent: Wednesday, February 26, 2014 2:05 PM
To: Angelica Ochoa
Subject: FW: 900 Club

Richard Thompson
Director of Community Development
P: (310) 802-5502
E: rthompson@citymb.info



From: Nam McGrail [<mailto:NMcGrail@aegworldwide.com>]
Sent: Wednesday, February 26, 2014 2:01 PM
To: Richard Thompson
Subject: 900 Club

Dear Mr. Thompson,

I am writing to you in support of the 900 Club to retain its existing Conditional Use Permit and Licensing without sanctions or revocations. As a member, I was shocked and saddened to learn about plans for a Revocation hearing. My family (I have two children) and I go there frequently for lunch and dinner as it is, in our opinion, one of the "quieter" places to enjoy a meal in Manhattan Beach without the crazy bar scene found at some local establishments.

The management and staff at the Club go out of their way to mitigate any noise in consideration of their neighbors. They are also involved in various charitable events and they support and donate to local schools and sports teams.

The 900 Club is an asset to our community and I would be very disappointed if their license was revoked or if sanctions were imposed.

Thank you for your time.

Nam McGrail

Angelica Ochoa

From: Richard Thompson
Sent: Wednesday, February 26, 2014 2:35 PM
To: Angelica Ochoa
Subject: FW: 900 Manahattan Ave

Richard Thompson
Director of Community Development
(310) 802-5502
rthompson@citymb.info
City of Manhattan Beach, CA

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

From: krish sharma [<mailto:k.sharma@me.com>]
Sent: Wednesday, February 26, 2014 2:31 PM
To: Richard Thompson; List - Planning Commission; Eve R. Irvine; Amy Thomas Howorth; robertcourtney@mmineternet.com; John Jalili; List - City Council
Subject: 900 Manahattan Ave

To Whom it May Concern,

I am a 20 year resident of Manhattan Beach and a South Bay native. I am extremely concerned with the process currently underway to possibly limit or cancel the conditional use permit upon which the 900 Club, located on 9th Street and Manhattan Ave, depends on to keep its doors open. I have been a member of the 900 Club for 15 years and use it extensively as a social, community and business recourse. In my many wonderful experiences there I have observed both staff and clientele behave in a completely friendly, respectful and cordial manner to all. The 900 Club is my first choice when entertaining anyone with children as the environment is gracious, friendly and low-key.

I understand that sound/noise has been a major factor in this issue. As a professional audio engineer I am very concerned that best practices have been used to determine the neighborhood impact of the 900 Club, especially in light of the fact that in my experience the internal noise level at the Club is generally quite low and does interfere with conversation etc. Especially since jobs hang in the balance, I would hope that a complete sonic evaluation has been done and subsequent remedies measured.

We are all partners in this truly special place in which we live and much of the credit for Manhattan Beach's continued success lie with our city government. I hope that in this process the City will be able to look after the interests of all and help 9th street and 900 Club resolve these issues to everyones benefit.

**INDIVIDUAL PETITION REGARDING REVOCATION/MODIFICATION
OF USE PERMIT FOR 900 CLUB**

Located at 900 Manhattan Ave, Manhattan Beach CA, 90266

I/WE reside at or own property in Manhattan Beach, near the 900 Club, on the following street:

229 - 8th Street

Street Name (Number not necessary, but please print)

William G Citta Jr -- Ret'd Fire Chief, MBFD

Name (Please print)

Name (Please print)

W G Citta Jr

Signature

Signature

27 Feb 2014

My/Our opinion regarding revocation or modification of the 900 Club use permit:

- I/We want the 900 Club use permit revoked
- I/We want the 900 Club use permit modified to stop the disturbances
- I/We do not support any additional regulation of the 900 Club

COMMENTS

I've lived at the above address for over 40 years.....
Thus as long as the 900 Club has been in existence
and I'm happy to report that have never been
bothered by any noises or disturbances by this Club.
I have been at the Club several times for dinner and
cocktails, as a guest, and never saw or heard any "illegal"
or unacceptable behavior inside or outside the building.
I say "Let them be as they are".....

Hale Boggs
804 Manhattan Ave
Manhattan Beach, CA 90266

Feb 22, 2014

Angelica Ochoa
Assistant Planner
City of Manhattan Beach
1400 Highland Ave
Manhattan Beach, CA 90266

Re: **900 Club Use Permit**

Dear Ms. Ochoa:

I am in receipt of the attached petition from Don McPherson, who apparently resides at 213 10th Street and is unhappy about the 900 Club. I guess he has been unhappy for 20 years.

This letter is simply to advise that I have been a resident at 804 Manhattan Avenue for the past 11 years. By my calculation, my home is quite a bit closer to the 900 Club than is Mr. McPherson's. I have had **ABSOLUTELY NO PROBLEMS** with noise or any other alleged issues stemming from the 900 Club. To the contrary, the street noise from Manhattan Avenue and the parade of taxi cabs that routinely go up and down the street on weekend nights are far louder. The noise from the restaurant across the street (Circa) is far louder.

More important, though, is the fact that this is downtown Manhattan Beach, which is zoned for commercial enterprises. Frankly, I don't "get" people like Mr. McPherson. He chose to live a block away from the Manhattan Avenue commercial zone. There have always been bars and restaurants there. In my experience over the past 11 years, many other bars and restaurants create far more noise and nuisance than the 900 Club. This seems more like a personal vendetta than a legitimate complaint.

In any event, I hope that you will take my views into account as they are from a very proximate neighbor who enjoys having the 900 Club, as well as the many other great bars and restaurants, so close to my home.

Sincerely,



Hale Boggs

**INDIVIDUAL PETITION REGARDING REVOCATION/MODIFICATION
OF USE PERMIT FOR 900 CLUB**

Located at 900 Manhattan Ave, Manhattan Beach CA, 90266

I/WE reside at or own property in Manhattan Beach, near the 900 Club, on the following street:

804 Manhattan Ave

Street Name (Number not necessary, but please print)

Hale Boggs

Name (Please print)

Name (Please print)

[Signature]

Signature

Signature

My/Our opinion regarding revocation or modification of the 900 Club use permit:

- I/We want the 900 Club use permit revoked
- I/We want the 900 Club use permit modified to stop the disturbances
- I/We do not support any additional regulation of the 900 Club

COMMENTS

I live a lot closer to 900 than you do. There is no noise - Manhattan Ave street noise and Circa are FAR louder. I have no idea where people like ~~you~~ get off with this kind of petition. You chose to live a block from a commercial district. Get over it!

**INDIVIDUAL PETITION REGARDING REVOCATION/MODIFICATION
OF USE PERMIT FOR 900 CLUB**

Located at 900 Manhattan Ave, Manhattan Beach CA, 90266

I/WE reside at or own property in Manhattan Beach, near the 900 Club, on the following street:

1008 The Strand

Street Name (Number not necessary, but please print)

Jeff Greenberg

Name (Please print)

Name (Please print)

[Handwritten Signature]

Signature

Signature

My/Our opinion regarding revocation or modification of the 900 Club use permit:

- I/We want the 900 Club use permit revoked
- I/We want the 900 Club use permit modified to stop the disturbances
- I/We do not support any additional regulation of the 900 Club

COMMENTS

**INDIVIDUAL PETITION REGARDING REVOCATION/MODIFICATION
OF USE PERMIT FOR 900 CLUB**

Located at 900 Manhattan Ave, Manhattan Beach CA, 90266

I/WE [§] reside at or own property in Manhattan Beach, near the 900 Club, on the following street:

~~41st Place~~ Ninth Place

Street Name (Number not necessary, but please print)

Marc Theodore

Name (Please print)

Name (Please print)



Signature

Signature

My/Our opinion regarding revocation or modification of the 900 Club use permit:

- I/We want the 900 Club use permit revoked
- I/We want the 900 Club use permit modified to stop the disturbances
- I/We do not support any additional regulation of the 900 Club

COMMENTS

Please make the following changes to their permit:
No live bands or DJs ever, No loud music ever. Shorten their hours to close at 11pm. Only allow entrance and exit of 900 club on Manhattan Ave. ~~at all hours~~. Keep back door closed at all hours.

**INDIVIDUAL PETITION REGARDING REVOCATION/MODIFICATION
OF USE PERMIT FOR 900 CLUB**

Located at 900 Manhattan Ave, Manhattan Beach CA, 90266

I/WE reside at or own property in Manhattan Beach, near the 900 Club, on the following street:

9th St.

Street Name (Number not necessary, but please print)

Marilyn Green

Name (Please print)

Name (Please print)

Marilyn Green

Signature

Signature

My/Our opinion regarding revocation or modification of the 900 Club use permit:

- I/We want the 900 Club use permit revoked
- I/We want the 900 Club use permit modified to stop the disturbances
- I/We do not support any additional regulation of the 900 Club

COMMENTS

**INDIVIDUAL PETITION REGARDING REVOCATION/MODIFICATION
OF USE PERMIT FOR 900 CLUB**

Located at 900 Manhattan Ave, Manhattan Beach CA, 90266

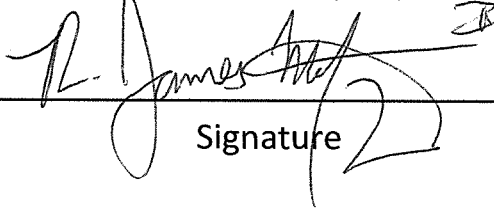
I/WE reside at or own property in Manhattan Beach, near the 900 Club, on the following street:

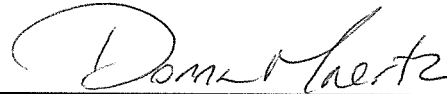
217 8th St.

Street Name (Number not necessary, but please print)

R. JAMES MAERTZ II

Name (Please print)


Signature



Name (Please print)


Signature

My/Our opinion regarding revocation or modification of the 900 Club use permit:

- I/We want the 900 Club use permit revoked
- I/We want the 900 Club use permit modified to stop the disturbances
- I/We do not support any additional regulation of the 900 Club

COMMENTS

We live much closer to The 900 Club than the gentleman who has brought up this complaint. Our bedroom window is on the alley of Bayview yet we have not heard anything late night from The 900 Club. We have been guests of several members and enjoyed the club thoroughly. We believe shutting down the 900 Club would be very un-American. What's next every other restaurant and bars on Manhattan Ave. and Manhattan Beach Blvd!

**INDIVIDUAL PETITION REGARDING REVOCATION/MODIFICATION
OF USE PERMIT FOR 900 CLUB**

Located at 900 Manhattan Ave, Manhattan Beach CA, 90266

I/WE reside at or own property in Manhattan Beach, near the 900 Club, on the following street:

912 THE STRAND

Street Name (Number not necessary, but please print)

ALTHEA HOEB

Name (Please print)

Name (Please print)

Althea Hoeb

Signature

Signature

My/Our opinion regarding revocation or modification of the 900 Club use permit:

1st choice

I/We want the 900 Club use permit revoked

2nd choice

I/We want the 900 Club use permit modified to stop the disturbances

I/We do not support any additional regulation of the 900 Club

COMMENTS

This is a quiet residential neighborhood - let's keep it that way!

**INDIVIDUAL PETITION REGARDING REVOCATION/MODIFICATION
OF USE PERMIT FOR 900 CLUB**

Located at 900 Manhattan Ave, Manhattan Beach CA, 90266

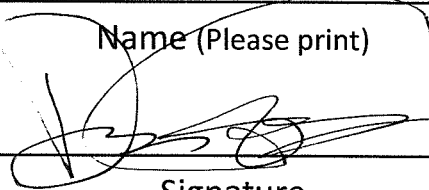
I/WE reside at or own property in Manhattan Beach, near the 900 Club, on the following street:

10TH ST.

Street Name (Number not necessary, but please print)

DON CARPENTER

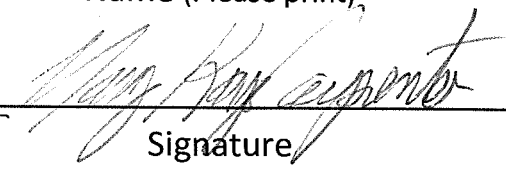
Name (Please print)



Signature

MARY KAYE CARPENTER

Name (Please print)



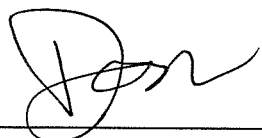
Signature

My/Our opinion regarding revocation or modification of the 900 Club use permit:

- I/We want the 900 Club use permit revoked
- I/We want the 900 Club use permit modified to stop the disturbances
- I/We do not support any additional regulation of the 900 Club

COMMENTS

IT'S A PRIVATE CLUB, SHOULD BE EASY TO CONTROL THE MEMBERS!
APPARENTLY IT'S NOT, BECAUSE THEY DON'T CARE!



**INDIVIDUAL PETITION REGARDING REVOCATION/MODIFICATION
OF USE PERMIT FOR 900 CLUB**

Located at 900 Manhattan Ave, Manhattan Beach CA, 90266

I/WE reside at or own property in Manhattan Beach, near the 900 Club, on the following street:

8TH Street

Street Name (Number not necessary, but please print)

Heben Griffin

Name (Please print)

CHRIS Griffin

Name (Please print)

Heben
Signature

Chris Griffin
Signature

My/Our opinion regarding revocation or modification of the 900 Club use permit:

- I/We want the 900 Club use permit revoked
- I/We want the 900 Club use permit modified to stop the disturbances
- I/We do not support any additional regulation of the 900 Club

COMMENTS

**INDIVIDUAL PETITION REGARDING REVOCATION/MODIFICATION
OF USE PERMIT FOR 900 CLUB**

Located at 900 Manhattan Ave, Manhattan Beach CA, 90266

I/WE reside at or own property in Manhattan Beach, near the 900 Club, on the following street:

900 STRAND

Street Name (Number not necessary, but please print)

Barry M. Taylor
Name (Please print)

SHARON C TAYLOR
Name (Please print)

Barry M. Taylor
Signature

Sharon Taylor
Signature

My/Our opinion regarding revocation or modification of the 900 Club use permit:

- I/We want the 900 Club use permit revoked
- I/We want the 900 Club use permit modified to stop the disturbances
- I/We do not support any additional regulation of the 900 Club

COMMENTS

LEAVE THIS GREAT CLUB ALONE.

Barry Taylor

**INDIVIDUAL PETITION REGARDING REVOCATION/MODIFICATION
OF USE PERMIT FOR 900 CLUB**

Located at 900 Manhattan Ave, Manhattan Beach CA, 90266

I/WE reside at or own property in Manhattan Beach, near the 900 Club, on the following street:

the Strand

Street Name (Number not necessary, but please print)

VIRGINIA SHEARER

Name (Please print)

Name (Please print)

Virginia Shearer

Signature

Signature

My/Our opinion regarding revocation or modification of the 900 Club use permit:

- I/We want the 900 Club use permit revoked
- I/We want the 900 Club use permit modified to stop the disturbances
- I/We do not support any additional regulation of the 900 Club

COMMENTS

**INDIVIDUAL PETITION REGARDING REVOCATION/MODIFICATION
OF USE PERMIT FOR 900 CLUB**

Located at 900 Manhattan Ave, Manhattan Beach CA, 90266

I/WE reside at or own property in Manhattan Beach, near the 900 Club, on the following street:

228 10TH PLACE

Street Name (Number not necessary, but please print)

JEFFREY RICHARDS

Name (Please print)

Name (Please print)



Signature

Signature

My/Our opinion regarding revocation or modification of the 900 Club use permit:

- I/We want the 900 Club use permit revoked
- I/We want the 900 Club use permit modified to stop the disturbances
- I/We do not support any additional regulation of the 900 Club

COMMENTS

I HAVE LIVED AT THE ABOVE ADDRESS FOR OVER 12 YEARS AND I HAVE NOT EXPERIENCED THE NOISE OR DISTURBANCES THAT JUSTIFY ADDITIONAL REGULATION.

PC MEETING

2/26/14

HANDOUTS
DISTRIBUTED
AT
MEETING BY
PUBLIC

900 CLUB, PLANNING COMMISSION, 26 FEBRUARY 2014

Tonight, I request the planning commission to make the finding that the 900 Club has violated its use permit and the noise ordinance, pursuant to municipal code 10.104.030(D)(2). The staff report exhaustively proves that the 900 Club has committed such violations continuously during 2011-2013.

If you make the required finding of violations tonight, then we can get on with fixing the use permit. Resolution of the issue, revocation versus modification, will require work. No matter which way you eventually decide, we all know that the 900 Club will remain a part of the community in the future.

I focus on the major issue of noise mitigation. According to the Daily Breeze, Director Thompson believes throwing in some more windows and insulation will solve the noise problem. I totally disagree. That lackadaisical approach created the noise problems with Shade Hotel.

The municipal code requires that just outside the property line, the average noise level cannot exceed 65 dB, which equates to normal conversation. The noise measurements I made out at the curb on Manhattan Ave last October, of a rock band on the second floor, showed levels a hundred times higher than 65 dB.

You know that the mitigation measures currently proposed for Shade barely reduce noise by 5 or 6 dB, not enough to even make a dent in the 900 Club problem. So what is the answer? Two options exist.

One involves demolition and renovation of the interior, with assemblies of walls, roofs, flooring, windows and doors that meet the acoustic standard known as STC-50, or sound transmission coefficient of 50 dB.

The other option requires a drastic reduction in live entertainment permitted by the use permit; no more rock bands.

It will take months for acoustic experts to design, analyze and test concepts for noise mitigation, to determine whether even feasible. Commissioner Paralusz knows how long that has taken for Shade, with still no tangible results.

I believe it unlikely that the 900 Club can complete the acoustic analysis by April 9, the next hearing on the 900 Club. As result, I am not sure what you can accomplish at that meeting, until first answering the question of noise mitigation.

2011, 900 Manhattan Ave & Neighbor Correspondence

Tim Doherty/Dave Rohrbacher/Lou Giovanetti

Results

Rosanna Libertucci

From: Timothy Doherty [mailto:timothydoherty72@yahoo.com]
Sent: Friday, May 13, 2011 1:22 PM
To: househunt@adelphia.net
Cc: jharris@citymb.info
Subject: Re: follow up

Dear Rozzana & Jacqueline,

I wanted to follow up with both of you and let you know the progress we are making with the concerns of the 900 Club. Under your advisement Jacque, I reached out to the neighborhood watch block captain Rozzana to discuss the neighborhood's issues and we have had two very nice conversations. Also under your advisement Jacque, I requested a face to face meeting with the group of the neighbors that are having issues with the 900 Club. Rozzana has taken point on this and is trying to see who would be interested in a sit down meeting. The Police, 900 Club and Sidedoor Management Team feels strongly this would be an effective way to communicate what we are doing to minimize disturbances for our neighbors. I will keep you abreast of the date of that meeting if you so choose to attend Jacque.

When speaking with Rozzana there was some confusion over the CUP and she admitted she needed to do more research about the actual conditional use permit. She thought it was a violation for the 900 Club to use the back door as an entrance and an exit. When we met with you and Sgt. Vargas he reviewed our current CUP and told me directly it was not a violation of the CUP. So I think the neighbors first need to be educated that it is not a violation of our CUP. When that is cleared up we can get to the heart of the matter which is the Taxi Cab turn around, people loitering and smoking and the noise that flows up the Alley.

Over the last 3 weeks we have been progressively been changing the flow of our patrons to the front of our building. There has been minimal if any loitering and smoking in that area. There has been no Live / Loud Music. I asked Rozzana to communicate with her fellow neighbors to be patient and reasonable as we go through this process. We have been encouraging and funneling our guests to use the front door when exiting the building. We have had a doormen escorting our clients to the front door as they try to enter the facility from the rear of the building. Rozanna said that she understood there would be a learning curve, because for the last 14 years this is how members used the door. I thanked her and also asked her communicate that thought with the neighbors. I also asked her to tell them we would appreciate if they would Call us first with any issues as opposed to calling the Police if they felt things were not reasonable. She said that she would try.

We understand use of the Back Door, Loitering in that area, Smoking in that area, Loud Music and People have been disturbing our neighbors as of late and we are remedying that. What all persons involved need to know is there will never be 100% compliance (no use of the back door). The back door will continue to be used by Staff, Entertainment, Handicapped Members, Pregnant and Elderly Members, Members with Small Children and when the use of stairs poses an unnecessary risk for our business. Rozanna acknowledged that fact and again said she just wants it to be reasonable use and for us to control the noise to the best of our ability.

We look forward to pleasing the people of our community, neighborhood, city and members as we resolve these issues.

Sincerely,
Tim

Timothy Doherty
1808 North Ardmore Ave.
Manhattan Beach, CA 90266
310-717-7265

Rosanna Libertucci

From: Doherty, Timothy [<mailto:tdoherty@financialguide.com>]
Sent: Friday, May 27, 2011 4:36 PM
To: househunt@roadrunner.com
Cc: dave@900manhattan.com; l.giovanetti@verizon.net; sean.varner@varnerbrandt.com; jharris@citymb.info
Subject: RE: Recap of meeting on 5/26/11

Dear Rozzana,

This email is a recap of our meeting on 5/26/2011 at the 900 Club. Dave Rohrabacher, Tim Doherty and Rozzanna Libertucci were in attendance. The meeting was for about 30 minutes. Multiple topics were discussed but the main topic of concern for Rozzanna (as the neighborhood watch captain and representing the neighbors) was the use of the back door as an entrance and exit for patrons of the 900 Club. We also talked about the activity that takes place on the 900 Manhattan Ave with regards to taxis, Street trolleys and patrons of other businesses. Rozzanna acknowledged that most of that traffic has nothing to do with the 900 Club but it does cause a nuisance to the neighborhood.

As far as the last three weeks the use of the back door as an entrance and exit after 10:00PM has been minimized and the loitering and smoking has been relocated to the front of the building. Rozzanna agreed that there has been a marked improvement and things have been satisfactory. As far as the three of us know there has not been any calls to the police complaining about the back door or noise. Rozzanna agreed and reiterated that the measures and effort put forth are producing an out come that is satisfactory to the neighborhood. Rozzanna requested a copy of the letter from the former city attorney that describes his interpretation of the current CUP and a copy of the current CUP for her files. The neighbors were using a CUP from 1993 some 18 years old and no longer Valid. I told her we would assist in getting her a copy of both documents.

We wrapped up the meeting by exchanging contact numbers and requesting that Rozzanna include members of the 900 management team in her next neighborhood watch meeting. 900 club management offered to become members of the neighborhood watch too. We asked Rozzanna to please instruct any and all neighbors that are having issues with noise or back door activity to please call us directly to remedy the situation before calling the Police. She said she would communicate that information. We also agreed that reasonable use of the back door can be expected but the majority of activity will take place in front of the building. We also talked about the other establishments that have a later last call in the area could possibly affect the neighbors and Rozzanna agreed that surely is the case too.

All in all a very cordial meeting took place with the understanding that the 900 Club Back Door activity will be limited after 10:00 pm with reasonable use in certain circumstances and by staff. Everyone felt progress has been made and if it continues 900 Club and SideDoor will have no further issues.

Tim Doherty

Timothy M Doherty

INFORMATION REPORT
Manhattan Beach Police Dept

13-1289

Supplement No
ORIG

INVOLVED PARTY 1: DOHERTY, TIMOTHY MATTHEW

Involvement	Invl No	Type	Name	MNI					
INVOLVED PARTY	1	Individual	DOHERTY, TIMOTHY MATTHEW	972096					
Race	Sex	DOB	Age	Juvenile?	Height	Weight	Hair Color	Eye Color	Dom Violence
WHITE	MALE	[REDACTED]	46	No	6'01"	235#	Brown	BLUE	NO
LiveScan	OK								
PRN									
2059258									
Type	Address	City	State						
HOME	[REDACTED]	[REDACTED]	[REDACTED]						
ZIP Code	Date								
90266	04/30/2013								
Type	DOB	OLS							
OPERATOR LICENSE	[REDACTED]	[REDACTED]							
Type	ID No	OLS							
STATE IDENTIFICATION NUMBER	[REDACTED]	[REDACTED]							
Type	ID No								
SS	[REDACTED]								
Phone Type	Phone No	Date							
HOME	[REDACTED]	04/30/2013							

Narrative

SOURCE:

On 4-30-2013 at approximately 0039 hours, I responded to the 900 Club located at Bayview Drive and 9th Street to assist Lieutenant Small (#261) on a security check. I met Lieutenant Small in the 100-block of 9th Street, across the street from the club (more than fifty feet away). While standing across the street from the club, I could clearly hear loud voices and music playing from the open windows on the west side of the club.

Two vehicles were parked on the east side of the bar, next to the east door of the location. The vehicles were a black 2000 Chrysler Crossfire (California license plate [REDACTED]) and a green 2004 BMW four-door sedan (California license plate [REDACTED]).

At 0042 hours, Lieutenant Small and I entered the club through an unlocked and ajar entrance door on the east side of the club.

OBSERVATIONS:

Upon entering the club, I observed a male adult and two female adults. The subjects were playing pool. The lights were still on inside the club and music was playing. I observed three 12-ounce beer bottles, two shot glasses (containing liquid), and cash on the countertop of the bar. The beer bottles contained liquid and were cold to the touch.

I asked the male subject to speak with the manager. The bartender was in a bathroom on the east side of the club. The bartender identified himself by his California driver's license as Timothy Matthew Doherty, [REDACTED].

STATEMENT:

Timothy Doherty, Involved Party:

I contacted the bartender, Timothy Doherty, who stated the following:

Doherty stated he is a member and bartender at the 900 Club. He stated it is his first night bartending at the club.

Doherty stated he knew the bar was supposed to be closed at midnight. Doherty stated he wasn't sure the owner's name, but he thought it was David Raughbacher.

Doherty continually apologized for the bar being open and stated he would shut down the club for the night.

OTHER:

All aforementioned activities are in violation of the conditional use permit and MBMC 5.48.140 (noise disturbance).

The MBMC conditional use permit indicates the business is to close by midnight on Monday nights. See attached conditional use permit for further details.

Sunday Night - Band playing windows open. Sent text no response.

CRIME REPORT

Manhattan Beach Police Dept

11-2882

Supplement No
ORIG

INVOLVED PARTY 1: LIBERTUCCI, ROSANNA

Involvement	Invl No	Type	Name	MNI				
INVOLVED PARTY	1	Individual	LIBERTUCCI, ROSANNA	1767546				
Race	Sex	DOB	Age	Juvenile?	Height	Weight	Hair Color	Eye Color
WHITE LiveScan OK	FEMALE	09/01/1961	50	No	5'06"	130#	Brown	BROWN
PRN	1887830							
Type	Address		City	State				
HOME	220 9TH ST		MANHATTAN BEACH	CALIFORNIA				
ZIP Code	Date							
90266	09/03/2011							

Type	ID No	OLS
OPERATOR LICENSE	C0475909	CALIFORNIA
Phone Type	Phone No	Date
HOME	(310) 600-1662	09/03/2011

LEGAL OWNER 1: ROHRBACHER, DAVID

Involvement	Invl No	Type	Name	MNI					
LEGAL OWNER	1	Individual	ROHRBACHER, DAVID	910969					
Race	Sex	DOB	Age	Juvenile?	Height	Weight	Hair Color	Eye Color	PRN
WHITE LiveScan OK	MALE	09/05/1966	44	No	5'11"	210#	Brown	BLUE	1887831
Type	Address		City	State					
WORK/BUSINESS	900 MANHATTAN BEACH BL		MANHATTAN BEACH	CALIFORNIA					
ZIP Code	Date								
90266	09/03/2011								

Type	ID No	OLS
OPERATOR LICENSE	C2711454	CALIFORNIA
Type	ID No	
SS	560-65-6623	
Phone Type	Phone No	Date
BUSINESS	(310) 344-3400	09/03/2011

Narrative

Source:

On 9-3-11 at approximately 2354 hours, Officer Cavallone (#302) and I responded to the area of 9th Street and Manhattan Avenue regarding a loud music complaint.

Observations:

Upon arriving on scene, we spoke to the complainant, [redacted] who resides at [redacted]. As we stood outside [redacted] residence on the sidewalk, we could hear loud music coming from the business located at 900 Manhattan Avenue. It appeared the music was a live band performing at the upstairs location of the business. As we spoke with [redacted] for approximately 10-15 minutes, the music became lower in volume. We also noticed several patrons to the business exit from the rear door facing Bayview Drive.

Statements:

[redacted] told me the following:

[redacted] stated she has had enough of the loud music coming from the bar located at 900 Manhattan Avenue. She said the owner of the establishment, David Rohrbacher, is violating several provisions of his conditional use permit (CUP). Those violations she believes are: having live bands at the location without soundproof windows/walls and by allowing customers to exit from the rear door. Libertucci also said she sent David a text message asking him to at least close the windows so the music wouldn't be too loud, but did not receive a response. She said the music was so loud she could not sleep in her bedroom that faces 9th Street. Libertucci stated she desired prosecution against Rohrbacher.

David Rohrbacher, owner of 900 Manhattan Avenue, told me the following:

Rohrbacher stated he felt as if he was being harassed. He said he has been in business for many years and has never violated his CUP. He stated his permit allows him to have a live band playing at his upstairs business. He said he was upset that we responded to a single complaint and said we were hindering his business.

Report Officer
20333/GARCIA, JESSE

Printed At
09/09/2011 16:58

CRIME REPORT
Manhattan Beach Police Dept

11-2882

Supplement No
ORIG

Narrative

Rohrbacher provided us with a copy of his conditional use permit issued by the City of Manhattan Beach. The permit listed the hours of operation and also stated live entertainment was permitted exclusively on the second floor. It also stated the business shall comply with the City's existing Noise Ordinances.

Crime Summary:

Based on the above statements and facts, I believe Rohrbacher is possibly in violation of M.B.M.C 5.48.140, noise disturbance. I request this report be forwarded to the city prosecutor for review.

No other noise complaints related to 900 Manhattan Avenue were received on this date.

Evidence:

I recorded the interviews on a PUMA audio recorder. The audio files were uploaded to the digital audio file at MBPD.

[REDACTED]

From: [REDACTED]
Sent: Sunday, September 04, 2011 12:45 AM
To: 'Jacqueline Harris'
Subject: Hi Jackie

900 Club - up to same old tricks.

I texted Dave the manager as a full band was playing with the windows open at 11:24pm and I was trying to sleep. Had all windows closed and the band was very loud in my room. FYI - people using the back door again after 10pm. I waited 30 minutes and Dave never closed the windows so I called the police and asked to file a complaint. I also asked for the watch commander to come out, Sgt. Small.

Essentially nothing they can do but write a report. They are putting it back on the city. They can't really interpret the CUP.

Dave was pretty agitated and aggressive to the police about the matter saying he could do it and he had a permit.

Maybe I can come in sometime next week if you have time.

Thanks and hope you had a nice holiday weekend.

Subject:

FW: Update

From:

Sent: Monday, May 16, 2011 3:56 PM

To: 'Jacqueline Harris'

Subject: Update

Hi Jackie,

Hoping you had a good weekend!

Let me start with the good news first!

The owner of the lower bar, Side Door, contacted me - Lou. He was genuine in resolving any problems. He admitted things had gotten out of hand, he said immediately after the city meeting he has made changes to his business. He understands and agrees that the neighbors and families should not be woken up at night. His actions matched his words. There has not been any problems since the city meeting with his establishment. The 3 formal police complaints since the city meeting were due solely to violations of the 900 Club and had nothing to do with his bar. He gave me his email and cell phone and I will contact him in the future if there is any problems. We are totally squared away with the Side Door!

2004 Neighbor Complaints
Letters to Code Enforcement Officer

REGISTRATION
SEP 14 2004
By

To Whom it May Concern,

I'm writing this letter to complain about the on-going late-night noise caused by two bars, 900 Club and The Side Door, both located at 900 Manhattan Ave., Manhattan Beach.

I've lived, for the past nine years, at [redacted] 9th place, behind this establishment. Within the time I have lived here, this building has evolved from a restaurant/bar accessible by one public access door on Manhattan Ave., to two separate late night bars. What were once kitchen and lower bar delivery doors located on 9th street, are now two main entrances to these late night bars. The Manhattan Ave. entrance is seldom used, if so, by access code only. These new "front entrances" are now 40 and 60 feet away from my property. I no longer live behind a restaurant. I now live across from the entrances of two late night bars. This has made a huge impact on me and the neighborhood. I understand these two separate businesses are under one liquor license. Is this legal?

Over the years, said property has gone through many changes. Up until the past few years, I have been able to handle the various noise, loitering and litter problems in a neighborly way, with the previous owners. I have lived nine years here, never once calling the police for assistance. I gave up this past Fourth of July weekend. Friday, July 2, I again tried to resolve a loud noise problem. My requests were as follows.

- Turn down the music
- Keep the back door shut during peak hours
- Post signs reminding customers of residential proximity and to keep quiet
- Form a neighborhood coalition to discuss the problems
- Put a lock on the trash area

Dave, the owner's, response was,

- Why was I always the only one complaining?
- Why don't you sell your house? Why would anybody live behind a bar?
- You form your coalition, you do what you gotta do, and go f*** yourself!

At that point...communication stopped!

The negligent management and various changes to this property have made a negative impact on my quality of life. The public access to these businesses must return back to the original Manhattan Avenue site!

I've lived in Manhattan Beach for the past 20 years. I rented for twelve years before having the privilege of buying my own home. I rented this house for three years before buying it. Now that I have my "dream home", I'm plagued with late night drunks, loud music, and two bar managements who choose to look the other way.

Recently, M.B. code enforcement gave me a copy of the conditional use permit for 900 Manhattan Ave. it states that the hours of operation are as follows:

(pg three of permit)	Mon - Thurs	11 am - 12 am
	Fri	11 am - 1 am
	Sat	9 am - 1 am
	Sun	9 am - 12 am

These bars have been open till 2 am for as long as I can remember. These two bars have used and abused this neighborhood for too long!

Specific problems are as follows:

- Total disregard of the conditional use permit - 2 am - seven days a week. On weekends members of the private club leaving all hours to 8:00 am the next day. People loitering outside the **(BACK DOOR)** front entry from 10:00 pm -2:00 am, some with open containers. Management has failed to prevent loitering, unruliness and boisterous activities of patrons outside the business or in the immediate area. Also, live entertainment on the first floor bar, which is specifically not permitted.
- Delivery doors changed to main entrances 40' and 60' away from my property; one of these doors faces residential property, which I believe is unprecedented in Manhattan Beach. It serves as a funnel of noise and music throughout the neighborhood.
- Late night trash refuse - 10:30 pm & 11:30 pm - large bar trash cans filled with beer bottles dumped into a metal Dixie dumpster - deafening! Because the trash area has no lock,

- Management's complete disregard to the "neighborhood" - a "make money" attitude.

- Bar customers defecating and vomiting in my potted plants.
- Litter - cigarette butts, plastic cups.

In the daytime we deal with various delivery trucks parked in front of our homes, some blocking our garages, some blocking street access, some left running because of refrigeration. We know this is part of living behind commercial property, but combined with these late night problems, it makes living here unbearable!

I love Manhattan Beach, and I scrimped and saved to buy property here. I've tried to handle these problems without the city's assistance. It's now obvious that it isn't working. As a homeowner and a taxpayer, I should be able to sleep with my windows open and not have to use earplugs or take sleeping pills. No one should be denied a good night's sleep! We live in a close-knit area where a neighbor's rights must be respected. I now find my quality of life, and the value of my property, is dictated by an irrational commercial leasee who refuses to abide by the law! Something must be done! The public access to both bars needs to revert back to the originally-intended Manhattan Avenue entrance; delivery doors to be used as emergency exits only during business hours.

The city has dealt with these problems before, and I'm confident you can do it again.

Thank you

DOCUMENTED INCIDENTS

- 1) **Saturday morning July 4, 2004 at approximately 2:00 AM my girlfriend called the police. Officer J. Meers filed a Report (# DR04-2329). We could not sleep because over 50-75 patrons, maybe more were standing outside the 900 Club yelling, partying, and drinking alcohol in the middle of 9th Street, from Manhattan Avenue to Bayview Drive. Attached are two pictures of the crowds in the street taken at 12:58 AM during this incident that clearly show patrons with alcohol in their hands AND DRINKING the alcohol outside, as well as numerous beer bottles lined-up outside along the wall of the 3 car parking lot in back of the 900 Club. On this occasion my girlfriend and I tried to speak to Dave the manager of the 900 Club but we were met with a very defiant attitude by Dave when we informed him it is his responsibility to mitigate the disturbances to the neighbors and neighborhood.**
- 2) **Another night after the above we called police. We later learned from Officer Zins that he wrote Dave owner/manager a ticket for alcohol outside on 9th Street.**
- 3) **Friday morning September 10, 2004 at approximately 12:30 AM again we saw two police cars dealing with the 900 Club.**
- 4) **Saturday morning September 11, 2004 at 1:40 AM my girlfriend called police because someone was yelling at the top of their lungs coming from the direction of the 9th Street, it was so loud and it sounded like a fight. Then the driver of a car floored the accelerator starting at 9th Street and came speeding down Bayview Drive in excess of 40-50 miles per hour. The driver was also yelling and hollering out of the car window while honking the horn all the way south to 5th Street. When my girlfriend called the police the dispatch informed her that the police had literally just left the establishment for the second time already that evening, and her call made three. My neighbors heard it too, and we suspect this was retaliation from someone because the police had just left at approximately 1:35 AM for the second time and closed the place down!**

Residents directly behind the 900 Club have been challenged by the manager or patrons and told to go fuck themselves, to move, or to call the police more than once in the early morning hours when they were asked to keep the noise down and one time patrons were lighting fireworks in one of their backyards.

The 900 Club has been operating after the hours permitted by their Conditional Use Permit from the city until enforcement began just last week. This establishment also does not have an outside dining permit, yet servers deliver food from the upstairs kitchen in the rear near Bayview Drive to the downstairs bar by going outside via 9th Street sidewalk. At minimum a health department violation!

Presently there are two businesses operating with different owners under only ONE:

- Business License
- Liquor License
- Health Permit
- Fire Permit
- Conditional Use Permit

X _____

X _____

September 13, 2004

**Jacqueline Harris
Code Enforcement
City Of Manhattan Beach
1400 Highland Avenue
Manhattan Beach, Ca 90266**

City Of Manhattan Beach:

At your request we are writing this letter for the cities use in its effort to put a stop to the long list of pervasive problems, nuisance, and liability to the surrounding neighborhood resulting from the 900 Club's operation and its illegal and non existent management practices.

We reside in two residences on Bayview Drive within less than a block away of the 900 Club. One of us has lived here for over three years and the other two years. In the past two years the various nuisances and problems associated with this establishment have escalated to the point that it is out control, and literally become a big liability to the neighborhood and the city. We experience frequent disturbances in the late night and early morning hours through out the week. We have witnessed; people entering or exiting the 900 Club loitering, fighting, vandalism, boisterous talking and yelling, excessively loud music, consumption of alcohol outdoors, urinating in the streets and surrounding private property, and speeding cars on Bayview Drive and 9th Street at all hours, sometimes as late as or later than 4:00 AM. We have witnessed people outside the 900 Club with alcohol numerous times, before and after 2:00 AM.

Members of the private 900 Club enter and exit EXCLUSIVELY through the rear (delivery) entrance on 9th Street off of Bayview Drive. The 900 Club is a private VIP club with a coded access key pad that all club members enter and exit through in back of the club off Bayview Drive and 9th Street. Nobody ever uses the front entrance on Manhattan Avenue. Actually the front entrance on Manhattan Avenue has been closed and locked. This coded access key pad for the 900 Club prevents the police or any agency from entering to enforce the law, including the legal CUP hours of operation, and the serving alcohol after 2:00 AM. At all hours of the morning patrons exit into Bayview Drive and disperse in this alley as they walk home or to their cars, frequently after 3:00 AM. There have also been chairs at times stacked on and in the stairway leading from the front entrance on Manhattan Avenue and bathrooms downstairs to the 900 Club upstairs. This is at the very least a fire hazard, and improper non-use of the permitted front and main entrance of this building since it was built back approximately in 1975.

We have been confronted and threatened by aggressive drunks on Bayview Drive in the early morning hours when we've asked them to stop urinating against my house, my neighbors house, the landscaping, or asked them to keep their voices down because people are trying to sleep. So, we have had no alternative other than to call the police. We keep calling the police, but so far that has not helped reduce any of the related problems or frequency.

(copy) - F.V.I.

Jacqueline Harris
Code Enforcement
City of Manhattan Beach
1400 Highland Avenue
Manhattan Beach, CA 90266

Dear Ms.Harris:

I live a half block east of the 900 Club. I am frequently disturbed at night and into the early morning hours by loud talking, shouting, cursing and/or laughter on the sidewalks outside the club and loud music played inside the club. The monotonous, repetitive sound of a bass rhythm or drumbeat late at night can be a real sleep wrecker, like a throbbing headache that won't go away.

Please modify the conditional use permit for music to limit it to 10 pm on weeknights and 11 pm on weekends. That extra hour or two of music at that time of night does not increase the profits of the club substantially but it does decrease the quality of life of the club's neighbors. Thank you.

Sincerely,

Wonder who this could be?



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

From: [Redacted]

To: jharris <mailto:jharris@citymb.info>

Cc: [Redacted]

Sent: Friday, October 29, 2004 10:59 PM

Subject: Side Door / 900 Club

Dear Jackie,

It's Friday night, 10:45. I was woken up by loud talking and laughing from a group of people going to a car behind the club. As I stood in my doorway, another group of 4 or 5 came up the sidewalk on 9th Street, also talking and laughing in loud voices. As they entered Bayview, they became louder, even yelling. As I watched from my doorway, one of the men was carrying a large plastic bag and went over to the trash can behind the club. He banged the bag on top of the trash can, rattling bottles. He then banged the bag up and down 3 or 4 more times, making a racket with the bottles. This brought a big laugh from the others and as the man who made the racket with the bottles headed back to the club, he brought his hand up to his mouth and let out two very loud, screeching whistles. That also brought a big laugh from the others.

UNbelievable! It seems they are deliberating trying to irritate and goad the neighborhood. For what purpose? other than to show us they can "get even" with us for going to the City with our complaints

Of course I did not call the police dept because 1) this happened over the course of just a few minutes and 2) everyone who was involved is gone now and 3) I need to get back to sleep because I have to get up at 5:30 tomorrow morning. I only wish someone from the City would stay over here a few nights and see what it feels like to be subjected to the behavior of the people at this establishment!



IMPORTANT WARNING: This email (and any attachments) is only intended for the use of the person or entity to which it is addressed, and may contain information that is privileged and confidential. You, the recipient, are obligated to maintain it in a safe, secure and confidential manner. Unauthorized redisclosure or failure to maintain confidentiality may subject you to federal and state penalties. If you are not the intended recipient, please immediately notify us by return email, and delete this message from your computer.

MEMO FOR CITY OF MANHATTAN BEACH – CODE ENFORCEMENT

ATTN: Jacqueline Harris, 1400 Highland Ave, Manhattan Beach, CA 90266

SUBJECT: 900 CLUB

I am a homeowner in the immediate vicinity of the Bars/Clubs located at 9th Street and Manhattan Avenue and am writing to express my comments regarding the nuisances associated with these establishments, in particular, the 900 Club located at 9th and Bayview Drive. My family and I have discussed the nuisances related to the club with the management of the business, but little has been done to resolve our issues and that of our neighbors. Furthermore, management has demonstrated an unwillingness to consider the viewpoints of the local residents and is often witnessed to be facilitating many of the disturbances. This blatant lack of disrespect for the neighborhood has prompted us and many of the residents to cease dealing with the club management and begin reporting nuisances and disturbances directly to the police department. It has also prompted some of us to raise our issues with the city officials.

My family and I have witnessed first-hand several nuisances and disturbances caused by both the downstairs and upstairs businesses. Most of these, however, are directly associated with the upstairs establishment (900 Club) and are due to having their entrance/exit on Bayview Drive. Patrons and club employees have been witnessed to cause the following nuisances and disturbances:

1. Loud music in the late evening hours; often until 2am
2. Unruly and boisterous patrons exiting the club after 2 am; yelling and screaming profanities
3. Drunken and disorderly conduct by patrons throughout the evening
4. Persistent loitering outside the Club entrance and parking lots on Bayview Drive
5. Excessively loud conversations outside the establishments; including club management

6. Discarding empty bottles and trash into the outdoor bins adjacent to residential property in the late evening hours
7. Operating the business beyond permitted business hours; 7 days a week
8. Physical and verbal fighting outside the establishments
9. Open alcohol containers and public drinking outside the establishments
10. Urination and vomiting on private property
11. Sexual activity on private property
12. Drunk driving causing damage to private property
13. Motorcycles and cars revving engines in the club parking lot and on Bayview Drive after midnight

The co-existence of the upstairs and downstairs clubs on the same property has caused numerous disturbances and nuisances for the neighbors living in and around these businesses. While we all accept the normal "disturbances" living near commercial property in the downtown area, there are some things that should not and will not be tolerated. My family and I request that these businesses and the City of Manhattan Beach take immediate action to resolve and/or mitigate the issues described in this letter, as well as, those expressed by the citizens in the surrounding neighborhood.

I am withholding my address and phone number at present for fear of retaliation from the club management and their patrons, but will contact the MB Code Enforcement Office to answer any questions and provide additional information.

Thank you.

Terribly Disturbed Resident

City of Manhattan Beach:

The 900 Club and Side Door this past weekend.

- 1. October 23rd, Saturday morning we called police at 1:10AM because of loud boisterous voices laughing, clapping, and then setting-off a car alarm at 9th Street and Bayview Drive. The voices, laughter and clapping could be heard at 8th Place and Bayview Drive. Another neighbor behind the 900 Club also called the police twice that same night/morning.
- 2. October 24th, Sunday morning a neighbor again called police and Office Medloc arrived at 12:57AM and took report# DR-04-04053. By this time six neighbors were present on the corner of 9th Street and Bayview Drive in our pajamas to complain to Officer Medloc and Men Watch Commander Sergeant Klatt about the noise and nuisance from patrons of the 900 Club and Side Door.

While the six of us were all standing outside for an hour on the corner of 9th Street and Bayview Drive at no time was a monitor seen maintaining the perimeter this night (or any night). When Officer Medloc arrived at 12:57AM he had to tell the crowd of patrons gathered outside on 9th Street in front of the Side Door 1:00AM to disperse. On this evening there was someone screaming from one of these two bars periodically starting at around 9 or 10 PM, and the periodic screaming continued on and off through the night until the time police arrived at 12:57AM. When police arrived Patrons were entering and exiting the 900 Club while the group of six of us watched. Officer Medloc spoke with the manager/operating partner of the Side Door (see police report for mgr. name) and was told only employees were using the back door of the 900 Club. That is not true, as a group of six we witnessed over a dozen patrons entering and exiting, even immediately after 1:00AM while Office Medloc was downstairs at the Side Door speaking with management and the crowd of patrons. Only after about 1:30AM did two female employees exit, and one of them approached officer Medloc and spoke with him.

After Officer Medloc had left and the remaining five in the group were standing on the corner the manager drove up in front of all of us and confronted us all. He said "watch out, and it's going to get nasty for a long time because the owners are going to fight it all the way, and that we as neighbors handled it all wrong". We called Officer Medloc back to add this confrontational statement to police report, it was almost 2:00AM by this time.

- 3. October 26th, The front door of the 900 Club on Manhattan Avenue was locked at 7:00PM and the back door of the 900 Club on 9th Street and Bayview Drive was propped open with a rock all afternoon and evening. The sign on the inside of the back door to the 900 Club that says "Dear Members & Guest's, please keep the noise to a minimum & no drinks outside". The sign says absolutely nothing to members & guests about NOT exiting or entering this door.

4. Taxi's are another big problem with the public nuisance caused by the noise, congestion, and un-safe parade of Taxi's non-stop going up and down, and turning around in the very tight intersection of 9th Street and Bayview Drive. There were at least thirty Taxi's that patrolled that intersection, and turned around in the neighboring driveways after between 1:00AM and 2:00AM. We all brought this matter to Officer Medloc's attention and he also witnessed all the Taxi's cruising, parking, turning around in driveways and circling the block. The city department that licenses these Taxi companies needs to require these Taxis to stay off the residential streets and stay on Manhattan Avenue when picking up passengers the downtown commercial area. They cause heavy congestion on 9th Street and Bayview Drive on the weekends especially by parking, hovering and cruising these small streets/alleys. They are also competing access with the Valet drivers from Manhattan Avenue racing up 9th Street to Bayview Drive trying to park cars in the public parking lot located at 10th Street and Bayview Drive. The Taxi drivers drive fast and are definitely a safety and nuisance issue.

PS Attention fellow neighbors: Please step up to the plate if you haven't already, don't place the burden or responsibility exclusively on your fellow neighbors if in fact you and your house hold are affected. Please write Jackie and the three city officials (City Attorney, City Manager, Director of Community Dev.) in the send line above with your observations and comments if you truly want the problems resolved. We need all the support possible from everyone to bring this to an acceptable resolution.

FYI.....As of yesterday the owners are still ignoring the numerous phone messages from Jackie at the city regarding the resolution plan, and it's quite clear the owners of these bars are ignoring all of the issues initially outlined in their preliminary resolution plan proposed to the city weeks ago. Additionally we've been informed by the MBPD Chief of Operations that both he and the Chief of Police have recommended to the city that they review the existing CUP for these bars and revise it accordingly.

Thank you all for your attention to this matter,
M&M

----- Original Message -----
From: [REDACTED]
To: [REDACTED]

2004

Jackie Harris

Richard Thompson

Subj: RE: Side Door / 900 Club
 Date: 10/30/2004 11:56:52 PM Pacific Standard Time
 From: [REDACTED]
 To: [REDACTED] jharris@citymb.info, rhompson@citymb.info, gdolan@citymb.info,
 rwadden@citymb.info
 CC: [REDACTED]

Saturday October 30, 2004 11:00pm

I called the police due to excessive noise and boisterous behavior around the club. Actually, I wanted to complain about the noise earlier—starting around 9:30pm but held back in an attempt to be fair. During my call, the dispatcher stated that she could clearly hear the ruckus from the phone—while I was inside my house. Two patrol cars appeared on the scene several minutes later but the crowd had moved on by that time. I spoke with one of the officers and he stated that this is a city problem. He explained that Jackie needs to be down here to see this for herself during the evening hours. The police really can't issue citations in this case. At this time a call came in and the officer stated that he didn't have time to issue a citation to the patron walking outside with his drink.

While I certainly understand his need to respond to another call on a busy night—no one is understanding our needs. As a homeowner and taxpayer, my city is letting me as well as my neighbors down. The police respond, yet are powerless to make a real impact here.

One thing has become painfully obvious. The employees and owners of this bar have no intention of being good neighbors. In fact, they have told us that they will "fight us on this and it will be ugly". Last Saturday evening/Sunday morning we were threatened by one of the employees—Lou. Tonight we were threatened by both Lou and Dave. Taunting us that we have nothing better to do and that we are crazy. Both incidents were documented in police reports (latter is #04-04142).

This situation has now escalated to a nasty and scary state for our neighborhood. By allowing this establishment's patrons to use the back door as a point of entry and exit—we now have a situation that is completely disruptive to our section of Manhattan Beach. I have said from our first meeting with the city—a fair compromise would be to have this back door access restricted. We are not pushing for them to be shut down—just for a simple compromise.

Lastly, I no longer want to hear that it's my job to document this activity. This job belongs to the City of Manhattan Beach and it requires immediate attention and action on your part. We all pay enormous sums to live here—and with these costs assumably come adequate city services. It is now time for the city to use it's authority to take control of the neighborhood. Please find a way to help us.

[REDACTED]

—Original Message—

To: Bayview City MB- jacqueline harris; Bayview City MB- richard thompson;
 Bayview City MB- geoff dolan; Bayview City MB- robert wadden

[REDACTED]

Sunday, October 31, 2004 America Online: REYNGUY

2004

Page 1 of 1

Richard Thompson
Jackie Harris

Subj: **Fw: 900 Club**
Date: 10/27/2004 4:55:43 PM Pacific Standard Time
From: mtuccinardi@verizon.net
To: rwadden@citymb.info, rthompson@citymb.info, jharris@citymb.info, gdolan@citymb.info
CC: [REDACTED]

Forwarding to everyone FYI.....

— Original Message —

From: [REDACTED]

To: jharris

Sent: Tuesday, October 26, 2004 4:14 PM

Subject: 900 Club

Dear Jacquie,

I have put off writing you because I keep thinking any day now there will be an agreement that gives relief to our neighborhood. I still have that hope, but I feel I should at least let you know things have not changed for the better around here. In fact, in some ways they are worse. I understand my neighbors received a threat over the weekend from someone at the 900 club saying we (the neighborhood) didn't do it, "the right way" and now we are going to be "in for a fight".

I'm sure you know by now that this neighborhood tried for a long time, on an individual basis, to approach the management of the 900 Club in a friendly, neighborly way, expressing our concerns. We were met with vulgar language given in a loud and angry voice. I don't know what the 900 Club means about "doing it the right way", but we tried mightily to work with them and only went to the City for help as a last resort.

Now, after all your efforts and time, Jacquie, it seems nothing has changed and matters have gotten worse. I have a front row seat to the back door of the 900 club. People still enter and exit freely though the back door throughout the evening. People still linger in the back, on Bayview, on their cell phone and/or smoking cigarettes and carrying on loud conversations. From where I sit, there has been no demonstration on the part of the 900 Club management of consideration for our neighborhood and nothing that looks like a good faith effort on their part to get along with us.

This latest threat, which I understand was reported to the police, is an awful omen. How can one business be allowed to threaten and so disrupt and insult a peaceful neighborhood?? It boggles the mind, Jacquie.

Again, thank you for all your efforts. I know you care about this problem and I hope something can be done soon

[REDACTED]

From:

To: jharris@citymb.info

Date: 9/17/2004 9:13:18 AM

Subject: "Side Door"
establishment

Dear Ms. Harris,

I understand that you and other city officials met last Wednesday with the owners and management of the club/s located at 9th Street and Bayview Drive. I was told that henceforth the back entrance, that is steps from our homes, would no longer be used, except for emergencies.

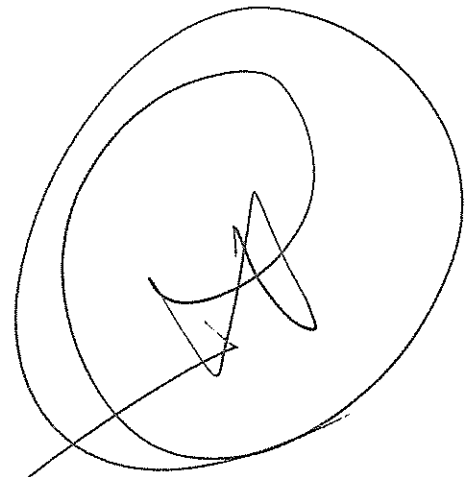
During the two nights since your meeting, I saw people entering and exiting that back entrance throughout the evenings. The casual way this was happening made it appear there was no emergency, just business as-usual.

One of my neighbors told me the man who "manages" the place, and who is responsible for all the problems associated with that place, was not present at your meeting. It begs the question, what was the purpose of the meeting if the culprit wasn't even there?

I no longer complain directly to him about his many insults to the neighborhood, because the last time I did, he yelled at me, swore at me using the "F" word and told me "I don't care about you. I have a business to run." He was yelling and swinging his arms in the air and seeming out of control with anger, because I asked him to please keep the noise down and don't let his customers congregated on Bayview Drive.

Is there nothing that can be done to make

file://C:\Documents%20a... 9/17/2004



that establishment conform to the rules you impose on them? Is it really necessary for that back door to be used as an entrance/exit? Is there nothing you can do to help this neighborhood?

I know you have already done a lot of work on this/these problems and I truly appreciate your efforts, as do my neighbors. I hope that you can REenforce those rules with the man who actually is present at night and who allows the infractions and insults to us to occur. We look to you and the City for relief.

file://C:\Documents%20a... 9/17/2004

Cease and Desist Harassment Letter

900 Club, February 20, 2014

STRUMWASSER & WOOCHEER LLP

ATTORNEYS AT LAW

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PATRICIA T. PEI
ADRIENNA WONG

†Also admitted to practice in New York
‡Also admitted to practice in Massachusetts

February 20, 2014

Robert Courtney
120 Fishermans Wharf
Redondo Beach, CA 90278
VIA OVERNIGHT MAIL AND PERSONAL DELIVERY

RE: 900 Club Harassment of Neighboring Residents

Dear Mr. Courtney:

I write on behalf of residents living near the 900 Club, to bring to your attention the inappropriate and potentially legally damaging conduct by the management of the 900 Club. For nearly a decade, 900 Club management has unlawfully harassed our clients, and club members have joined in the campaign of intimidation. By this letter, we demand that the 900 Club cease and desist all harassment of its neighbors, and that the 900 Club instruct its members to do so as well.

Apparently in response to noise complaints filed with the City of Manhattan Beach regarding operations and patrons at the 900 Club, club management and its members have threatened our clients' physical safety and livelihoods. For example – and this is by no means an exhaustive list of the inappropriate and harassing conduct directed towards our clients:

- 900 Club manager Dave Rohrbacher threatened to physically assault an individual for associating with one of our clients.
- Mr. Rohrbacher and club members threatened a client that they would “financially ruin her,” and “make her pay.”
- Mr. Rohrbacher aggressively confronted another neighbor and told him to move.
- A club member directed profanities and rude gestures at our client outside of his home.
- Club members intentionally interfered with our client's professional and contractual relations, by pressuring colleagues to stop doing business with her and by urging clients to convince her to back down on the 900 Club.

Mr. Rohrbacher has also circulated damaging information about a client's professional practice, falsely asserting that, as a realtor, she failed to make necessary disclosures prior to selling her property near the 900 Club. His comments have had the effect of damaging our client's reputation as a realtor, as well as her existing and prospective business relations. Such comments are defamatory *per se*.

Harassment of our clients has increased after the City of Manhattan Beach has investigated complaints about the club. Our client's property has been vandalized on several occasions, after she complained about the club to City officials. The history of intimidation and retaliation by 900 Club

February 20, 2014
Page 2

management and members against neighbors of the 900 Club has made many affected parties hesitant to speak up about the club's impacts on their quality of life.

The City of Manhattan Beach has initiated proceedings to revoke or modify the Conditional Use Permit of the 900 Club, reflecting the City's concern that the 900 Club does not abide by the terms of its permit and operates in a manner that is detrimental to surrounding residents. Inappropriate conduct by 900 Club management or members will only further the perception that the 900 Club views itself above the law. In light of the upcoming revocation hearing on February 26, 2014, your prompt action in advising the management of the 900 Club to refrain from harassing neighborhood residents or any other individuals who may participate in that hearing is critical. We also ask that you caution your client against inciting its members to harass any of the club's neighbors in retaliation for their participation in the hearing. Indeed, we request that your client ask its members to respect the integrity of the Planning Commission proceedings and to refrain from joining in any harassment of the 900 Club's neighbors.

If harassment of our clients persists in the days leading up to or in the wake of the February 26 hearing, the 900 Club will expose itself to potential liability. Management's action to date would support a lawsuit for harassment, slander, false light, intentional interference with contract and prospective economic advantage, commercial disparagement, intentional infliction of emotional distress, and unfair business practices under the laws of the State of California. The remedies for such causes of action include injunctive relief and substantial monetary damages. Continued harassment will force our clients to seek restraining orders or press criminal charges if appropriate. If our clients are forced to file suit to stop the wrongful conduct of the 900 Club and/or its members, they will also seek attorneys' fees and litigation expenses.

Our clients have already reported the harassment described above to City officials. They have specifically notified City officials that the actions of the 900 Club's manager and members have caused them to fear for their personal safety and the safety of their properties. Mr. Rohrbacher's behavior was so volatile following an incident, that a City official cautioned one of our clients to stay out of sight for a couple days. Because these threats are known to City staff and officials, we expect that the City will take all appropriate action against the 900 Club, if the harassment continues.

Because everyone involved will benefit from a meaningful and orderly Planning Commission hearing and cessation of the harassment of our clients, we anticipate no further problems once you advise your client and its members of the potential legal consequences of their actions. Thank you in your advance for your cooperation in this matter.

Sincerely,

Beverly Grossman Palmer
STRUMWASSER & WOOCHEER LLP

Video Clips – Partial Log

Video Clips - Partial Log - not enough resources to transcribe

DATE	Day	ISSUE	TIME	TYPE	COMMENT
9/15/2012	Saturday	VIOLATION	9:58 to 10:05 AM	Video	Patrons in and out rear door. Dave smoking with member at rear door
9/15/2012	Saturday	VIOLATION	11:28:00 AM	Video	Patron goes in Janitor's closet for a minute
9/15/2012	Saturday	VIOLATION	11:37:30 to 11:41:37	Video	Patron with drink in hand outside, 3 patrons enter Janitor's closet then exit
9/15/2012	Saturday	VIOLATION	11:45:48 AM	Video	Dave letting patrons in and out rear door
9/15/2012	Saturday	VIOLATION	11:56-11:59 AM	Video	Dave opening rear door for patrons
9/15/2012	Saturday	VIOLATION	12:37:00 AM	Video	Dave hanging out with large group at rear door, patrons in and out
9/15/2012	Saturday	VIOLATION	1:09:30 AM	Video	Dave letting patrons in and out back door after close time
9/15/2012	Saturday	VIOLATION	1:14:45 AM	Video	Taxi drops patrons, enter rear door after close time
9/15/2012	Saturday	VIOLATION	1:30:00 AM	Video	Patron uses code to enter rear door
9/15/2012	Saturday	VIOLATION	1:40:00 AM	Video	Girl in black dress brings drink outside rear door to smoke
9/15/2012	Saturday	VIOLATION	1:56:00 AM	Video	Dave sees girl in black dress at sitting at rear door and ignores
9/15/2012	Saturday	VIOLATION	1:59:00 AM	Video	Patron makes call at back door and is let inside rear door
9/15/2012	Saturday	VIOLATION	2:15:00 AM	Video	Girl in black dress is let in side rear door and brings drink with her
9/15/2012	Saturday	VIOLATION	2:33:00 AM	Video	Employee girl leaves
9/15/2012	Saturday	VIOLATION	2:54:00 AM	Video	Dave locks Storage Room and smokes
9/15/2012	Saturday	VIOLATION	3:13:00 AM	Video	Dave exits rear takes taxi
9/20/2012	Thursday	VIOLATION	2:11:00 AM	Video	4 Patrons Leave
9/20/2012	Thursday	VIOLATION	3:55:00 AM	Video	2 Patrons Leave
9/29/2012	Saturday	VIOLATION	1:11:00 AM	Video	Dave smoking in rear lets patron in
9/29/2012	Saturday	VIOLATION	1:31:00 AM	Video	Dave and patron out door

Video Clips - Partial Log

DATE	Day	ISSUE	TIME	TYPE	COMMENT
9/29/2012	Saturday	VIOLATION	2:25:00 AM	Video	Girl leaves walks across street, comes back enters in rear door, leaves again in 2 minutes
9/29/2012	1/8/1900	VIOLATION	3:09:00 AM	Video	Couple Leave
9/29/2012	Saturday	VIOLATION	3:22:00 AM	Video	Girl leaves
9/29/2012	Saturday	VIOLATION	3:23:00 AM	Video	Employee leaves
10/4/2012	Thursday	VIOLATION	2:49:00 AM	Video	3 patrons leave
10/4/2012	Thursday	VIOLATION	3:50:00 AM	Video	3 patrons standing outside re-enter bar
10/4/2012	Thursday	VIOLATION	4:25:00 AM	Video	3 patrons leave
10/4/2012	Thursday	VIOLATION	4:34:00 AM	Video	1 patron enters
10/5/2012	Friday	VIOLATION	4:22:00 AM	Video	3 patrons leave
10/5/2012	Friday	VIOLATION	4:26:00 AM	Video	1 patron leaves
10/5/2012	Friday	VIOLATION	4:34:00 AM	Video	1 patron enters
10/6/2012	Saturday	VIOLATION	2:58:00 AM	Video	1 patron exits bar and sits on the curb outside
10/6/2012	Saturday	VIOLATION	After 3 AM	Video	Large after hours crowd exit mid week
10/6/2012	Saturday	VIOLATION	10:04:00 PM	Video	Employee watches girl exit with drink outside
10/6/2012	Saturday	VIOLATION	10:05 to 10:08 PM	Video	Girl patron uses keypad to enter. In and out groups w employee at door viewing
10/7/2012	Sunday	VIOLATION	1:30:00 AM	Video	Bayview neighbor calls in noise complaint, band playing windows open entire night and after close time
10/7/2012	Sunday	VIOLATION	1:39:00 AM	Video	Officer responds, walks past guy laying on ground near rear door
10/7/2012	Sunday	VIOLATION	1:40:54 AM	Video	Officer tries to open rear door but locked. Walks past guy on ground
10/7/2012	Sunday	VIOLATION	1:43:27 AM	Video	Officer walks by rear door and guy on floor again
10/7/2012	Sunday	VIOLATION	1:46:25 AM	Video	Officer crosses street
10/7/2012	Sunday	VIOLATION	1:46:55 AM	Video	Officer leaves, found nothing
10/7/2012	Sunday	VIOLATION	1:57:00 AM	Video	Daves peeks out back door
10/7/2012	Sunday	VIOLATION	1:58:00 AM	Video	Girl exits rear door
10/7/2012	Sunday	VIOLATION	1:59:00 AM	Video	Dave at rear door

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Video Clips - Partial Log

DATE	Day	ISSUE	TIME	TYPE	COMMENT
10/7/2012	Sunday	VIOLATION	2:00:00 AM	Video	Dave shuts lights and closes Janitor's door
10/7/2012	Sunday	VIOLATION	2:04 to 2:42 AM	Video	Band members move massive amounts of equipment out of rear door for 40 minutes, sit and smoke at rear door
10/7/2012	Sunday	VIOLATION	2:44:00 AM	Video	3 girls exit rear door
10/10/2012	Wednesday	VIOLATION	3:37:00 AM	Video	1 person exits grabs something from car parked in front lot then leaves down the sidewalk towards the front of the bar
10/10/2012	Wednesday	VIOLATION	3:54:00 AM	Video	cab drops off 1 patron who gets out, goes up to the door, returns to the taxi drives off
10/13/2012	Saturday	VIOLATION	2:21:00 AM	Video	1 patron exits the outside closet
10/13/2012	Saturday	VIOLATION	2:29:00 AM	Video	1 patron leaves
10/13/2012	Saturday	VIOLATION	2:41:00 AM	Video	1 patron leaves
10/18/2012	Thursday	VIOLATION	12:02:00 AM	Video	Large group of guys unload from car and go in back door
10/18/2012	Thursday	VIOLATION	12:13 to 12:19 AM	Video	Patrons in and out rear door
10/18/2012	Thursday	VIOLATION	1:56:00 AM	Video	Out rear door
10/18/2012	Thursday	VIOLATION	2:21:00 AM	Video	Out rear door
10/18/2012	Thursday	VIOLATION	2:31:00 AM	Video	2 patrons exit
10/18/2012	Thursday	VIOLATION	2:32:00 AM	Video	2 patrons get picked up by a taxi outside the bar
10/18/2012	Thursday	VIOLATION	2:51:00 AM	Video	2 patrons leave
10/18/2012	Thursday	VIOLATION	3:19:00 AM	Video	3 patrons leave
10/18/2012	Thursday	VIOLATION	All night to 11:30 AM	Video	In and out rear door, congregating smoking. 11:36 pm mid week large group loud, interfere w sleep call Police called
10/18/2012	Thursday	VIOLATION	11:46:00 AM	Video	Police arrive, do not enter building, Bar girl goes in to get Dave

Video Clips - Partial Log

DATE	Day	ISSUE	TIME	TYPE	COMMENT
10/18 to 10/19/2012	Thursday	VIOLATION	11:49 PM to 12:12 AM	Video	Patron in bar after closing and serving alcohol - Cited by Police
10/19/2012	Friday	VIOLATION	12:12 to 12:16 Am	Video	Police go to door knock, bar girl answers, officers wait, 2 minutes go by Dave returns to door let's officers in. Officers enter, patron inside serving alcohol, Club cited
10/19/2012	Friday	VIOLATION	12:19:00 AM	Video	Dave exits rear door and smokes with 2 patron
10/19/2012	Friday	VIOLATION	12:23:00 AM	Video	One guy smoking w Dave gets in car and lurches car forward twice almost hits building. Gets out and leaves.
10/20/2012	Saturday	VIOLATION	10:00:00 PM	Video	Group of golfers, some drinking beer outside at rear door
10/20/2012	Saturday	VIOLATION	10:02:00 PM	Video	Guy goes out door w beer
10/20/2012	Saturday	VIOLATION	10:08:00 PM	Video	Guy with beer walks out rear door
10/20/2012	Saturday	VIOLATION	10:15:00 PM	Video	Guy with beer outside rear door
10/20/2012	Saturday	VIOLATION	10:33:30 PM	Video	Large crowd at rear door
10/20/2013	Saturday	VIOLATION	10:54 to 10:59 PM	Video	Group of guys go in Janitor's closet
10/20/2013	Saturday	VIOLATION	11:10 to 11:14 PM	Video	Employee girl opens locked Janitor's Closet for guys to enter
10/21/2012	Sunday	VIOLATION	12:37:00 AM	Video	Girl smoking w drink outside rear door
10/25/2012	Thursday	VIOLATION	3:17 AM to 4:21 AM	Video	Patrons out rear door at various times, taxis arrive, 4:21am couple exit man with drink in hand
10/25 to 10/26/2012	Thursday/Friday	VIOLATION	all night to 2:24 AM	Video	in and out rear door. 10:48 pm ABC cites, 12:37 am large group exits, 1:54 large group exits, last exit 2:26am

Video Clips - Partial Log

DATE	Day	ISSUE	TIME	TYPE	COMMENT	
10/26/2012	Friday	VIOLATION	1:19:11 AM - 1:57:00 AM	Video	Multiple in and outs & 6 patrons (barely able to walk down the stairs in the back) leave	9
10/28/2012	Sunday	VIOLATION	3:59:00 AM	Video	1 patron enters	10
10/28/2012	Sunday	VIOLATION	4:03:00 AM	Video	1 patron leaves the bar to smoke in the back lot	10
10/28/2012	Sunday	VIOLATION	4:07:00 AM	Video	Smoking patron reenters establishment	
11/24/2012	Saturday	VIOLATION	4:39-4:46 AM	Video	Loading band equipment up in the car	
11/28/2012	Wednesday	VIOLATION	2:24 AM	Video	3 patrons exit premises	
11/28/2012	Wednesday	VIOLATION	3:33 AM	Video	1 patron exits	
3/30/2013	Saturday	VIOLATION	1:46:00 AM	Video	1 patron enters	
3/30/2013	Saturday	VIOLATION	1:47:00 AM	Video	1 patron exits	
3/30/2013	Saturday	VIOLATION	2:08:00 AM	Video	1 patron exits	
3/30/2013	Saturday	VIOLATION	3:06:00 AM	Video	2 patrons exit	
5/25/2013	Saturday	VIOLATION	2:42:32 AM	Video	1 patron exits building through back door	
5/25/2013	Saturday	VIOLATION	3:24:00 AM	Video	1 patron exits via the back door	
5/25/2013	Saturday	VIOLATION	4:39:00 AM	Video	2 patrons exit via the back door and enter a waiting taxi	
5/26/2013	Sunday	VIOLATION	1:13:33 AM	Video	1 patron exits via the back door	
5/26/2013	Sunday	VIOLATION	1:17:44 AM	Video	1 patron exits via the back door	
5/26/2013	Sunday	VIOLATION	1:21:49 AM	Video	3 patrons exit via the back door; 1 re-enters shortly thereafter	
9/27/2013	Friday	VIOLATION	1:23:00 AM	Video	2 patrons exit and drive off in a car in the backlot	
9/27/2013	Friday	VIOLATION	1:34:47 AM	Video	1 patron exits, chats with another person by a car	
9/27/2013	Friday	VIOLATION	1:43:00 AM	Video	2 patrons exit	
9/28/2013	Saturday	VIOLATION	12:30:52 AM	Video	1 patron leaves	6
9/28/2013	Saturday	VIOLATION	1:03:00 AM	Video	2 patrons enter	6
9/28/2013	Saturday	VIOLATION	3:27:00 AM	Video	Female worker exits back door	6
9/28/2013	Saturday	VIOLATION	3:31:00 AM	Video	2 patrons leave	6
9/29/2013	Sunday	VIOLATION	1:46:36 AM	Video	2 patrons leave	6
9/29/2013	Sunday	VIOLATION	1:51:00 AM	Video	1 patron enters	6
9/29/2013	Sunday	VIOLATION	1:53:00 AM	Video	3 patrons enter from taxi	6

Video Clips - Partial Log

DATE	Day	ISSUE	TIME	TYPE	COMMENT	
9/29/2013	Sunday	VIOLATION	1:54:18 AM	Video	2 patrons enter	6
9/29/2013	Sunday	VIOLATION	1:57:00 AM	Video	5 patrons enter	
9/29/2013	Sunday	VIOLATION	2:01:14 AM	Video	1 patron parks car in backlot and enters	
9/29/2013	Sunday	VIOLATION	2:01:22 AM	Video	4 patrons enter from cab	
9/29/2013	Sunday	VIOLATION	2:05:00 AM	Video	1 patron exits & drives off in car in backlot	
9/29/2013	Sunday	VIOLATION	2:29:32 AM	Video	1 patron leaves	
9/29/2013	Sunday	VIOLATION	2:43-2:49 AM	Video	Patrons smoke outside during timeframe then re-enter;	
10/5/2013	Saturday	VIOLATION	1:24:50 AM	Video	1 patron enters the back door	
10/5/2013	Saturday	VIOLATION	1:24:57 AM	Video	1 patron exits the back door	
10/5/2013	Saturday	VIOLATION	1:25:38 AM	Video	2 patron exit the back door	
10/5/2013	Saturday	VIOLATION	3:14:00 AM	Video	2 guys exit one with guitar	5
10/5/2013	Saturday	VIOLATION	3:22 to 3:28 AM	Video	Dave exits back door walks around then exits in cab	
10/5/2013	Saturday	VIOLATION	5:07:06 AM	Video	2 Girl employees exit back door	
10/5/2013	Saturday	VIOLATION	5:29:00 AM	Video	Man exits back door	
10/6/2013	Sunday	VIOLATION	12:14:20 AM	Video	2 patrons exit back door - FIGHT (one goes face first into cement wall); 3 others come out the door. They put injured man on the ground, numerous people go in and out of Club via back door. Group is somewhat disbursed around 12:35 AM	
10/6/2013	Sunday	VIOLATION	1:03:33 AM	Video	Back door is opened til 1:06:09 AM	
10/6/2013	Sunday	VIOLATION	1:17:26 AM	Video	taxi pulls up, 2 patrons enter premises via the back door	
10/6/2013	Sunday	VIOLATION	1:22:40 AM	Video	2 patrons exit premises via back door	
10/6/2013	Sunday	VIOLATION	2:15:42 AM	Video	2 patrons exit the club via the back door area	

Video Clips - Partial Log

DATE	Day	ISSUE	TIME	TYPE	COMMENT
10/6/2013	Sunday	VIOLATION	3:49:11 AM	Video	1 person appears to have left the club via the back door area
10/11/2013	Friday	VIOLATION	12:45:09 PM	Video	1 patron enters via the back door after leaving a taxi
10/11/2013	Friday	VIOLATION	12:52:14 PM	Video	2 patrons exit via the back door
10/12/2013	Saturday	VIOLATION	10:56:16 PM	Video	3 patrons enter via back door
10/13/2013	Sunday	VIOLATION	12:47:27 AM	Video	4 patrons exit via the back door
10/13/2013	Sunday	VIOLATION	1:21:45 AM	Video	2 patrons exit via the back door
10/13/2013	Sunday	VIOLATION	1:22:42 AM	Video	1 patron enters via the back door
10/13/2013	Sunday	VIOLATION	1:23:43 AM	Video	2 women sit on a wall near the back door
10/19/2013	Saturday	VIOLATION	12:59:50 AM	Video	large group loitering near side entrance
10/27/2013	Sunday	VIOLATION	12:25:43 AM	Video	1 patron enters via back door
10/27/2013	Sunday	VIOLATION	12:55:45 AM	Video	1 patron exits via back door
11/5/2013	Tuesday	VIOLATION	1:25:00 AM	Video	2 patrons exit
11/5/2013	Tuesday	VIOLATION	1:30:00 AM	Video	2 patrons leave
11/21/2013	Thursday			Video	uneventful
11/22/2013	Friday			Video	uneventful
11/5/2013	Tuesday	VIOLATION	1:40-2:00 AM	Video	Band member loading equip in alley for 20 minutes in and out rear door
11/23/2013	Saturday	VIOLATION	1:27-1:31 AM	Video	Large group of patrons move in and out the back door
12/13/2013	Friday	VIOLATION	10:09:05 PM	Video	4 patrons exits via the back door
12/13/2013	Friday	VIOLATION	10:10:37 PM	Video	4 patrons enter via the back door
12/13/2013	Friday	VIOLATION	10:38:20 PM	Video	2 patrons exit via the back door - chat till 10:43 PM
12/13/2013	Friday	VIOLATION	10:38:33 PM	Video	2 patrons exit via the back door - chat till 10:43 PM

Video Clips - Partial Log

DATE	Day	ISSUE	TIME	TYPE	COMMENT
12/22/2013	Sunday	VIOLATION	1:26:47 AM	Video	1 patron enters via back door; exits back to a waiting van at 1:28:03 AM. Re-enters via back door at 1:31:05 AM, van drives away.
12/22/2013	Sunday	VIOLATION	1:40:10 AM	Video	1 patron exits via the back door.
12/22/2013	Sunday	VIOLATION	1:46:36 AM	Video	1 patron exits via the back door.
12/22/2013	Sunday	VIOLATION	1:46:41 AM	Video	1 patron exits via the back door.
12/22/2013	Sunday	VIOLATION	1:53:01 AM	Video	1 patron exits via the back door.
12/22/2013	Sunday	VIOLATION	2:04:27 AM	Video	2 patrons exit via the back door and enter into a taxi.
12/22/2013	Sunday	VIOLATION	2:14:45 AM	Video	Band begins to leave via side door and moving equipment to the back lot.
12/22/2013	Sunday	VIOLATION	2:24:57 AM	Video	2 patrons walk out via the back door.
12/24/2013	Mon. Night/Tues Morn	VIOLATION	12:51:51 AM	Video	3 patrons exit via back door
12/27/2013	Friday	VIOLATION	12:16:18 AM	Video	5 patrons exit via back door - technically this is Thursday night.
12/27/2013	Friday	VIOLATION	12:22:42 AM	Video	2 patron exit via back door
12/28/2013	ouy	VIOLATION	1:04:00 AM	Video	1 patron exits via back door
12/28/2013	Saturday	VIOLATION	1:06:30 AM	Video	2 patrons exit via back door
1/9/2014	Thursday	VIOLATION	12:25:55 AM	Video	3 patrons exit via back door

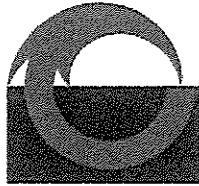
Video Clips - Partial Log

DATE	Day	ISSUE	TIME	TYPE	COMMENT
1/11/2014	Saturday	VIOLATION	1:44:10 AM	Video	1:00am 2 people exit back door. Walk up the street, 1 patron walks back down with a buddy and pees on a car.
1/11/2014	Saturday	VIOLATION	1:56:53 AM	Video	A group of people leave the club through the side door.

3

Former Police Officer Observations

Aggressive Behavior



Mancini & Associates

A Professional Investigation Corporation

February 14, 2014

To Whom It May Concern:

On approximately October 4th or 5th 2013, I was walking back to my home in Manhattan Beach with my roommate (Blake Reed) after having dinner in downtown Manhattan Beach. As I was walking along Manhattan Avenue, I heard what appeared to be a verbal argument across the street where one unidentified adult male was yelling extremely loud, using curse words and getting in the face of another unidentified adult male. Being that I am an investigator and former police officer with over 23 years experience, I felt compelled to determine what was transpiring. As I proceeded closer to the two aforementioned individuals, I noticed that the apparent "aggressor" continued with his verbal attack towards the other male and I observed the "passive male" put his hands up defensively asking him to stop, to be quiet, and to simply go away.

Upon proceeding closer to the two individuals, I noticed that the aggressive male smelled heavily of alcohol and appeared highly intoxicated. I also noted that his behavior was extremely aggressive and belligerent, which led me to believe that he may have possibly been under the influence of drugs or a controlled substance. I formed this opinion due to the fact that I am a trained Drug Recognition Expert having arrested hundreds of individuals for drug-related offenses.

When I asked the individuals if everything was ok, I was confronted by the aggressive male. I then told him to back away from me and the "passive male" asked me to not get involved while the aggressive male continued to yell and state, "This was his street", "This was his town" and that "Nobody tells me what to do". At this point, the "passive male" respectfully asked me to not speak with the aggressor because it would only make things worse. Ignoring his suggestion, I then proceeded to ask the aggressor to calm down and I noticed that his body was shaking and that he was obviously highly agitated and angry.

Moments later, the passive male hailed a passing taxicab and asked the aggressive male to get in it and go home. In turn, the aggressive male continued yelling at the top of his lungs stating, "Nobody tells me what to do" before continuing to insult and threaten the passive male. I also observed the aggressive male advance on the passive male in a hostile manner and for a moment, I thought he was going to physically assault the passive male. At this point, I observed the passive male tell the aggressive male that he needed to stop his violent and belligerent behavior or he (passive male) would call the police.

Ultimately, the aggressive male entered the taxicab and departed the location, however he continued to scream out the window additional threats towards the passive male. Please be advised that I do not recall the specific threats that he was making.

Exceptional investigators. Remarkable results.™

After the aggressive male departed the location, I spoke with the passive male and he told me that he was the owner of a small bar nearby and that the aggressive male owned the bar upstairs from his bar. I then identified myself to the passive male and he thanked me before informing me that the aggressive male was apparently headed for trouble. After speaking with the passive male for a few moments, I proceeded on my way and as I continued on my way home, the passive male thanked me and asked if he could obtain my name and telephone number, at which time I provided it to him. He then identified himself as Lou Giovanetti. Mr. Giovanetti then asked me that in case a complaint arises due to the aforementioned incident, could I speak about my observations of what transpired and I stated yes. He then explained that he has had numerous verbal altercations with the aggressive male and that there have been numerous complaints from nearby neighbors about him creating a disturbance on the sidewalk outside the bar.

In closing, it is my opinion that Mr. Giovanetti handled the aforementioned incident in a professional, calm and tactful manner despite the fact that he was dealing with an individual who obviously was under the influence of either alcohol and/or narcotics and was extremely agitated, aggressive and looking to escalate the situation to a violent level.

If you have any questions, please feel free to contact my office at your convenience. My office number is (800) 719-1574.

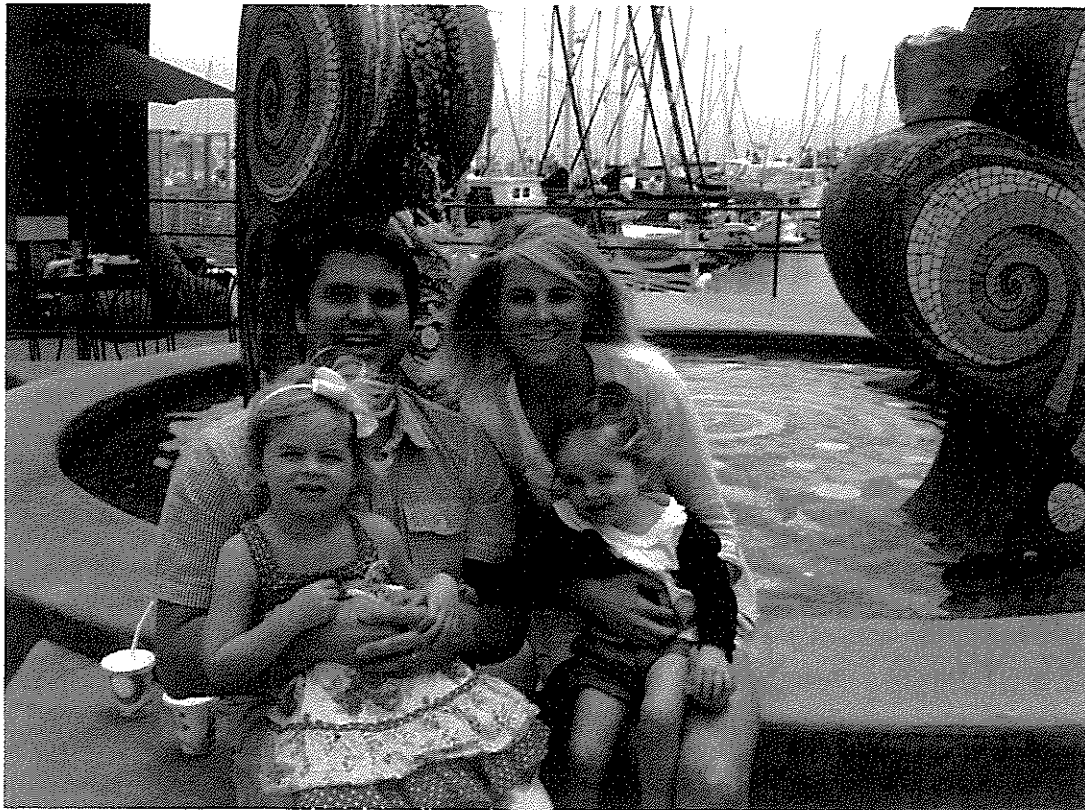
Regards,

David Mancini

To the city of Manhattan Beach,
My family and I used to live at [REDACTED] I am writing to explain one of the main reasons we moved. We are really tired of the city not doing anything about the party that goes on inside and outside the upstairs private club, 900 Club. The club continues to be noisy, not only on weekends, but on random times throughout the week. There are two doors to get into the club and it is our understanding that people are not suppose to go out the back door on 9th St. They continually use the back door, it isn't just an employee coming out it is the patrons. There is a keypad at the back door but people either don't use it or everybody uses it and it's a free for all. The noise is out of control, they run their business much too late and don't care about the neighbors. If they did care they wouldn't let anybody use the back door. I have two young girls and they have been woken up multiple times because of the noise. We finally moved because it was unbearable. The club operates after 1am, windows open, back door is used as an entrance, intoxicated people congregate at the back smoking and talking loudly to each other and/or on the their cell phones. Police do not file a report and nothing happens because of it. Are the Police members of the club because it doesn't seem like the city is doing anything about the problem? The club does not bring in outside money/people because it is a private club so holding the club to the rules of Manhattan Beach should not be a problem...? Please do something so that the houses around 900 club can enjoy their neighborhood.

Thanks,

[REDACTED]



February 26, 2014

Dear Planning Commission,

I am writing to you to describe the impact that living near the 900 Club has had on me as a neighbor.

In the past, before I ever approached Dave, I had suffered in silence not wanting to "rock the boat" because I knew Dave Rohrbacher personally and like so many others, I really liked him. At the time my boyfriend also was a member.

I could never open my windows at night, not even during the summer time. Many nights my options were to pack a bag and arrange to sleep somewhere else or to suffer being woken up multiple times during the middle of the night.

The worst part of living near the Club was that the members used the rear door as a front door. The rear door became a social gathering place. Large groups often congregated at the rear door smoking, yelling, laughing and intoxicated. The crowds would be in and out the door and hanging out well past 1 am, 2 am, 3 am and sometimes even 4am.

Quite frankly, if I were operating that club after hours I would have required my patrons to use the commercial front door access on Manhattan Avenue instead of the rear door. This way I would not draw attention to my activities.

The other noise problem is the fact that the building has no sound proofing (they took it out) and live bands play there. Often times the band is set up next to the open windows. The sound wafts up the hill and even with my double pane windows shut it is like having the band in my bedroom while trying to sleep. I hear every lyric, every song and the roar of the crowd.

You will hear - why did I move near a bar? I actually moved near 3 bars. I have zero problems with the other 2 – the Red Room and Circa. They are great neighbors and responsible business operators.

I have never asked the 900 Club for more than to comply with City Rules and Ordinances. Specifically when I first approached them I asked them to 1. Shut their windows during live bands and 2. Direct members to use their front door after a reasonable time. Instead Dave has told us to "F" off. "No one tells him how to operate his business."

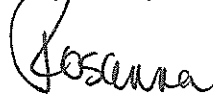
The Club management has omitted and misrepresented the facts. They purposely falsely disseminated that I am "trying to shut the Club down" to rile their members. I have been approached by over a dozen individuals detailing how Dave rants about me obsessively to anyone he gets within earshot of.

You will hear from the Club Management that I am the only one complaining. I am not the only one complaining. I and a hand full of other neighbors are the only ones that are willing to attach our identities to the complaints because of retribution from Dave. The harassment is real and ongoing. Letters submitted to Code Enforcement detailing threats and harassment experiences were filed with the City dating back to 2004. The same theme is occurring today, except The Club has taken the retribution up considerably.

I never anticipated that making simple requests would drag into this 3 year ever building hostile and threatening reaction I have gotten from Dave Rohrbacher and some of his associates or I too would have simply just moved like most others have in this neighborhood. He has made living here unbearable and intolerable. The retaliation is never ending and changes from month to month and due to this hearing has reached a peak. It became necessary for my neighbors and me to send a Cease and Desist Harassment Legal Letter to the 900 Club.

Please make the 900 Club comply with our City's rules.

Respectfully,



Rosanna Libertucci

A partial list of the retaliation I have experienced:

My home has been vandalized. I have had my personal and professional reputation soiled.

I have had a pile of dog excrement left at my front door after reporting an incident. I have had glass in my driveway, I have had my home egged.

Dave regularly refers to me in front of people by the most denigrating word to describe a female. I have been yelled at, told how I have angered influential people that as pillars of the community are going to crush me, make me pay and ruin me.

900 Club's inner circle have sat around and discussed ways to "black ball" me in my industry. My colleagues, my manager, my clients and people that service my industry have been approached and told damaging lies, been discouraged from associating with me and doing business with me.

To whom it may concern,

Who would have thought that I would ever have to write a letter complaining about a "Club" that continued to disturb our neighborhood for years in this little, very close, tight knit community we call home, Manhattan Beach. I felt compelled to take the time to write to you to describe the impact of living next to the Club although I have moved. It brings back many unpleasant memories.

I lived on 9th Street across from the 900 Club for 2 years until 2013. I was at my wits end, along with my neighbors and didn't know of any other option but to move to get peace. I was consistently woken up at all hours of the early morning and that is if I was lucky enough to be able to fall asleep. The 900 Club over that time frame had become increasingly more, in my opinion, belligerent and disrespectful to the neighborhood that surrounds the Club. They had loud bands (which I'm not opposed to when I'm there in person listening to it but when it's vibrating the inside of your bedroom and making your heart race and interrupting your sleep, that's when there is a real problem). They kept their windows wide open and the acoustics on our street are amazingly loud so it magnifies the bass even more. They were asked to merely close their windows and use their front door. They make a conscious choice not to. There was consistently people, at all hours, coming and going out of what is their back door and the acoustics carry the noises. I was woken up by screaming, yelling, fighting, and the sound of broken glass (I've woken up to find broken beer bottles surrounding my car), at all hours of the night – early morning. I've never understood this. I was under the impression that their back door was an Emergency Only door/exit. If it was actually their front door, wouldn't their address be on 9th Street as opposed to Manhattan Avenue? I was also under the impression that they had legal "Operating Hours" that they are, by law, bound to adhere to. I know those hours do not include 2am, 3am and 4am when intoxicated people continue to file out that back door. The noise and the disturbance is not just held to the weekend either, it can happen any night of the week as well.

I'm frustrated and disappointed at the lack of respect and support the 900 Club, some of its members and the City have shown the neighbors over the couple years when I lived there. I didn't realize this has actually been an issue since 2004 until now. This has to stop. I understand it's a business but they are nestled in a residential area. They should be bound to the same rules and regulations that a private home owner would be. If I were to throw a party, have it go until the early hours of the morning, have my guests screaming and yelling, breaking bottles and playing loud music, I can guarantee you the Manhattan Beach Police department would be called and I would be warned to shut it down. If I chose to continue the same behavior, I can guarantee you I would be ticketed and reprimanded legally, as I should be; it's disrespectful and belligerent to continue that behavior for years and get away with it. I am asking that the 900 Club be held to the same codes and laws that I would be held to. I want to be able to enjoy Manhattan Beach and where I live, it's a beautiful place and we are all very blessed and fortunate to call it home.

Sincerely,

Stacey Riggins

A handwritten signature in black ink, appearing to read 'Stacey Riggins', written over the printed name.

February 9th, 2014

To: The Planning Commission
City Council Members
City Officials & Police Department

I own the property on 9th Street on the south side. The 900 Club has been a nuisance over the years. Although we no longer live there and rent out the property, we have lost tenants due to the noise disturbances created by the Club.

Our tenants had small children and the noise from drunk patrons hanging out and the music woke both they and their children up regularly. They made complaints to Jackie Harris and called the police and told us that no one ever did anything about it. They also were intimidated by the bar manager as he has been known to curse out and get in confrontations with other neighbors in the past.

Our concern is that we can no longer get a good family or couple to rent our property. Only people that want to party. This is not Hermosa Beach and we expect our City Officials to do something to protect our neighborhood.

Not only in the recent past did we lose a young family that was renting our home due to the 900 Club, but we had other potential tenants that liked our rental but declined to lease it after seeing it was near the 900 Club. The Club has a reputation as an after hour's place to party.

We ask that you modify the Club's permit so that they have to abide by our laws. They are very aware of the current laws and they choose to continuously violate them week after week, month after month and year after year.

In closing, would anyone here in this room want to be consistently woken up by neighbors between 1 and 3 in the morning due to loud music and boisterous drunk people?

Sincerely,



Betty G. Kaluzok
224 9th Street.

February 24, 2014

Dear Planning Commissioners, City Officials, City Council and MBPD.

I am writing in frustration to describe the impact on living next to the 900 Club. Keep in mind Circa and The Red Room are just as close and have no issues with them.

I have lived a few buildings from the 900 Club for over a decade. The Club has been a constant and consistent nuisance to myself, my neighbors and the neighborhood as a whole going all the way back to 2004. The nuisances to the neighborhood of the 900 Club was brought to the attention of the MBPD and City Of Manhattan Beach by myself and about a dozen neighbors at that time.

The management of the Club has always been confrontational, volatile and displayed aggression towards neighbors that speak out against the Club. Residents have been sworn at directly by management, told to "F - Off" and move if they didn't like it and most have for this reason. They all grew weary and tired that nothing was being done by the City and MBPD to correct the problems with the loud bands/music, broken bottles, trash, vomiting, urinating in on and around neighbors property. Aggressive behavior by management affected residents sense of safety - security in their homes.


I come from a well known large family owned restaurant/bar nightclub chain throughout Southern California. We also operated nightclubs in residential neighborhoods, but being a "public" hospitality establishment not a "private club" we always made a conscience effort to befriend our neighbors. If our establishments were cited for violations we made the necessary changes to comply. If management did not do so we made the necessary change in management. Something the Club owners should have done at the 900 Club a long time ago. Since it is a private Club the management of the 900 Club shows complete deference, absolutely no regard for the negative impact on the residents and neighborhood. Contrary the management openly displays disdain, disrespect, aggression, retribution, vandalism, libelous and slanderous actions directly and via its members, towards neighbors that speak out.

For over a decade I've been involved, all we have ever asked was the Club operate within its CUP operating hours, close their windows during amplified music or live entertainment, members use the front door on Manhattan Ave., stop exiting the rear door and congregating at all hours of the evening into early morning hours often past 2AM, 3AM and 4AM on and around Bayview Drive. Stop the littering, damaging neighbors property, post security at night to control members departing the Club.

The City's resources and MBPD have been ineffective in getting this management to simply comply with the city codes, laws and ABC requirements as well as the hours of operation per the Clubs CUP. It is long overdue that the city take action.

Respectfully,

Mark Tuccinardi


Bayview Drive

February 24th, 2014

To the Manhattan Beach Planning Commission, City Officials, City Council Members and Police Department

Regarding the upcoming hearing for the 900 Club;

I have lived at my residence for over 5 years now. I have experienced loud music and boisterous voices well past reasonable hours in the night emanating from the Club. On weekends I have had to pick up broken wine glasses and beer bottles around my residence as well as discarded cigarette butts, food containers and other litter. I have also found that people have vomited in the shrubs planted in the flower beds and sometimes in the curbs abutting the sidewalks in front of my residence. The Club often has their windows open with loud patrons and bands. These same patrons often congregate on the sidewalk directly in front of the Club on 9th street as well as in their back parking lot.

I am in support of our neighborhood efforts to curb the negative impact of the behaviors of this club and their disregard for the city's ordinances.

Sincerely,

A handwritten signature in black ink, appearing to read "Christine Munroe". The signature is fluid and cursive, with the first name being more prominent.

Christine Munroe
228 9th Street
Manhattan Beach, Ca. 90266

February 15, 2014

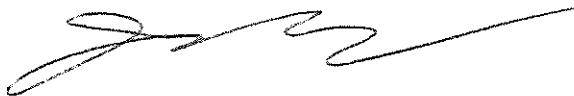
Dear City Officials, Planning Commission, City Council Members and Police Department

Re: Hearing to modify the Conditional Use Permit for the 900 Club

I reside in the neighborhood adjacent to the Club for the past 5 years. Although I am not as close as my neighbors are, I too experience loud music late into the night that interferes with our sleep and the sleep of our 4 year old child.

The Club is well aware of the rules and has been warned many times according to my neighbors. Please do something permanent at this hearing to make the Club follow the rules everyone else has to follow.

Yours truly,

A handwritten signature in black ink, appearing to read 'Jennifer Newbill', with a long, sweeping horizontal stroke extending to the right.

Jennifer Newbill
821 Highland Ave.

February 23rd, 2014

To: The Manhattan Beach Planning Commission, City
Officials, City Council Members & Police Department:

Re: Upcoming hearing for the 900 Club

My wife and I are longtime residents. We have experienced loud music and boisterous voices well past reasonable hours in the middle of the night.

We are in support of our neighborhood efforts to curb the negative impact of the Club and make them adhere to the city's ordinances.

Yours truly,

A handwritten signature in black ink, appearing to read "Glen Knabenshue". The signature is written in a cursive style with a large, sweeping loop at the end.

Glen Knabenshue
800 Block of Bayview

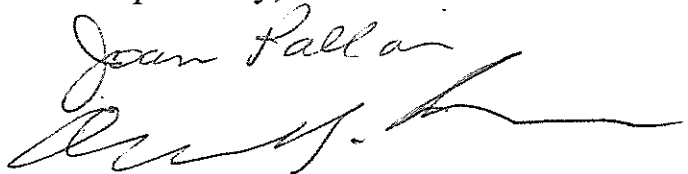
February 24th, 2014

Dear City Officials, Planning Commission, City Council Members and Police Department;

Re: Hearing for 900 Club

I am in support of the Neighbors Group. The reasonable requests made to the Club to curb the ongoing noise problems and violations of their use permit should have been resolved years ago.

Respectfully,

Jean Fallon


218 8th St

On Friday the 24th at about 2 AM, I was at my daughter's residence at [REDACTED] 74th ST. M.B. I was awakened by excessive noises. I went up the balcony and saw much going on. People talking loudly, laughing and other strange sounds. Some sitting right outside the back door. There were few groups - also saw a couple arguing back & forth. She was running without shoes on. I was very upset and said to them that people are trying to sleep and that this is a residential area. I was completely ignored. No one should have to endure this type of behavior especially in the middle of the night.

Thank you,

Rose Libart
(82 years old)

Via Email to Block Captain

February 16th, 2014

To: Manhattan Beach Planning Commission,
City Officials, City Council Members & Police Department

Re: Hearing for the 900 Club

I own a duplex in the immediate vicinity of the private 900 Club. I understand that the Club has not been abiding to its hours of operation and the city's noise ordinance.

I am in full support of the Neighbor's Group that is asking for reasonable laws to be enacted to maintain a neighborhood atmosphere and not an environment conducive to attracting late night after hour parties.

Sincerely,
Erin Shippey
225 9th Street

June 23, 2012

To: The City of Manhattan Beach

I am unable to make the meeting regarding the 900 Club on Monday, June 25th at 4pm so I am writing this letter in my absence.

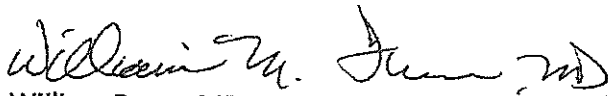
I have owned the property at 805 Bayview Drive since 1997.

This pocket of the neighborhood has had to deal with excessively loud music, intoxicated groups of bar patrons behaving badly, inappropriate use of the back door as an entrance, no sound proofing or supervision. I have had tenants complain about it and some have had to move to out because it disrupted their sleep too much

There are laws in place to prevent all of the issues above from happening to our neighborhood, but they are not being enforced & regulated properly by the police department or the city.

Please find permanent solutions to reign in the club as they will not comply on their own as this has been going on for years.

Thank you for your consideration,



William Dunn, MD
805 Bayview Drive
Manhattan Beach, CA 90266

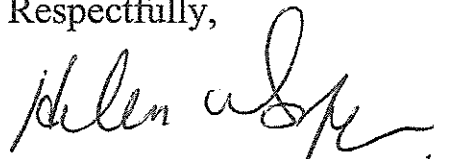
February 24th, 2014

Dear City Officials, Planning Commission, City Council Members and Police Department;

Re: Hearing for 900 Club

I am in support of the Neighbors Group. The reasonable requests made to the Club to curb the ongoing noise problems and violations of their use permit should have been resolved years ago.

Respectfully,


225 - 8th St.
MB IA 90266

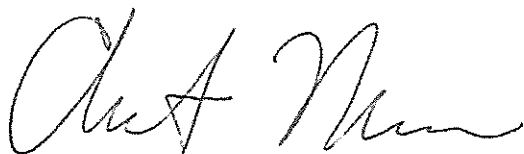
February 24th, 2014

Dear City Officials, Planning Commission, City Council Members and Police Department;

Re: Hearing for 900 Club

I am in support of the Neighbors Group. The reasonable requests made to the Club to curb the ongoing noise problems and violations of their use permit should have been resolved years ago.

Respectfully,



228 9th St
Manhattan Beach, Ca
90266

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