

**CITY OF MANHATTAN BEACH
[DRAFT] PLANNING COMMISSION
MINUTES OF REGULAR MEETING
FEBRUARY 26, 2014**

A Regular Meeting of the Planning Commission of the City of Manhattan Beach, California, was held on the 26th day of February, 2014, at the hour of 6:35 p.m., in the City Council Chambers of City Hall, at 1400 Highland Avenue, in said City.

1. ROLL CALL

Present: Andreani, Gross, Ortmann, Paralusz, Chairperson Conaway
Absent: None
Staff Present: Richard Thompson, Community Development Director
Laurie Jester, Planning Manager
Angelica Ochoa, Assistant Planner
Diana Varat, Assistant City Attorney
Joan Jenkins, City Prosecutor
Eve Irvine, Police Chief, Lieutenant Ryan Small and Sargent Vargas
Fire Chief Espinosa
Rosemary Lackow, Recording Secretary

2. AUDIENCE PARTICIPATION

Viet Ngo, advocate for anti-corruption of City Council, reminded and requested the Planning Commission which sets a high standard, to follow the law regarding including conflict of interest and that the City Manager can advise of the legalities of proceedings.

Wayne Partridge 3520 The Strand, spoke on the Shade Hotel applicant initiated public hearing that was held in the last Commission meeting. He stated that the city code provides not just for revocation but also for modification and suggested that the Commission initiate a modification hearing and this will put the City in a better position. He thanked the Planning Commission for their service.

Chairperson Conaway asked the audience to refrain from applause to allow all speakers to feel comfortable.

Don McPherson, 1014 First Street, addressed his intent for the next Shade Hotel public hearing and that he will be proposing some suggested noise mitigations and would like the City experts to be present to verify whether such mitigations will or will not meet code and explain their determinations. He requested that at the end of this meeting the Commission formally request that Staff provide this representation at the next Shade hearing. Mr. McPherson provided a transcription of his comments.

3. APPROVAL OF MINUTES – February 12, 2014

The following amendments were made by the Commission:

Commissioner Andreani requested: In item 3, approval of the minutes, the day “22nd” should be inserted after “January”. The motion to approve the minutes should be corrected to show that it was seconded not by her, but by Commissioner Gross as she was absent on January 22nd.

Commissioner Gross requested: on page 7, in the 4th paragraph from the top of page, that the following sentence be inserted after the third sentence ending “publish should expect” as

follows: “He expressed concern that the proposed sound mitigation may not be sufficient for existing uses and doubts they can handle expanded uses without violations, especially for the Terrace and roof.”

Commissioner Paralusz requested: on page 7, in the 3rd paragraph, in the second sentence that “the” be replaced with “their” as follows: “She recognizes that the neighbors’ points are valid and does not believe they are over-reacting and acknowledged that the business owner appears to want to alleviate ~~the~~ their concerns.”

Chair Conaway requested: on page 6, in the 4th paragraph, that the spelling of “Conway” be corrected as “Conaway”.

A motion was MADE and SECONDED (Gross/Paralusz) to **APPROVE** the minutes of February 12, 2014, as amended.

AYES: Andreani, Gross, Ortmann, Paralusz, Chairperson Conaway
NOES: None
ABSENT: None
ABSTAIN: None

4. PUBLIC HEARING

02/26/14-2. 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 (900 Club and Red Room)

Commissioner Andreani announced she was recusing herself on the basis that she resides within 500 feet of the 900 Club and she left the chambers.

Director Thompson made introductory remarks including that he believes that there is a lot of misinformation and the Staff Report has been available to the public since Friday. Mr. Thompson proceeded with a brief background, suggested the hearing protocol and summed up the Staff recommendations to: direct Staff and continue the matter to April 9th. Mr. Thompson also introduced several City staff present to answer any questions from the Commission, including the Assistant City Attorney Varat, City Prosecutor Jenkins, Police Chief Irvine and officers, Fire Chief Espinosa and representatives from Community Development, Planner Ochoa and Planning Manager Jester. Mr. Thompson also noted that Staff has met with the owner and discussed several measures he will be taking to mitigate any issues.

Planning Manager Jester gave a Staff Report using a power point presentation and summarized the attachments and additional late materials that arrived after 2/20 (all available from the City). The topics in her slide presentation included: Introduction (proceedings); Location, Police information; City Prosecutor involvement; Neighbor’s Complaints; Use Permit Violations, Resolution 5155, conditions of approval and Public Comments. Ms. Jester requested that the Planning Commission consider new conditions similar to other Downtown restaurants as well as conditions stated in the draft agreement between the business owner and neighbors.

Chairperson Conaway took a poll of the audience as to how many intended to speak, and proceeded to explain the ground rules for the public hearing which included that there should be no personal attacks, no applause, speakers would have 3 minutes each (at least to start) and should face the Commission when testifying. Neighbors impacted will be asked to speak first, then all others, and then the business owner will be invited to speak and address all comments and concerns.

PUBLIC TESTIMONY

Chairperson Conaway opened the Public Hearing.

Fire Chief Espinosa stated that only one person should be at the speaker podium at a time and three can stand behind, with a clear pathway. He also noted that there were many persons in the lobby who are watching the meeting.

Chairperson Conaway invited impacted neighbors to first address the Commission.

Rosanna Libertucci, resident near the 900 Club spoke for neighbors. Director Thompson clarified that the Staff presentation is over and questions should be directed to Staff through the Chair. Director Thompson also responded to Commissioner Ortmann that there had been no communication from the City informing that there would be other presentations by the City tonight. In response to Commissioner Paralusz, Director Thompson clarified that the Commission should hold their discussion and comments until after public input.

Rosanna Libertucci requested that Chairperson Conaway ask the Police Department to describe their experience in responding to complaints with focus on two impact issues: the use of the back door and windows at the front that are often open. Ms. Libertucci stated that she had different expectations as to what presentations would be provided and was prepared to show a video with clips, in the spirit of getting information out. She said initially there was an agreement with David Rohrbacher, the business owner, after asking twice, that there be a 10:00 pm limit for use of the back door and closure of windows when music is played. She would text the business owner when conditions got bad and he would respond, but after a couple of months the owner stopped responding. Ms. Libertucci asked that the Commission read a packet she presented entitled "2004 Neighbor Complaints, Letter to Code Enforcement Officer" because the letters are relevant. Ms. Libertucci installed a video camera to record activities at 900 Club after checking with the City that this would be permitted and she established a log of the recorded activities, a portion only of which she has now supplied as representative of the main issues. Ms. Libertucci also established that she is one of two block captains in Neighborhood Watch.

Commissioner Gross noted the City sent out a 75 page log and he has read all of it and believes the other Commissioners have done so.

Ms. Libertucci responded to Commissioner Paralusz that she has two videos about 2 minutes each. Commissioner Paralusz suggested and Assistant City Attorney Varat agreed that Ms. Libertucci or staff be allowed to show these videos, prior to public testimony and as a part of the Staff presentation.

Ms. Libertucci confirmed, in response to an inquiry from Chairperson Conaway, that the videos she requests shown are new information. City Attorney Varat also suggested that at the hearing, representatives of neighborhood groups be allowed more time, but advised to be concise and there will be no public comments during the video.

Planning Manager Jester played three separate clips of video time, the first time stamped 11:55, Saturday, 9/15/12, showing the rear door use and the full video being over 3 minutes. The video changes to 9/16/12 after midnight, and a third clip was shown, time stamped 10:20 pm Saturday, 10/20/12. All three clips showed the back door being used and opened by customers, and the 900 club owner being present and opening the door in some and some videos are after closing operating hours. Planning Manager Jester explained what was seen on the clips and that the issue is the use of the back door by customers creating noise.

A question was posed from Commissioner Paralusz as to whether a security guard is supposed to be present and it was explained that the use of a guard is through the agreement between the owner and the neighbors. Ms. Jester explained also that she did not select the video clips, but they were given to the City to show by the neighbor.

Chairperson Conaway directed that the Commission hear additional speakers and reminded them of the 3-minute time limit per speaker and that additional information can be requested for the next (continued) hearing.

Rosanna Libertucci clarified that in the agreement with the owner she was fine with 10-pm being the time beyond which the rear door cannot be used. She restated events up to 2011 when the owner stopped being responsive. She understands she lives next to 3 bars but just wants to be able to sleep.

Hale Boggs, 804 Manhattan Avenue, believes he is the closest neighbor since 2003, has never had any issues with 900 Club but hears noise from the restaurant Circa as well as street traffic/taxis. He is concerned that the perception is that all the neighbors are feeling one way.

Brad Sherman, 817 Bayview Drive, right across from The Club, one of the closest neighbors, has not had any issues with noise of nuisances. He has been a patron, believes it is a great organization and it is ludicrous that there are noise complaints and is unaware that there is a Neighborhood Watch Block Captain.

Commissioner Paralusz explained that the Neighborhood Watch program has long existed in the City.

Chad Epeneter, lives with wife and children on 9th Street, supports 900 Club and wants to be in the downtown area. He has spoken to many neighbors and believes he can speak for them, that they do not hear noise problems from 900 Club. He expects certain amount of noise and believes the business is being unfairly targeted.

Wayne Hampton, Elm Avenue, read a letter sent from Louie Ahmonson, who rented at 220 9th Street in 2013 and who stated that the 900 Club business owner had welcomed him to the neighborhood and told him that another resident who had lived at his address had experienced noise problems. The writer stated that he enjoyed the privacy of the club and never experienced any problems from that business.

Mr. A. Mosetti 216 9th Street, spoke in support of the 900 Club because he has never experienced any problems, believes they are being singled out unfairly. He believes one explanation may be that there is no parking lot or place for customers to gather after leaving, and he also believes people if they don't have a place to stay while waiting for a table, that can create noise.

Andy Retman, lives 2 blocks from Club wrote a letter in support of 900 Club. He loves living Downtown, is a light sleeper and has never heard anything bothersome from the Club. He uses the Club for business purposes.

Allison, lives two doors up from the Club, supports the Club and has not heard any noise.

Tricia Landry, 11th and Highland property owner for almost 10 years, an investor and member and supports 900 Club is disappointed that people are taking videos of their neighboring businesses.

Mark Alonzo, 124 9th, lives very near the front of the 900 Club with 2 children, wife and 2 elderly parents and he strongly supports the Club, believing that noise being heard comes from other businesses nearby.

Matt Morris, neighbor to the Club with bedridden wife and they support 900 Club because they believe that much noise comes from traffic and other bars. He uses the Club for meeting with business clients and wouldn't support if he thought it is a bad for the community.

Shannon, owns a salon business right across on the south side of 9th Street, supports the 900 Club in that she has no noise complaints and the Club offers more of a sense of security to her employees.

Don McPherson, 1014 1st Street, requested that the Planning Commission act to first make findings that 900 Club has violated the conditions of approval of its Use Permit in the period 2011-2013, and if so, then modify the CUP. He referred to his written testimony.

Matt Murphy, City resident and member with a long law enforcement career, strongly supports 900 Club, because he believes that the owner has run the business well and the Club is family oriented. In response to a question from Commissioner Paralusz he stated that he was able to view the entire video and is aware that there is a 2004 agreement between the Club and City to keep the rear door closed. **Mr. Murphy** stated that he saw people using the rear door, but doesn't believe that that necessarily establishes a substantive violation.

Chris W, lives at 225 9th Street, 3 doors up, supports the Club, because he has after living there 2 years, while being very close, has no issues, and enjoys living Downtown, but does hear public busses braking.

Terry Brennan, 4 doors up from 900 Club, carefully considered possible noise problems before he bought his property. He has no problems of noise but suggested that they lock the back door at 10 pm.

Robert McDaniel, work in the office building at 820 Manhattan, is a Club member, he supports the Club, in that he often works late and he has never had any problem or heard noise coming from the Club. He acknowledged it can be difficult to balance the law with the wishes of a majority, and hopes a vocal minority will not represent the wishes of the majority who support the Club.

Abby Glavin, visits 900 Club with her parents and enjoys it and doesn't believe it is unsafe.

Carl, 10-year resident who used to bartend at Mucho on Manhattan Ave, supports 900 Club as being conducive for friends and family, and thinks noise problems may emanate from other nearby businesses.

Rick Busley, lives at 228 8th Street for 13 years, friend of Dave's and member, and supports 900 Club and believes 900 could be a better neighbor and steps are being taken now.

Alex Trejo, 17 year businessman in the City, Club member and an owner with David R, who Mr. Trejo feels is a great owner, and so he doesn't believe any changes are needed to the Use Permit.

Bren Stroke, lives at 217 7th Street, within 500 foot radius of the Club is awakened at least 2 times a night but believes that a lot of the noise comes from other bars and restaurants. He urged caution in considering the videos as evidence and in singling out one business at this level of scrutiny.

Chris Pike, resident has owned and operated bars and businesses and has been through a similar process, supports 900 Club and believes that this establishment is largely populated by an older clientele which is typically not problem causing and understands this is a frustrating process.

Jeff, property owner on Highland and on Marine Avenue, requested that the Police Department report on what their experience has been and cited statistics on the number of calls to the business and actual citations issued.

Albro Lundy, attorney represents the owner of building and noted meetings held with both owner of building and the business, they have looked at complaints and police reports, and encouraged both sides to work this out, and use mediation and hopes that there will be a resolution before the April continuance date. He emphasized that his client has a property right at risk but believes that the community also does not want this to go to a court to be resolved.

Suzanne Sharer, resident, husband is a member, supports the Club, because she works above the hair salon directly across 9th Street and often works late, sometimes till 10 pm and has never seen a ruckus or disturbance. She said the Club owner is very selective in accepting members, and she does see inebriated people coming up 9th Street, and believes David Rohrbacher is being personally attacked.

Viet Ngo, believes the law must be applied equally, noted that any testimony can be used in a court proceeding and is concerned that the business owner could be entrapped by possibly one person.

Louis Giovannetti, owner of Red Door, impassioned, looks forward to doing whatever it takes to resolve. In response to a question from Commissioner Paralusz about the challenges and best way to resolve, **Mr. Giovannetti**, stated there are specific things that have been done wrong such as with the back door being open and staying open too late, but feels it is important to make a distinction that the Club is not his business and they have different operational rules. The Club just needs to do what they need to do, and be better neighbors, listen better and this can be solved if the business has clear rules that they follow and in return be allowed to compete.

Robert Courtney, Attorney for 900 Club, speaking for David Rohrbacher stated that owner comes to make peace. Referencing the last staff presentation slide, Mr. Courtney stated that the owner is willing to do all items on the list including limiting use of the rear door, complying with all Use Permit, Code and ABC requirements, employing a security guard, conducting a noise study (will submit for next hearing), abide by the Noise Ordinance, including subjective standards (is the main complainant unusually sensitive?), and has installed new double-paned front windows to address noise, and is working on a solution for the stained-glass windows and the windows in the rear hallway as well; will be posting signage (already at the back door directing people after 10:00 pm to use the front). In addition, an acoustic engineer has visited the site and has suggested possible mitigations. In conclusion, the owner will take action needed to resolve all issues.

Commissioner Ortmann noted his concerns with wording on the agreement, such as the word "limit" which seems can be subject to interpretation. He asked what could be done differently compared to the past, for example, there was agreement that the rear door be closed after 10 pm but appears that this has been ignored. **Robert Courtney** responded that simply the back door will not be used after 10:00 pm. In response to Commissioner Ortmann's inquiry as to how a legal term of art such as "reasonable" which is used in a qualitative assessment would be differently interpreted by the owner, Mr. Courtney responded that the owner has already double paned the front windows, will add noise reduction to the stained glass windows, may install

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baffling from the ceiling and will work with the City. Mr. Courtney received encouragement that he use a City approved acoustic engineer to assess noise.

Chairperson Conaway closed the public hearing, invited the Commission to ask any questions of staff then ordered that there be a 5-minute break.

The Planning Commission reconvened at 9:06 pm

Chairperson Conaway requested Police Chief Irvine to respond to questions.

To Commissioner Gross, the Chief responded as follows: Problems occur generally after 10pm and certainly after 11pm. When compared to other Downtown bars and restaurants, generally other establishments do not have as many issues arising before 9 or 10 pm. In response to questions about how the police responds to such calls, Chief Irvine noted that a Police Department respondent will not necessarily make a citation – that there are 3 types of legal documents that can result when responding: police reports, police responses, and citations. In some cases reports have been written as opposed to citations which have been forwarded to the City Prosecutor, while in other cases, a citation has been written. Regarding how the Police test for a violation of hours, Chief Irvine noted that they do a security check after the required closing hour has passed, and they need to enter the building to do this; originally access was an issue but they have a key code now. Regarding alcohol related violations, the Chief indicated at times enforcement was done with an ABC (California State Department of Alcoholic Beverage Control) representative and on one such inspection bugs were found in drinks which was an ABC violation. If someone is drunk and disorderly outside the business, that can be a violation but not necessarily attributable to the business. Violations can include if alcohol is being served after the Use Permit limited hour, but the Police can also cite for ABC violations (e.g. serving to minors).

In response to questions from Commissioner Ortmann as to how 900 Club compares to other establishments, Chief Irvine stated that the number of call for 900 Club is not typical, rather it is higher, and over the past 2 years the PD felt that this business was less cooperative.

In response to Commissioner Paralusz who asked about problems specifically arising after 10 pm, Chief Irvine notes that the 19 calls in 2 years is a lot, and violations are unique to that location. She knows of other bars that have had problems after 10 p.m. and in those other cases problems were worked out. It was clarified that in the period of 2011 – 13, MBPD issued a total of 3 citations, 2 in 2013 and one in 2014. 2 were for building code violations, and one for noise.

In response to Commissioner Paralusz City Prosecutor Jenkins clarified 4 cases – one filed with the District Attorney – and the nuisance or issues include: breach of peace, noise, Use Permit violation (Nov 2013), and a code violation (2013) for a non-permitted fence.

In response to Commissioner Gross, Ms. Jenkins indicated she has been the City Prosecutor for 15 years and over that time, she has handled many cases, the process normally works through office meetings and mediations and it is rare to get to this point with filed cases.

In response to Chairperson Conaway, Ms. Jenkins stated that the difference between a regular case and one that is filed is that citations are more about a process than the outcome. The citations she deals with are misdemeanor crimes punishable by large fines and jail but mostly by fines and probation. Her goal is to gain compliance. All complaints that are alleging Municipal Code violations are potential misdemeanors and these are her focus, not criminal cases.

In response to Commissioner Gross as to how unusual is this case, Director Thompson indicated it is very unusual to get to a revocation hearing, because normally there is a willing owner who works with staff to mitigate or eliminate impacts. Sometimes compliance takes some time and at

this time everyone is cooperating and willing to go to the next step. He believes the complaints can be resolved.

In response to Chairperson Conaway Director Thompson indicated that regarding the use of an Entertainment Permit as a Use Permit enforcement tool, unlike the Shade Hotel, the 900 Club, which also has a condition requiring compliance with Entertainment Permit requirements, the 900 Club has never obtained an Entertainment Permit, but would be required to do so if conducting "Special Events" that require such a Permit. Further if they do so without a permit that constitutes a Use Permit violation. Planning Manager Jester added that Special Events that would require an Entertainment Permit include large gatherings with entertainment such as a band or DJ and the Club's existing Use Permit allows a maximum of 6 special events per year with an Entertainment Permit and confirmed that 900 Club has never had an Entertainment Permit.

To a question regarding Exhibits G. and H. from Commissioner Paralusz Director Thompson responded that he guesses that Exhibit G ("Last Chance") was authored by Don McPherson, and Exhibit H was authored by the Club owners.

To Commissioner Gross, regarding the intent of the last sentence of condition 11 in Resolution 5155, Planning Manager Jester stated that the purpose of this condition and wording is to protect the neighborhood.

Chairperson invited the owner of the 900 Club to address the Commission.

Mr. Robert Courtney spoke for David Rohrbacher and indicated that in the past the Club has been uncooperative and acknowledges violations but now he will be cooperative and the violations will stop. Mr. Rohrbacher is waiting to hear regarding what he has offered to do as stated in Exhibit H.

In response to comments by Ortmann regarding confusion about the timing of a new agreement, Assistant City Attorney Varat reminded the Commission that the subject and main focus of the hearing tonight is the existing Use Permit and how it can be modified, and not agreements being forged outside the public hearing.

To Commissioner Gross inquiring as to existing condition of approval #11 and what management can do to comply with this condition, **Mr. Courtney** responded that the owner will not allow any loitering, unruliness and boisterous activities, and a security guard, who is an independent contractor, will monitor and handle this and will notify occupants 20 minutes prior to closing time that the doors will be closing. Currently this is handled by management.

Mr. Courtney, clarified 3 options: 1) keep the Use Permit the same but with enforcement, 2) revise it, or 3) revoke it. His client agrees to modify as deemed necessary or keeping the same Use Permit, and will do what is needed.

Assistant City Attorney Varat advised that the Commission discuss and determine which of these options they want to take, and they can either reopen the public hearing or keep it closed.

COMMISSION DISCUSSION

Commissioner Paralusz thanked all who have participated and Staff. She is not in favor of "closing" the Club because while she hears they have acknowledged problems like noise and violations of the CUP such as the rear door she also hears that this is a community serving business that is valued also by the community. She has concern regarding acknowledged failures and the owner needs to comply with the Use Permit and Municipal Code. She recognizes that it's not easy for people to voice complaints and mainly these occur in the evening. The business

owner now appears attentive, however and her recommendation is to modify the existing Use Permit with changes including conditions that explicitly require: 1) back door to close at 10 pm; 2) Entertainment Permit compliance; 3) an effective security guard; 4) a noise study to be completed to assess improvements needed unless it can be determined that measures already taken are sufficient. In closing she is hopeful that compliance and a rue resolution will occur and the business can thrive.

Commissioner Ortmann noted he is in agreement with Commissioner Paralusz, that modification makes most sense. The attendance and emails are testimony about the good side of the business, but he is confused regarding the disconnect between how we've gotten to considering a revocation, and such an outpouring of support. The Conditional Use Permit needs more tools in it to be used for enforcement, and he hopes all will come next to the table and act in good faith.

Commissioner Gross thanked all for attending and expressing heartfelt feelings. As a City resident for 53 years he recognizes that they have an outstanding city government and community and this is about the City, normally well run, but running into a problem that they can't seem to solve. He believes this is the fault of the business owner and not our government which has worked hard to avoid this hearing. What he has heard is a business owner who, while having a great business model, where various groups of people use the property at different times, and supposes Dave loves his clients but has difficulty saying "no" to them. But management has to control this business and be in charge. Up to 10:00 or 11:00 Commissioner Gross has no concerns about the use, but beyond that Dave has trouble managing the people as is intended in Condition 11. He believes that the noise issues will not go away until physical acoustic problems are solved and suggests a closing time of 11 pm be applied by the owner until noise modifications are made. Commissioner Gross also suggests stopping alcohol prior to the allowed closing hour, and zero use of the back door after 9 or 10 pm. He recognizes that this could be a problem because the storage area is outside the building accessed through the back door and perhaps a loud alarm could be put on the door. He likes suggestions that the owner pay for a sound engineer suggested by the City who can make recommendations to bring the building into compliance with the Noise Ordinance.

Commissioner Paralusz cautioned that care must be taken to not repeat the mistake made on the last nuisance case, and let's make sure mitigations to be made are properly vetted with the City. It is an interesting suggestion to lower the closing hour but wonders if this might result in a problem similar to what happened at the Shade Hotel.

Assistant City Attorney Varat pointed out that there are differences between the Shade situation, for example, in that in that case, condition were imposed on an application filed by the business (and the business elected not to implement), and in this case, if the Commission makes appropriate findings the lower closing hours could be imposed on the Use Permit and would apply and the owner would have to comply.

Chairperson Conaway: thanked all for being passionate. His primary concern is the characterization that only one or two neighbors are being negatively affected. This seems to be about two 900 Clubs, one that is family-oriented and quiet and another that is not and operates with alcohol service. He shares a lot of the thoughts of Commissioner Gross that this is a lot about management, not land use. Evidence is the fact that the City has many other businesses operating in the Downtown and not a lot of calls are received for those. Chairperson Conaway wants to see exceptionally clear definitions and conditions, e.g. what is "closing time"? The Police Department will then know exactly when last call for alcohol occurs and when it can be expected that people will completely vacate the building. He suggests an earlier closing until there is good compliance demonstrated and incorporated into the conditions. Due to the location and history, perhaps compliance checks on a quarterly basis are needed.

Commissioner Ortmann stated he is not prepared tonight to advocate one way or another for specific measures, including the sensitive issue of closing time. He wants to wait and see what staff and owner and neighbors can agree to and then get into the specifics at the April meeting.

Commissioner Paralusz would like staff to review proposed agreements and is not opposed to Commissioner Ortmann's approach, but definitely wants this to be the last revocation hearing for this property.

Commissioner Gross expressed that he wants to give Staff a good Resolution or tool to enforce, if or when this is determined necessary by staff. He doesn't think he needs more evidence and they do not need to reopen the hearing.

ACTION

Commissioner Paralusz moved to continue the hearing to April 9, without reopening the hearing, for staff to present revised conditions, in a draft resolution. Through the Chair, the business owner requested that the continuance be until May 14, with a revised Resolution to consider and this was agreed to. Commissioner Gross emphasized that Staff has complete discretion to determine conditions to be modified and the conditions to be detailed and clear. Chairperson Conaway suggested that Staff update condition language regarding the Entertainment Permit.

It was **MOVED** and **SECONDED** (Paralusz/Gross) to continue the Planning Commission's consideration of the revocation and/or modification of the existing Use Permit at 900 Manhattan Avenue (900 Club and Red Room) to May 14, 2014, with direction to draft a Resolution with revised conditions, with clear definitions, including the Entertainment Permit.

AYES: Gross, Ortmann, Paralusz, Chairperson Conaway
NOES: None
ABSENT: None
ABSTAIN: Andreani

5. DIRECTOR'S ITEMS

Commissioner Andreani rejoined the seated Commission.

6. PLANNING COMMISSION ITEMS

Director Thompson was reminded that Commissioner Gross and Chair Conaway will be at a seminar and will not be able to attend the March 26th Planning Commission meeting. It was noted that three Commissioners qualifies as a quorum, so the meeting doesn't need to be canceled. Commissioner Gross noted that the Shade hearing is continued to 3/12 and is concerned that the Shade would be a very serious case to hold over to the March 26 meeting.

Commissioner Paralusz raised the issue of Wayne Partridge's request that at the Shade Hotel, Staff should be ready to give an opinion on the feasibility of noise measures. Director Thompson indicated if it turns out that staff is not ready to do so, Staff will recommend a continuance. Commissioner Ortmann commented that he is comfortable with Staff deciding what information and other City staff is needed and Director Thompson indicated he is working closely with all parties to make sure that all important issues have been vetted.

In response to a question from Commissioner Andreani as to what new business is coming to the former Magpie on Highland, Director Thompson indicated while construction is active, no tenant has been identified, but it believe it will be retail on the ground floor.

Chair Conaway asked for an update on the Manhattan Village Mall to which Director Thompson reported that on April 15th Staff is planning on going back to the City Council with resolutions and the owner wants to start construction in 2015. Mr. Thompson further reported that the Council considered the Sepulveda Bridge widening in closed session last night, and Staff is working with the applicant on the per the Council direction.

7. TENTATIVE AGENDA - March 12, 2014

Mr. Thompson reported that there will be two items: 1133 Artesia Boulevard and the Shade Hotel.

8. ADJOURNMENT

The meeting was adjourned at 10:30 p.m. to Wednesday, March 12, 2014, in the City Council Chambers, City Hall, 1400 Highland Avenue

ROSEMARY LACKOW
Recording Secretary

ATTEST:

RICHARD THOMPSON
Community Development Director