

**CITY OF MANHATTAN BEACH
COMMUNITY DEVELOPMENT DEPARTMENT**

TO: Planning Commission

THROUGH: Richard Thompson, Director of Community Development

FROM: Angelica Ochoa, Assistant Planner

DATE: May 14, 2014

SUBJECT: Consideration of 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)

RECOMMENDATION

Staff recommends that the Planning Commission receive public input on the Draft Resolution and conditions, and adopt Resolution (PC No. 14-06).

PROJECT BACKGROUND

The subject property is located at 900 Manhattan Avenue, the northeast corner of 9th Street and Manhattan Avenue (Exhibit A, Vicinity Map). It is located in Area District III and zoned CD, Downtown Commercial, as well as the properties to the north, south, and west, which are developed with retail, offices and restaurant uses. The properties to the east and south east across Bayview Drive, are zoned RM, Residential Medium Density and are developed with single family and multi-family residential units. The existing multi-level building is currently a restaurant/bar (900 Club upstairs and Red Room downstairs) with live entertainment and an ABC Type 47 Full Alcohol Restaurant license.

A revocation/modification hearing was held by the Planning Commission on February 26, 2014 after numerous complaints were received over several years by the Police Department and Code Enforcement. The Planning Commission received public comment, discussed the subject item and closed the public hearing. The Planning Commission directed staff to come back with a revised Resolution clarifying and modifying the existing conditions in the current Resolution (Exhibit B), to address the complaints and mitigate any impacts.

The objective of tonight's meeting is to present a revised Resolution prepared by staff for the Planning Commission to review, discuss and approve. The public, business owners and representatives will also have an opportunity to comment on the revised Resolution and conditions. Staff feels that the proposed conditions are consistent with other establishments with similar operations, more enforceable and addresses all concerns.

- Live entertainment amplified Sundays preceding
Thursday, Friday, Saturday and Sunday - Allowed on second floor only, combination of instrumental musicians, vocalists, and/or disc jockeys. Non-entertainment on Sunday only, except holidays.
- Dancing
Friday and Saturday nights second floor, 12' x 12' maximum floor area (approved floor plan attached to Resolution)
- Noise
Business shall comply with City's Noise Ordinance
- Special Events
Six special events per year on any day, with Class II Entertainment Permits. Special events may include live entertainment, audience participation and/or dancing, as long as it is in compliance with City's Noise Ordinance
- Bar
2 full retail bars permitted. One on first and one on second floor
- Parking
3 off-street parking spaces
- Landscaping
Maintenance of landscaping on public and private property
- Trash
No outside litter
- Security
Provide adequate security of property and surrounding area
- Revocation or Modification
Planning Commission or City Council may revoke or modify conditions including limitation of hours, limitation of occupancy, requiring valet parking, elimination of entertainment or any other condition to alleviate impact to adjacent land uses.

Amended Resolution (PC No. 14-06, Exhibit A)

The following lists the revised conditions that address the ongoing violations and neighbors concerns. These conditions supersede all conditions in the previous Resolution No. 5155. Staff met with the business owner of the 900 Club, the business owner's attorney and the City Noise Consultant. The City Noise consultant reviewed the changes and noise mitigation measures implemented by the business owner as mentioned in the revised Resolution, Condition No. 15. The Noise Consultant felt that these measures should address the neighbors complaints. In addition, the noise consultant indicated that additional measures could be implemented in the future if complaints continued and compliance is not met. It is understood the noise mitigation measures must be maintained and not removed.

Condition No. 1 - Hours

Hours of operation for the establishment shall be permitted as follows:

Monday - Thursday	11:00am to midnight
Friday	11:00am to 1:00am
Saturday	9:00am to 1:00am
Sunday	9:00am to midnight

At closing time, all areas (inside and outside) of the business must be vacated. All music shall be turned off, and no sales, service or consumption of food or alcohol shall occur after closing time. Staff may remain on the premises for one hour after closing time.

Condition No. 2 - Alcohol

The service of alcohol shall occur in conjunction with food service as a “bona fide eating place” type of alcohol license (Type 47) from the State of California shall be maintained.

Condition No. 3 - Security

Management shall provide a third party security staff person within 30 days after this approval, approved by the City, who shall be present every day during business hours from 9:00 pm until an hour after closing time, to ensure that operations comply with all conditions of approval, including but not limited to the following: noise, sales and service of alcohol, use of the back door, litter, access, windows and doors being closed, and any other nuisances. The security officer shall meet periodically with the Police Department.

Condition No. 4 – Use of Back Door

The back door and storage/utility room on Bayview Drive shall remain closed after 10:00 pm, except the back door may be used for trash removal or disabled or emergency access. Additionally, bands shall be allowed to use the back door for the loading of amplified sound equipment for a maximum of 30 minutes after closing time, as specified in Condition No. 6. The back door keypad access shall be removed and replaced with a key lock, only accessible from the outside by the owners/operators and employees. No patron shall be provided a key for the back door or the storage/utility room.

Condition No. 5 – Front Door

Patrons shall use Manhattan Avenue for access to both the Red Room and the 900 Club. The entrances on 9th Street and Bayview Drive shall not be used by patrons, except for the purpose of disabled or emergency access.

Condition No. 6 – Amplified Sound

Background music through the house system is allowed on both the first and second floors during all hours of operation. Amplified sound, excluding background music but including, [but not limited to, microphones and/or amplified instruments) is permitted exclusively on the second floor of the 900 Club]. Amplified sound shall be allowed only on Thursday, Friday, or Saturday, up to a maximum

of 12 days per year. The business operator shall notify the Director of Community Development and Police Department a minimum of 7 days prior to the use of amplified sound.

Condition No. 7 – Non-Amplified Sound

Non-amplified sound (up to a total of three instrumental musicians and/or vocalists) shall be allowed on either floor during open hours. Musicians performing with non-amplified sound shall not be allowed to use the back or side door for the loading and unloading of equipment, but shall enter and exit through the door on Manhattan Avenue.

Condition No. 8 - Dancing

Dancing is permitted on Friday and Saturday nights only. Dancing shall be limited to a 12 foot x 12 foot maximum area on the second floor only.

Condition No. 9 – Special Events

A maximum of 6 Special Events shall be allowed annually. For the purpose of this section, Special Events are events of more than 50 people for which there is a contract for exclusive use of the venue. A security guard shall be on-site at all times during Special Events to ensure that operations comply with all conditions of approval, including but not limited to, noise, sales and service of alcohol, use of back door, litter, access, windows and doors being closed, and any other nuisances. If amplified sound is used at a Special Event, the day of the event shall be included in the maximum allowable 12 days per year for amplified sound, as specified in Condition No. 6. The business operator shall notify the Director of Community Development and Police Department a minimum of 7 days prior to the special event.

Condition No. 10 - Noise

Noise emanating from the site shall comply with Section 5.48.140 of the Manhattan Beach Municipal Code. Outdoor sound equipment and outdoor amplification systems are prohibited. All doorways and windows shall remain closed at all times during entertainment (including amplified or non-amplified sound) and special events or dancing.

Condition No. 11 - Parking

Three parking spaces shall be maintained on-site at the rear of the building.

Condition No. 12 – Required Clearance

Required access and exits shall remain unobstructed at all times in compliance with Fire and Building and Safety requirements.

Condition No. 13 - Occupancy

The occupancy limits stated below shall not be exceeded and are required to be posted on-site at all times:

- a. Red Room (downstairs) – 31
- b. 900 Club (upstairs) – 92

Condition No. 14 - Signage

All signs shall be in compliance with the City's Sign Code. Pole signs and internally illuminated awnings shall be prohibited.

Condition No. 15 – Noise Mitigation Measures

The following noise mitigation measures shall be installed within 45 days of approval and maintained at all times:

- a. Tempered glass panels installed over each upstairs stained glass window along the south wall.
- b. A separate tempered glass panel installed over the inside windows upstairs along the south rear hallway.
- c. Double pane windows on Manhattan Avenue and 9th Street upstairs and downstairs.
- d. Signage on the Bayview Drive rear door (inside and outside) to not enter or exit after 10pm.
- e. Signage on the 9th Street side door (inside and outside) for emergency exit and disabled access only.
- f. Sound curtains to be installed on the double pane windows on Manhattan Avenue and 9th Street on the second floor.

Condition No. 16 - Litter

All areas immediately adjacent to the business shall be kept free of litter.

Condition No. 17 - Inspection

The Community Development Department staff shall be allowed to inspect the site at any time. Management shall provide the Police, Fire, County Health Departments and the Alcoholic Beverage Control (ABC) with the front door key pad code for access any time.

Condition No. 18 – Revocation/Modification

At any time in the future, the Planning Commission or City Council may review the Use Permit for the purpose of revocation or modification. The Planning Commission or City Council may modify the Use Permit in any manner it deems necessary to protect the public health, safety, and welfare, and ensure that the establishments do not adversely impact neighboring properties, including, but not limited to, the following: limitation of hours; limitation of total occupancy; requiring valet parking; elimination of live entertainment or amplified sound; dancing or the establishment of any other condition deemed necessary to mitigate or alleviate impacts to adjacent land uses.

Condition No. 19- One Year Review

One year following the effective date of this Resolution, a duly noticed public hearing shall be conducted by the Planning Commission for the purpose of reviewing the subject Use Permit for compliance with all conditions.

Public Comments (Exhibit C)

Staff provided a copy of the Draft conditions to the neighbors. The following lists the most significant neighbors comments on the modified conditions. These conditions have been further modified since they were provided to the neighbors so the language and condition numbers do not correspond. The noted staff conditions address the neighbors comments in the modified Resolution:

- Hours of Operation – last call to patrons 60 minutes prior to closing and closing procedures to begin 30 minutes prior to closing – Staff Condition No. 1
- Use of Back Door (Bayview Drive) – Closed at 9pm on Thursday, Friday, Saturday and Sunday and special event days, only emergency access. On all other days, back door to remain closed at 10pm, only emergency access – Staff Conditions No. 4 and 5
- Utility/Storage Room – Management to install key lock on utility closet and to remain locked after 10pm – Staff Condition No. 4.
- Entertainment – Non-amplified live entertainment on Thursday, Friday, Saturday and Sunday on second floor only (900 Club). Amplified sound not to be used with live entertainment – Staff Conditions No. 6, 7, 9 and 10
- Amplified Sound – No amplified sound until completion of acoustical report from applicant’s Acoustical Engineer and additional noise mitigation improvements, if needed – Staff Conditions No. 10, 15, and 18
- Inspection – Staff to inspect and access premises at any time and if denied or no access granted, schedule for revocation proceedings – Staff Conditions No. 17, 18, and 19

Staff believes that all of the comments raised by the neighbors are adequately addressed in the revised conditions of approval in the Draft Resolution.

Red Room Comments (Exhibit D)

The business owner of the Red Room would like to modify the existing Use Permit to allow an increase in entertainment and hours. The business owner indicates he has been operating with live entertainment for many years. The following outlines the revisions the Red Room requests be included in the Resolution:

- Live entertainment - Acoustic performers and DJ, Wednesday through Sunday. Live players and singers, on Friday, Saturday and Sunday from 7 to 9pm – Staff Condition No. 7
- Entry and exit – For both 900 Club and Red Room - through Manhattan Avenue door only. Side door on 9th Street entrance only to be used for emergency exit – Staff Condition No. 5
- Operating hours - until 2am – Staff Condition No. 1

The modified Resolution addresses the request for live entertainment and access (entry and exit). No changes are proposed by Staff to expand the operating hours, only clarification is proposed.

CONCLUSION

Staff recommends that the Planning Commission receive public input and comments on the Resolution and conditions, discuss and approve the modified Resolution. Staff feels that the new conditions are clear, detailed and enforceable. The conditions address the neighbor and the Police and Code Enforcement complaints as stated in the previous staff report, and at the Planning Commission meeting of February 26th, as summarized below:

- Operation after closing hours – Condition No. 1
- Noise complaints – Conditions No. 3, 4, 5, 6, 7, 9, 10
- Special events held with no entertainment permit – Conditions No. 6 and 9
- Disturbance of neighborhood – Conditions No. 3, 4, 5, 6, 7, 9, 11, and 12
- Excessive noise and littering – Conditions No. 3, 11 and 12

Staff will continue to work with the applicant and if complaints continue or the conditions of approval are not met, additional noise mitigation improvements may be required to be installed. These may include, but not limited to additional sound curtains on windows, glass panels on the outside of the stained glass windows and the south rear hallway windows, sealing gaps of all exterior doors, modification to speakers and amplified sound equipment, etc.

- EXHIBITS:**
- A. Draft PC Resolution No. 14-XX
 - B. Resolution No. 5155
 - C. Public Comments received on May 7, 2014
 - D. Red Room Comments email dated May 1, 2014

RESOLUTION NO. PC 14-XX

A RESOLUTION OF THE MANHATTAN BEACH PLANNING COMMISSION MAKING A DETERMINATION OF EXEMPTION PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND MODIFYING A USE PERMIT FOR AN EXISTING RESTAURANT/BAR (“EATING AND DRINKING ESTABLISHMENT”) AT THE PROPERTY LOCATED AT 900 MANHATTAN AVENUE (900 CLUB AND RED ROOM)

The Planning Commission of the City of Manhattan Beach hereby finds, resolves, and determines as follows:

Section 1. On April 4, 1995, the Manhattan Beach City Council adopted Resolution No. 5155, modifying a discretionary use permit (“Use Permit”) for a restaurant/bar (then called the Rock Bottom Saloon) at property located at 900 Manhattan Avenue, subject to a number of conditions.

Section 2. In reliance on the entitlements conferred by Resolution No. 5155, the 900 Club and the Red Room, were established in the upstairs and downstairs spaces, respectively.

Section 3. At various times during the period of 2011-2014, the operators of the 900 Club have violated Manhattan Beach Municipal Code (MBMC) provisions and the Use Permit conditions. The City initiated code enforcement proceedings, described with more particularity in the City Prosecutor’s Log included in the February 26, 2014 staff report, which is hereby incorporated by this reference.

Section 4. Based on such violations, the Community Development Director determined that there were reasonable grounds for modification or revocation of the Use Permit and set a public hearing before the Planning Commission pursuant to MBMC Section 10.104.030.

Section 5. The modification of the existing Use Permit (the “Project”) was assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the City. It has been determined that the Project would not have a significant environmental impact and is exempt from CEQA pursuant to Section 15301 (Existing Facilities) and Section 15321 (Enforcement Actions of Regulatory Agencies) of Title 14 of the California Code of Regulations.

Section 6. On February 26, 2014, the Planning Commission held a duly noticed public hearing to consider the modification or revocation of the Use Permit. The City provided public notice of the public hearing on February 12, 2014, in accordance with State law. In addition, the City provided courtesy notices to the owners, operators, and agents of the 900 Club and the Red Room on January 7, 2014. At the public hearing, the Commission provided an opportunity to all interested parties, including the owners, operators, and agents of the 900 Club and the Red Room, neighbors and residents, to offer testimony and evidence. There was evidence and testimony presented that, on numerous occasions, the police have visited the site in response to complaints about noise, serving alcohol after hours, operating after hours, violating conditions of approval, and other activities detrimental to public health, safety and welfare. The Commission entered into the record all evidence presented, including but not limited to the staff report and all attachments, the City Prosecutor’s log, Police Department reports and videotapes.

Section 7. The record of the hearing indicates that on one or more occasions the 900 Club has:

- a. Generated excessive noise that disturbed the peace and quiet of the neighborhood.
- b. Operated after closing hours, in violation Resolution No. 5155 Condition No. 1, as documented by Police Department Reports #13-780, #13-1289, and #13-3570 and the City Prosecutor’s log.
- c. Violated Resolution No. 5155 Condition No. 5 and adversely impacted persons in the vicinity by generating excessive noise in violation of the City’s noise ordinance.

**EXHIBIT A
PC MTG 5-14-14**

- d. Operated in violation of Resolution No. 5155 Condition No. 11 by failing to provide adequate management to prevent loitering, unruliness, and boisterous activities of patrons outside the business or in the immediate area.
- e. Operated in violation of Condition No. 6 of Resolution No. 5155 by holding special events without obtaining a Class II Entertainment Permit.

Section 8. Based upon the foregoing, and substantial evidence in the record, the Planning Commission finds:

- a. The 900 Club has operated in a manner that is detrimental to the public health, safety and welfare.
- b. The operation of the 900 Club has violated the terms and conditions of Resolution No. 5155 and the City’s noise ordinance by generating excessive noise.
- c. The 900 Club has violated the terms and conditions of Resolution No. 5155 by operating after closing hours.
- d. The 900 Club has violated the terms and conditions of Resolution No. 5155 by failing to provide adequate management to prevent loitering, unruliness, and boisterous activities of patrons outside the business or in the immediate area.
- e. The 900 Club has violated the terms and conditions of Resolution No. 5155 by holding special events without first obtaining a Class II Entertainment Permit.
- f. The 900 Club has violated the Municipal Code and the Use Permit conditions of approval.
- g. Resolution No. 5155’s existing conditions of approval are inadequate to halt the interference with the neighbors’ quiet enjoyment, and additional conditions are required to ensure that the 900 Club operates in a manner that does not adversely impact neighboring properties.
- h. The conditions of approval as set forth in Resolution No. 5155 need to be modified and augmented to enable the Planning Commission to determine that the 900 Club is operating in a manner consistent with findings made to approve the project, and to ensure that the 900 Club, the Red Room, and subsequent occupants operate in a manner that does not adversely impact neighboring properties and is not detrimental to the health, safety or welfare of persons residing or working in the vicinity.

Section 9. Based upon the foregoing, the Planning Commission directed staff to prepare a draft resolution with recommended modifications to the Use Permit approvals and conditions to address the issues and concerns raised in the record and at the hearing. The Planning Commission continued the matter to May 14, 2014 for consideration of a draft resolution with revised conditions of approval.

Section 10. On May 14, 2014, the Planning Commission provided an opportunity for all interested parties, including the owners, operators, and agents of the 900 Club and the Red Room, neighbors and residents, to comment on the draft resolution and conditions.

Section 11. The Planning Commission hereby modifies the Use Permit subject to the following conditions:

1. Hours of operation for the establishment shall be permitted as follows:

Monday - Thursday	11:00am – midnight
Friday	11:00am – 1:00am
Saturday	9:00am – 1:00am
Sunday	9:00am – midnight

At closing time, all areas (inside and outside) of the business must be vacated. All music shall be turned off, and no sales, service or consumption of food or alcohol shall occur after closing time. Staff may remain on the premises for one hour after closing time.

2. The service of alcohol shall occur in conjunction with food service as a "bona fide eating place" type of alcohol license (Type 47) from the State of California shall be maintained.
3. Management shall provide a third party security staff person within 30 days after this approval, approved by the City, who shall be present every day during business hours from 9:00 pm until an hour after closing time, to ensure that operations comply with all conditions of approval, including but not limited to the following: noise, sales and service of alcohol, use of the back door, litter, access, windows and doors being closed, and any other nuisances. The security officer shall meet periodically with the Police Department.
4. The back door and storage/utility room on Bayview Drive shall remain closed after 10:00 pm, except the back door may be used for trash removal or disabled or emergency access. Additionally, bands shall be allowed to use the back door for the loading of amplified sound equipment for a maximum of 30 minutes after closing time, as specified in Condition No. 6. The back door keypad access shall be removed and replaced with a key lock, only accessible from the outside by the owners/operators and employees. No patron shall be provided a key for the back door or the storage/utility room.
5. Patrons shall use Manhattan Avenue for access to both the Red Room and the 900 Club. The entrances on 9th Street and Bayview Drive shall not be used by patrons, except for the purpose of disabled or emergency access.
6. Background music through the house system, is allowed on both the first and second floors during all hours of operation. Amplified sound, excluding background music but including, [but not limited to, microphones and/or amplified instruments] is permitted exclusively on the second floor of the 900 Club. Amplified sound shall be allowed only on Thursday, Friday, or Saturday, up to a maximum of 12 days per year. The business operator shall notify the Director of Community Development and Police Department a minimum of 7 days prior to the use of amplified sound.
7. Non-amplified sound (up to a total of three instrumental musicians and/or vocalists) shall be allowed on either floor during open hours. Musicians performing with non-amplified sound shall not be allowed to use the back or side door for the loading and unloading of equipment, but shall enter and exit through the door on Manhattan Avenue.
8. Dancing is permitted on Friday and Saturday nights only. Dancing shall be limited to a 12 foot x 12 foot maximum area on the second floor.
9. A maximum of 6 Special Events shall be allowed annually. For the purpose of this section, Special Events are events of more than 50 people for which there is a contract for exclusive use of the venue. A security guard shall be on-site at all times during Special Events to ensure that operations comply with all conditions of approval, including but not limited to, noise, sales and service of alcohol, use of back door, litter, access, windows and doors being closed, and any other nuisances. If amplified sound is used at a Special Event, the day of the event shall be included in the maximum allowable 12 days per year for amplified sound, as specified in Condition No. 6. The business operator shall notify the Director of Community Development and Police Department a minimum of 7 days prior to the special event.
10. Noise emanating from the site shall comply with Section 5.48.140 of the Manhattan Beach Municipal Code. Outdoor sound equipment and outdoor amplification systems are prohibited. All doorways and windows shall remain closed at all times during entertainment (including amplified or non-amplified sound) and special events or dancing.
11. Three parking spaces shall be maintained on-site at the rear of the building.

12. Required access and exits shall remain unobstructed at all times in compliance with Fire and Building requirements.
13. The occupancy limits stated below shall not be exceeded and are required to be posted on-site at all times:
 - Red Room (downstairs) – 31
 - 900 Club (upstairs) – 92
14. All signs shall be in compliance with the City's Sign Code. Pole signs and internally illuminated awnings shall be prohibited.
15. The following noise mitigation measures shall be installed and maintained at all times:
 - a. Tempered glass panels installed over each upstairs stained glass window along the south wall.
 - b. A separate tempered glass panel installed over the inside windows upstairs along the south rear hallway.
 - c. Double pane windows on Manhattan Avenue and 9th Street upstairs and downstairs.
 - d. Signage on the Bayview Drive rear door (inside and outside) to not enter or exit after 10:00 pm.
 - e. Signage on the 9th Street side door (inside and outside) for emergency exit and disabled access only.
 - f. Sound curtains to be installed on the double pane windows on Manhattan Avenue and 9th Street on the second floor.
16. All areas immediately adjacent to the business shall be kept free of litter.
17. The Community Development Department staff shall be allowed to inspect the site at any time. Management shall provide the Police, Fire, County Health Departments and the Alcoholic Beverage Control (ABC) with the front door key pad code for access any time.

Procedural

18. At any time in the future, the Planning Commission or City Council may review the Use Permit for the purpose of revocation or modification. The Planning Commission or City Council may modify the Use Permit in any manner it deems necessary to protect the public health, safety, and welfare, and ensure that the establishments do not adversely impact neighboring properties, including, but not limited to the following: limitation of hours; limitation of total occupancy; requiring valet parking; elimination of live entertainment or amplified sound; dancing or the establishment of any other condition deemed necessary to mitigate or alleviate impacts to adjacent land uses.
19. One year following the effective date of this Resolution, a duly noticed public hearing shall be conducted by the Planning Commission for the purpose of reviewing the subject Use Permit for compliance with all conditions.
20. This permit and rights conferred in this approval shall not be effective until the property owner signs and returns an affidavit accepting the conditions of approval. The property owner shall file this affidavit with the Community Development Department within 30 days of this approval and prior to issuance of any development or building permits pursuant to this approval.

Section 12. This Resolution shall serve as the amended and restated Use Permit for the subject property. Resolution Nos. 5155, 3555, and 5117 shall no longer be in effect.

Section 13. APPEAL. In accordance with Chapter 10.100 of the Municipal Code, decisions of the Planning Commission may be appealed to the City Council within 15 days of the Planning Commission action by filing a written appeal with the City Clerk.

Section 14. RECORDATION. The 900 Club shall record a covenant, satisfactory in form and content to the City Attorney, accepting the conditions of approval set forth in this resolution. The covenant shall include a copy of the resolution as an exhibit. The 900 Club shall deliver the executed covenant to the Department of Community Development within 30 days of the Planning Commission decision or final decision, if appealed to the City Council. At the time that the 900 Club delivers the covenant to the City, the 900 Club shall also provide the City with all fees necessary to record the document with the County Recorder.

Section 15. VIOLATION OF CONDITIONS: A violation of any of the conditions may result in further proceedings to consider revocation or modification of the Use Permit pursuant to MBMC Section 10.104.030.

I hereby certify that the foregoing is a full, true, and correct copy of the Resolution as adopted by the Planning Commission at its regular meeting of May 14, 2014 and that said Resolution was adopted by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

RICHARD THOMPSON
Secretary to the Planning Commission

Rosemary Lackow
Recording Secretary

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1 RESOLUTION NO. 5155

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

the authority provided by Res. No. 3555.

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

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

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

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

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

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

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

1
2 within 120 days of the date of this resolution. The City Clerk
3 shall send a certified copy of this resolution to the applicant,
4 and if any, the appellant at the address of said person set forth
5 in the record of the proceedings and such mailing shall constitute
6 the notice required by Code of Civil Procedure Section 1094.6.

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

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

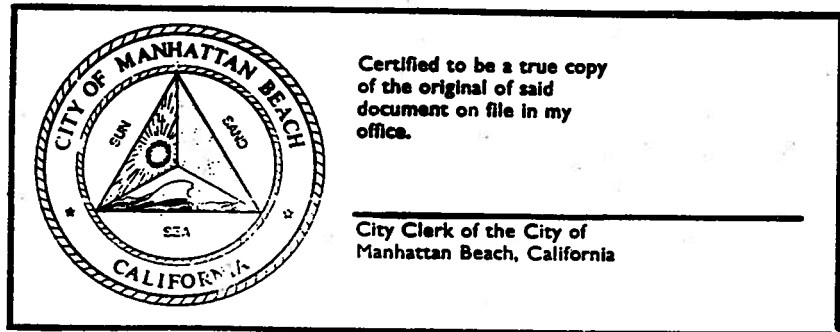
15 PASSED, APPROVED, and ADOPTED this 4th day of April,
16 1995.

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

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

24 ATTEST:

25 /s/ Win Underhill
26 City Clerk



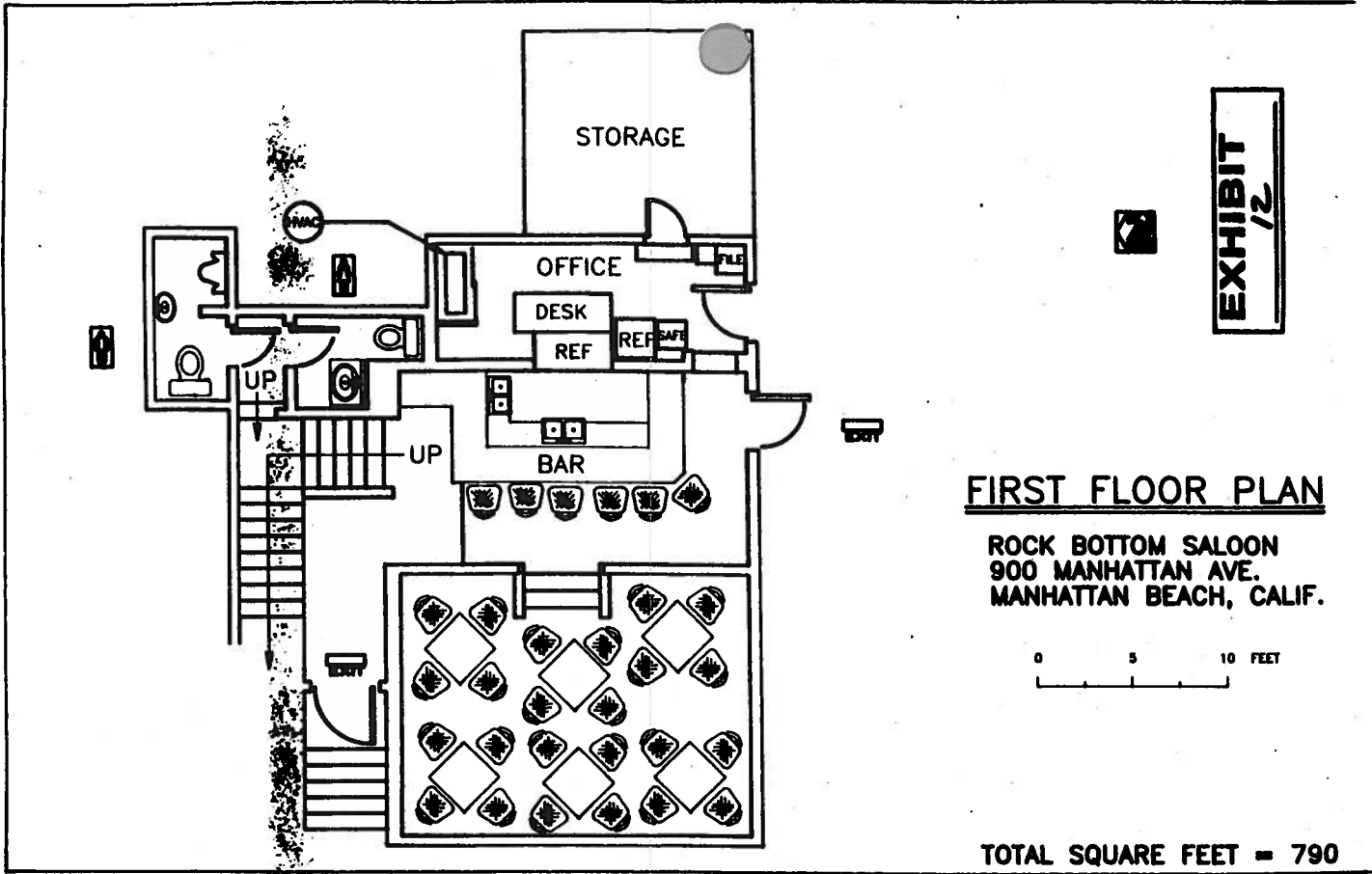
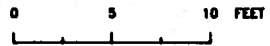


EXHIBIT /2

FIRST FLOOR PLAN

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



TOTAL SQUARE FEET = 790

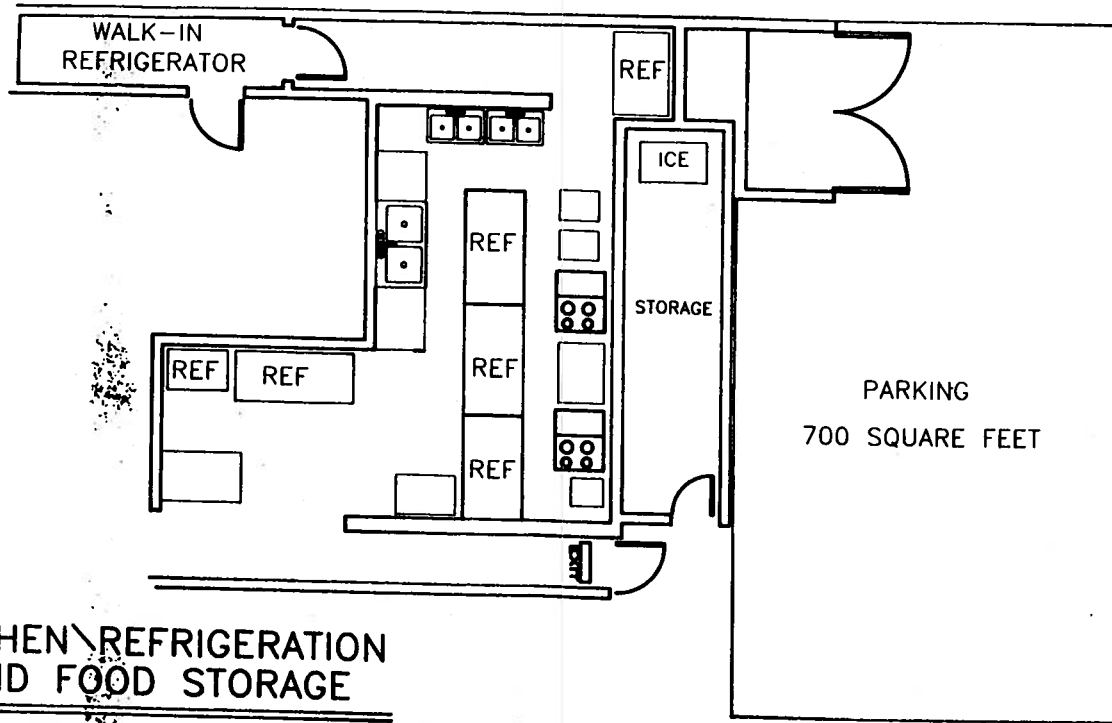
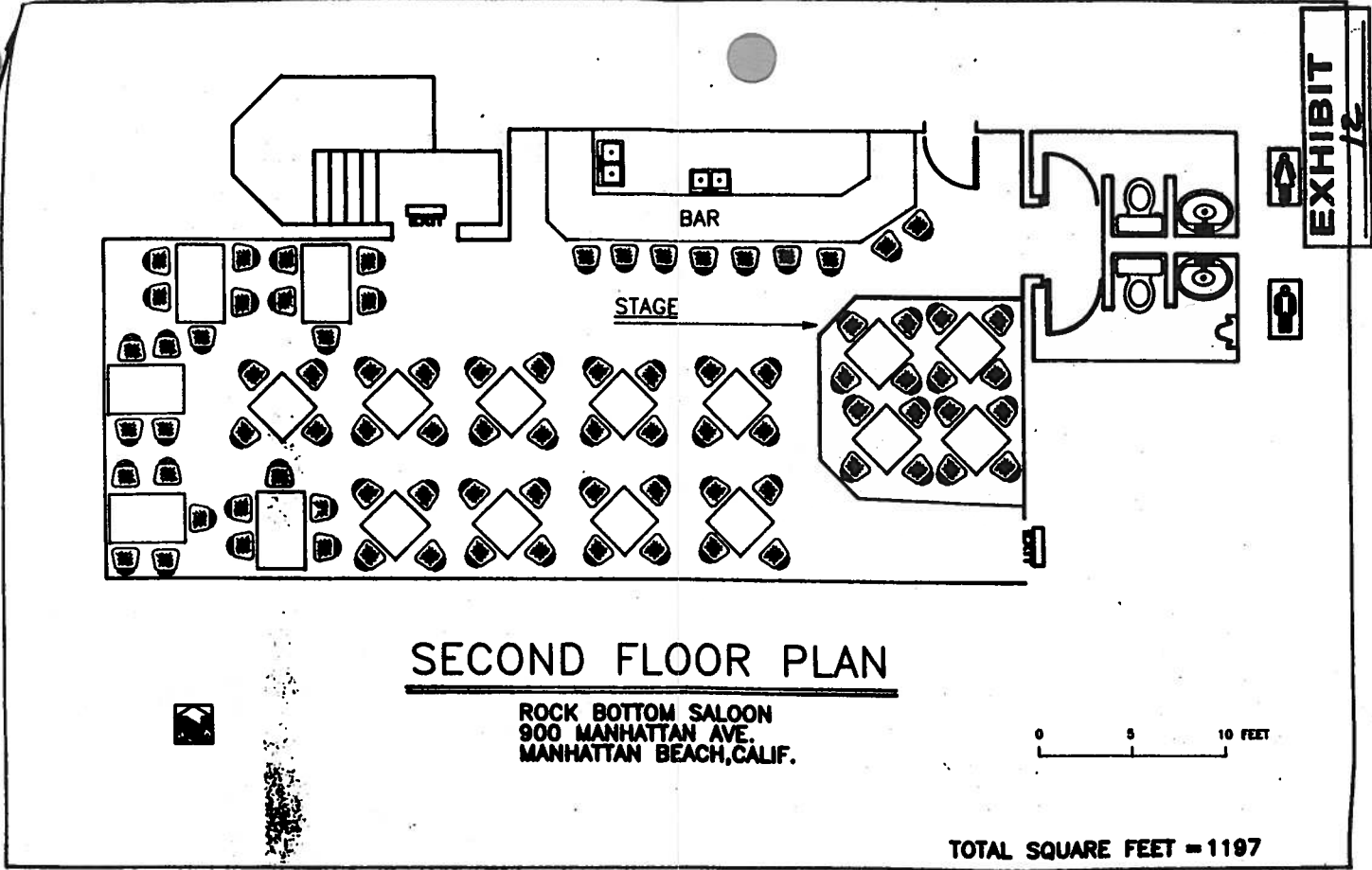


EXHIBIT
/2

**KITCHEN \ REFRIGERATION
AND FOOD STORAGE**

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

TOTAL SQUARE FEET = 695



SECOND FLOOR PLAN

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

0 5 10 FEET

TOTAL SQUARE FEET = 1197

May 7, 2014

Submission to Community Development Department

Submission for Staff Report:

For Inclusion to Planning Commission Package

May 14, 2014 Modification of CUP, 900 Club

Dear Chairman Gross and Commissioners,

Please see the package submitted on behalf of the Residents impacted by the ongoing nuisances of the 900 Club.

City Officials and Richard Thompson met with Neighbors in December 2013 and January 2014. They were told by the neighbors that they would not speak at the hearing and that the Block Captain would be the sole person speaking on behalf of them. They expressed fear of retaliation, intimidation, defamation and property damage.

Despite this knowledge City Officials and Richard Thompson would not allow the neighbors Representative to make the presentation prepared or read the neighbor letters to the Commission as planned.

In addition, City Officials and Richard Thompson collaborated just prior to the meeting to cancel 2 other presentations.

1. David Biggs – Interim City Manager -was to present specific events, challenges and video clips he designated from evidence.
2. Eve Irvine – Police Chief – was to present her department’s interactions with 900 Club and demeanor.

Since the impacted Residents voices were completely left out the first hearing on February 26, 2014 the following information is submitted for the Public Record and the Planning Commission:

1. **Letters of Authorization** – From 33 neighbors allowing Block Captains to represent their interests in the proceedings. (33 pages)
2. **Individual Petitions to Restrict 900 Club** –From 15 neighbors. Could not obtain copies at counter of 2 additional in the file for Don Carpenter and Ed Stevens. (11 pages)
3. **2014 Planning Commission Letters to be Read** - From 15 neighbors. (16 pages)
4. **900 Club Time Line of Compliance Attempts** – 2011 to Present (1 page)
5. **Police Reports, 900 Club with Citations or Violations Noted** – (27 pages)
6. **Judicial Complaints Filed by City Prosecutor (5) Total** – (41 pages)
7. **Demeanor of 900 Club in Compliance Attempts** – (39 pages)
8. **Video Clips – Partial Log** (10 pages)
9. **Community Director Comments** (3 pages)

Respectfully Submitted by Block Captains

EXHIBIT C
PC MTG 5-14-14

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Letters of Authorization from Neighbors
Allowing Block Captains to Represent Them

Letters of Authorization:

1. Rosanna Libertucci
2. Mark Tuccinardi
3. Betty Kaluzok
4. Stacey Riggins
5. Olivia Stinson
6. Marc Theodore
7. Helen Griffin
8. Patrick Clark
9. Virginia Shearer
10. Jennifer Newbill
11. Susan Handing
12. Althea Loeb
13. Jack Loeb
14. Chris Griffin
15. Darwin Pagett
16. Glen Knabashue
17. Virginia Johnson
18. R. Earnest Koch
19. Fred Hubinger
20. John Roberts
21. Diane Roberts
22. Erin Shippey
23. William Dunn, MD
24. Norm Freestone
25. Palma Freestone
26. Susan Greskovics
27. Shelley Theodore
28. Mike Theodore
29. Ashley Rossman
30. Ty Rossman
31. Deborah Huddleston
32. Darrell Huddleston
33. Christine Munroe

May 5, 2014

Manhattan Beach Planning Commission
Manhattan Beach City Council

I am an impacted resident within one block of the 900 Club and one of the
Neighborhood Watch Block Captains.

Respectfully,

A handwritten signature in cursive script that reads "Rosanna Libertucci".

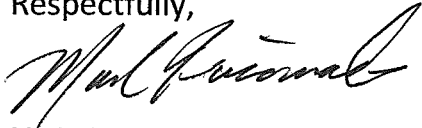
Rosanna Libertucci
220 9th Street

May 5, 2014

Manhattan Beach Planning Commission
Manhattan Beach City Council

I am an impacted resident within one block of the 900 Club and one of the
Neighborhood Watch Block Captains.

Respectfully,

A handwritten signature in black ink, appearing to read "Mark Tuccinardi". The signature is written in a cursive, flowing style.

Mark Tuccinardi
808 Bayview Drive

May 5, 2014

Manhattan Beach Planning Commission
Manhattan Beach City Council

I am an impacted property owner within one block of the 900 Club.

I give permission to the Neighborhood Watch Block Captains Rosanna Libertucci and Mark Tuccinardi to represent my interests and concerns in the proceedings.

Respectfully,

DocuSigned by:
Betty Kaluzok
3156920A3307465...

Betty Kaluzok, 224 9th Street

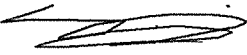
May 5, 2014

Manhattan Beach Planning Commission
Manhattan Beach City Council

I am an impacted resident living within one block of the 900 Club.

I give permission to the Neighborhood Watch Block Captains Rosanna Libertucci and Mark Tuccinardi to represent my interests and concerns in the proceedings.

Respectfully,

DocuSigned by:


D73AF6C76D324BD...

9th Street

STACEY RIGGINS


May 5, 2014

Manhattan Beach Planning Commission
Manhattan Beach City Council

I am an impacted resident living within one block of the 900 Club.

I give permission to the Neighborhood Watch Block Captains Rosanna Libertucci and Mark Tuccinardi to represent my interests and concerns in the proceedings.

Respectfully,


Olivia Stinson
224 9th Place

May 5, 2014

Manhattan Beach Planning Commission
Manhattan Beach City Council

I am an impacted resident living within one block of the 900 Club.

I give permission to the Neighborhood Watch Block Captains Rosanna Libertucci and Mark Tuccinardi to represent my interests and concerns in the proceedings.

Respectfully,

A handwritten signature in black ink, appearing to be 'H. Theodore', written in a cursive style.

H. Theodore
City Council

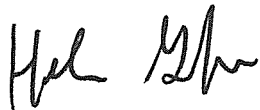
May 5, 2014

Manhattan Beach Planning Commission
Manhattan Beach City Council

I am an impacted resident living within one block of the 900 Club.

I give permission to the Neighborhood Watch Block Captains Rosanna Libertucci and Mark Tuccinardi to represent my interests and concerns in the proceedings.

Respectfully,



Helen Griffin
225 8th St.

May 5, 2014

Manhattan Beach Planning Commission
Manhattan Beach City Council

I am an impacted resident living within one block of the 900 Club.

I give permission to the Neighborhood Watch Block Captains Rosanna Libertucci and Mark Tuccinardi to represent my interests and concerns in the proceedings.

Respectfully,



Patrick Clark

805 Bayview

May 5, 2014

Manhattan Beach Planning Commission
Manhattan Beach City Council

I am an impacted resident living within ~~one~~^{two} block^s of the 900 Club.

I give permission to the Neighborhood Watch Block Captains Rosanna Libertucci and Mark Tuccinardi to represent my interests and concerns in the proceedings.

Respectfully,

Mrs Virginia Shearer
1020 The Strand

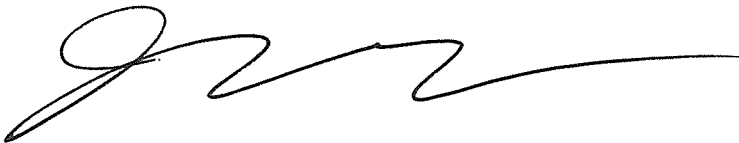
May 5, 2014

Manhattan Beach Planning Commission
Manhattan Beach City Council

I am an impacted resident living within one block of the 900 Club.

I give permission to the Neighborhood Watch Block Captains Rosanna Libertucci and Mark Tuccinardi to represent my interests and concerns in the proceedings.

Respectfully,

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

Jennifer Newbill
821 Highland Ave.

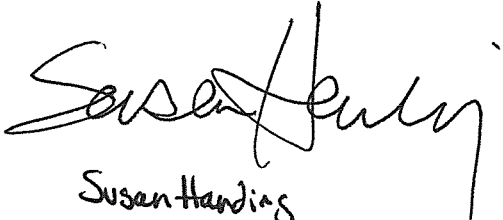
May 5, 2014

Manhattan Beach Planning Commission
Manhattan Beach City Council

I am an impacted resident living within one block of the 900 Club.

I give permission to the Neighborhood Watch Block Captains Rosanna Libertucci and Mark Tuccinardi to represent my interests and concerns in the proceedings.

Respectfully,



Susan Harding
805 Bayview

May 5, 2014

Manhattan Beach Planning Commission
Manhattan Beach City Council

I am an impacted resident living within one block of the 900 Club.

I give permission to the Neighborhood Watch Block Captains Rosanna Libertucci and Mark Tuccinardi to represent my interests and concerns in the proceedings.

Respectfully,

Althea Loeb
+ Jack Loeb
[ALTHEA + JACK LOEB]
912 The Strand

May 5, 2014

Manhattan Beach Planning Commission
Manhattan Beach City Council

I am an impacted resident living within one block of the 900 Club.

I give permission to the Neighborhood Watch Block Captains Rosanna Libertucci and Mark Tuccinardi to represent my interests and concerns in the proceedings.

Respectfully,



Chris Griffin
225 8th St.

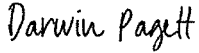
May 5, 2014

Manhattan Beach Planning Commission
Manhattan Beach City Council

I am an impacted property owner within one block of the 900 Club.

I give permission to the Neighborhood Watch Block Captains Rosanna Libertucci and Mark Tuccinardi to represent my interests and concerns in the proceedings.

Respectfully,

DocuSigned by:

20CC45038FF347D...
Darwin Pagett

217 8th Street

May 5, 2014

Manhattan Beach Planning Commission
Manhattan Beach City Council

I am an impacted resident living within one block of the 900 Club.

I give permission to the Neighborhood Watch Block Captains Rosanna Libertucci and Mark Tuccinardi to represent my interests and concerns in the proceedings.

Respectfully,

A handwritten signature in black ink that reads "Glen Knabenshue". The signature is written in a cursive style with a large, looping final flourish.

800 Manhattan Ave
Glen Knabenshue

May 5, 2014

Manhattan Beach Planning Commission
Manhattan Beach City Council

I am an impacted resident living within one block of the 900 Club.

I give permission to the Neighborhood Watch Block Captains Rosanna Libertucci and Mark Tuccinardi to represent my interests and concerns in the proceedings.

Respectfully,

A handwritten signature in black ink that reads "Virginia Johnson". The signature is written in a cursive style with a large, looped "V" and "J".

116 8th Street

Virginia Johnson

May 5, 2014

Manhattan Beach Planning Commission
Manhattan Beach City Council

I am an impacted resident living within one block of the 900 Club.

I give permission to the Neighborhood Watch Block Captains Rosanna Libertucci and Mark Tuccinardi to represent my interests and concerns in the proceedings.

Respectfully



116 8th Street
R. Earnest Koch

May 5, 2014

Manhattan Beach Planning Commission
Manhattan Beach City Council

I am an impacted resident living within one block of the 900 Club.

I give permission to the Neighborhood Watch Block Captains Rosanna Libertucci and Mark Tuccinardi to represent my interests and concerns in the proceedings.

Respectfully,

A handwritten signature in black ink that reads "Fred Hubinger". The signature is written in a cursive style with a large, stylized "H" and "B".

8th Street

Fred Hubinger

May 5, 2014

Manhattan Beach Planning Commission
Manhattan Beach City Council

I am an impacted resident living within one block of the 900 Club.

I give permission to the Neighborhood Watch Block Captains Rosanna Libertucci and Mark Tuccinardi to represent my interests and concerns in the proceedings.

Respectfully,

A handwritten signature in black ink, appearing to read "John Roberts", with a stylized flourish at the end.

Bayview Drive
John Roberts

May 5, 2014

Manhattan Beach Planning Commission
Manhattan Beach City Council

I am an impacted resident living within one block of the 900 Club.

I give permission to the Neighborhood Watch Block Captains Rosanna Libertucci and Mark Tuccinardi to represent my interests and concerns in the proceedings.

Respectfully,



Bayview
Diane Roberts

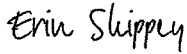
May 5, 2014

Manhattan Beach Planning Commission
Manhattan Beach City Council

I am an impacted property owner within one block of the 900 Club.

I give permission to the Neighborhood Watch Block Captains Rosanna Libertucci and Mark Tuccinardi to represent my interests and concerns in the proceedings.

Respectfully,

DocuSigned by:

46612907A390430...
Erin Shippey

May 5, 2014

Manhattan Beach Planning Commission
Manhattan Beach City Council

I am an impacted property owner within one block of the 900 Club.

I give permission to the Neighborhood Watch Block Captains Rosanna Libertucci and Mark Tuccinardi to represent my interests and concerns in the proceedings.

Respectfully,

DocuSigned by:
William Dunn, MD

6EE4D8D7FDF34B3...

William Dunn

805 Bayview Drive, Owner


May 5, 2014

Manhattan Beach Planning Commission
Manhattan Beach City Council

I am an impacted resident living within one block of the 900 Club.

I give permission to the Neighborhood Watch Block Captains Rosanna Libertucci and Mark Tuccinardi to represent my interests and concerns in the proceedings.

Respectfully,

Norm Freestone


Norm Freestone
Palma Freestone

125 8th St.

Manhattan Beach 90264


May 5, 2014

Manhattan Beach Planning Commission
Manhattan Beach City Council

I am an impacted resident living within one block of the 900 Club.

I give permission to the Neighborhood Watch Block Captains Rosanna Libertucci and Mark Tuccinardi to represent my interests and concerns in the proceedings.

Respectfully,


324 9th St.
Manhattan Beach, CA 90266
Susan Greskovic

May 5, 2014

Manhattan Beach Planning Commission
Manhattan Beach City Council

I am an impacted resident living within one block of the 900 Club.

I give permission to the Neighborhood Watch Block Captains Rosanna Libertucci and Mark Tuccinardi to represent my interests and concerns in the proceedings.

Respectfully,



332 9th St.

M.B. CA 90266

Shelley Theodore

May 5, 2014

Manhattan Beach Planning Commission
Manhattan Beach City Council

I am an impacted resident living within one block of the 900 Club.

I give permission to the Neighborhood Watch Block Captains Rosanna Libertucci and Mark Tuccinardi to represent my interests and concerns in the proceedings.

Respectfully,



332 5th St.

MB, CA 90266

Mike Theodore

May 5, 2014

Manhattan Beach Planning Commission
Manhattan Beach City Council

I am an impacted resident living within one block of the 900 Club.

I give permission to the Neighborhood Watch Block Captains Rosanna Libertucci and Mark Tuccinardi to represent my interests and concerns in the proceedings.

Respectfully,



Ashley Rossmann
328 9th Place
Manhattan Beach CA 90266


May 5, 2014

Manhattan Beach Planning Commission
Manhattan Beach City Council

I am an impacted resident living within one block of the 900 Club.

I give permission to the Neighborhood Watch Block Captains Rosanna Libertucci and Mark Tuccinardi to represent my interests and concerns in the proceedings.

Respectfully,

 Ty Rossmann
328 9th Place
Manhattan Beach 90266


May 5, 2014

Manhattan Beach Planning Commission
Manhattan Beach City Council

I am an impacted resident living within one block of the 900 Club.

I give permission to the Neighborhood Watch Block Captains Rosanna Libertucci and Mark Tuccinardi to represent my interests and concerns in the proceedings.

Respectfully,


125 10th St Apt B
Manhattan Beach, CA 90266
Deborah Huddleston

May 5, 2014

Manhattan Beach Planning Commission
Manhattan Beach City Council

I am an impacted resident living within one block of the 900 Club.

I give permission to the Neighborhood Watch Block Captains Rosanna Libertucci and Mark Tuccinardi to represent my interests and concerns in the proceedings.

Respectfully,

Darrell R Huddleston
~~2273 Silver~~ 125 104th St Apt B
Manhattan Beach, CA 90766

Darrell Huddleston

May 5, 2014

Manhattan Beach Planning Commission
Manhattan Beach City Council

I am an impacted resident living within one block of the 900 Club.

I give permission to the Neighborhood Watch Block Captains Rosanna Libertucci and Mark Tuccinardi to represent my interests and concerns in the proceedings.

Respectfully,

A handwritten signature in black ink, appearing to read "Art De Munn". The signature is written in a cursive style with a large initial "A".

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Individual Petitions to Restrict 900 Club

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:

116 8th street

Street Name (Number not necessary, but please print)

Virginia Johnson R. Earnest Koch
Name (Please print) Name (Please print)

Virginia Johnson Richard Koch
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:

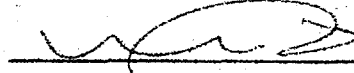
222 ~~Manhattan Ave~~ Ninth Place

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 11pm~~. 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:

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:

1020 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:

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:

125 10th STREET

Street Name (Number not necessary, but please print)

DARRELL & DEBBIE Huddleston

Name (Please print)

Name (Please print)

[Signature]

[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

THE CLUB SHOULD PAY FOR POLICE
CALLS MADE TO CLUB FROM
I AM TO GAIN -- THAT
MIGHT STOP SOME OF THE
COMPLAINTS

**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:

125 8th STREET

Street Name (Number not necessary, but please print)

NORMAN FREESTONE

Name (Please print)

Norman Freestone

Name (Please print)

PALM M FREESTONE

Signature

[Handwritten 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

THIS NOISE IS DETRIMENTAL
TO OUR HEALTH AND OUR SLEEP.

**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 PL

Street Name (Number not necessary, but please print)

JOHN K. MENAY

Name (Please print)

SHIZUE MENAY

Name (Please print)

John K. Menay

Signature

Shizue Menay

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:

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:

~~11th St~~ 11th St

Street Name (Number not necessary, but please print)

MAXINE BROWN

Name (Please print)

Name (Please print)

Maxine Brown

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

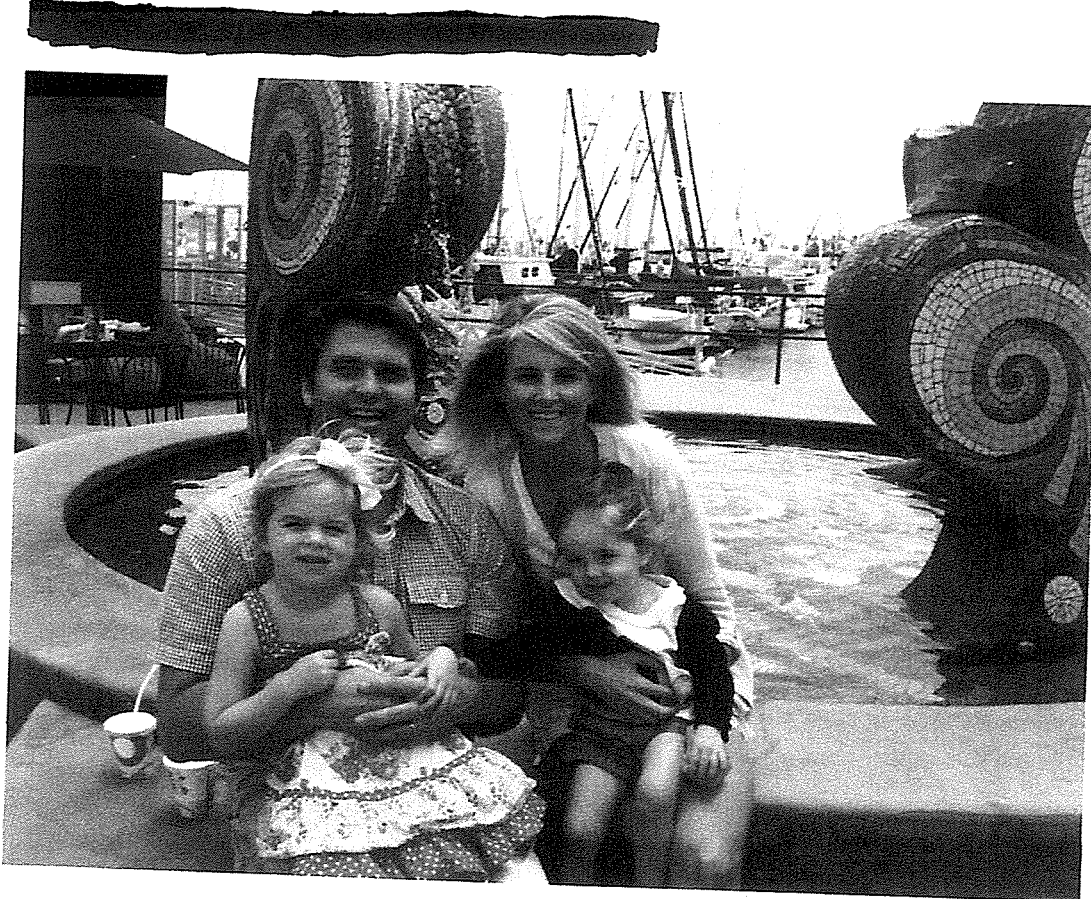
COMMENTS

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**For 2014 Planning Commission Hearing
Neighbor Complaints**

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,



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.”

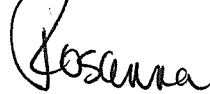
The Club management has omitted and misrepresented the facts. They purposely falsely disseminated that I am “trying to shut the Club down” to rile their members. I have been approached by over a dozen individuals detailing how Dave rants about me obsessively to anyone he gets within earshot of.

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



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 Commisioners, 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 swom at directly buy 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 Califronia. 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 distain, 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

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,



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,



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

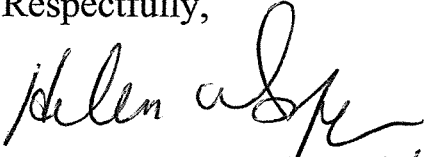
February 24th, 2014

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,


225 - 8th St.
MB 1A 90266

On Friday the 24th at about 2 AM, I was at my daughter's residence at [REDACTED] 7th St. M.B. I was awakened by excessive noise. 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 four 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.

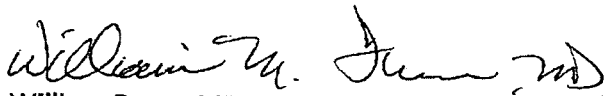
I have owned the property at 805 Bayview Drive since 1997.

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

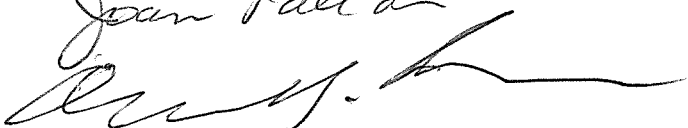
February 24th, 2014

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,

Joan Fallon

218 8th ST

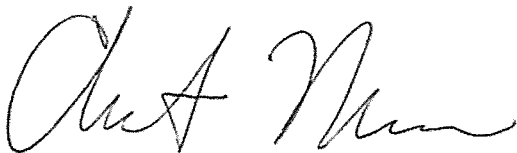
February 24th, 2014

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

900 CLUB - Timeline of Compliance Attempts

Milestones 2011		Events
1st	March 2011 - May 2011	Numerous Warnings from Code Enforcement Officer
2nd	5/26/2011	Block Captain and "Club" Meet & Agreement
3rd	9/3/2011	Police Report - Noise Ordinance Violation (D.Rohrbacher)
Milestones 2012		Events
1st	6/3/2012	<u>Police Report & Supplement- Operating After CUP Hours & Noise Violation (D. Rohrbacher)</u>
2nd	6/25/2012	M.B. City Prosecutor, Code & Police Meet Impacted Residents
3rd	7/17/2012	M.B. City Prosecutor, Code & Police Meet "900 Club" Owner & Attorney
4th	9/6/2012	Install Camera, "Club" Aware
5th	9/28/2012	M.B. City Prosecutor & Police View Video
6th	10/18/2012	Police Report - Operating After CUP Hours (D. Rohrbacher)
7th	10/25/2012	ABC Violation - "Bugs in Bottle"
8th	10/27/2012	Police Report - Operating After CUP Hours (D. Rohrbacher)
9th	12/12/2012	Judicial Complaint #1 Filed - After 2011 and 2012 Warnings - Disturbing the Peace
Milestones 2013		Events
1st	1/3/2013	M.B. City Prosecutor and "Club" Attorney Office Conference
2nd	1/15/2013 - 1/18/2013	Code Enforcement Warnings, no action, Citation Issued - Building Permit Violation
3rd	2/14/2013	Judicial Complaint #2 Filed
4th	4/30/2013	Police Report - Operating After Hours & Violation of Noise Ordinance (Doherty)
5th	7/16/2013	Judicial Complaint #3 Filed
6th	9/18/2013	M.B. City Prosecutor & Torrance DA Plea Bargain/Diversion - Agreement Round #1 w/"Club"
7th	11/16/2013	Police Report - Operating After Hours & Violation of Noise Ordinance (D. Rohrbacher)
8th	12/6/2013	Torrance DA Cancels Plea/DA Separates Case from City of MB's - Continued Non-Compliance
9th	12/10/2013	Judicial Complaint #4 Filed
Milestones 2014		Events
1st	1/1/2014	Plea Bargain - Diversion Agreement Round #2 Pending
2nd	1/7/2014	Notice of CUP Revocation/Modification Hearing Notice Sent to "Club"
3rd	2/2/2014	Police Report - Violation of Noise Ordinance (D. Rohrbacher)
4th	2/6/2014	Judicial Complaint #5 Filed

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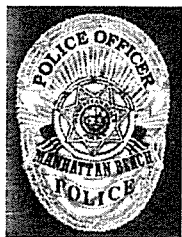
Police Reports, 900 Club
With Citations or Violations Noted

CRIME REPORT

Manhattan Beach Police Dept

11-2882

Supplement No
ORIG



420 15TH STREET

Reported Date
09/03/2011

MANHATTAN BEACH, CA 90266

Crime/Incident
5.48.140

Business: (310) 802-5100

Officer
GARCIA, JESSE

(310) 802-5140

(310) 802-5107

Administrative Information													
Agency	Manhattan Beach Police Dept		Report No	11-2882	Supplement No	ORIG	Reported Date	09/03/2011	Reported Time	23:54	CAD Call No	112461001	
Status	REPORT		Crime/Incident	MBMC NOISE DISTURBANCES		Location							
				900 MANHATTAN BEACH BL									
City	MANHATTAN BEACH	ZIP Code	90266	Rep Dist	M21	Area	2	Beat	M2	From Date	09/03/2011	From Time	23:54
Officer	20333/GARCIA, JESSE				Assignment	PATROL OFFICER		2nd Officer					
								CAVALLONE, BEN					
2nd Assignment	PATROL OFFICER		Entered By	20333	Assignment	PATROL OFFICER		RMS Transfer	Successful				
										Prop Trans Stat			
										Successful			
Report Title	CRIME REPORT			Approving Officer	20290		Approval Date	09/04/2011		Approval Time			
										22:04:48			
# Offenses	1	Offense	5.48.140		Description	MBMC NOISE DISTURBAN			Complaint Type				

Person Summary							
Invl	Invl No	Type	Name	MNI	Race	Sex	DOB
INV	1	I	[REDACTED]	1767546	[REDACTED]	[REDACTED]	[REDACTED]
Invl	Invl No	Type	Name	MNI	Race	Sex	DOB
LGO	1	I	ROHRBACHER, DAVID	910969	[REDACTED]	[REDACTED]	[REDACTED]

Summary Narrative
 [REDACTED] complained of loud music coming from business at 900 Manhattan Avenue.

Entered by C 383

2

CRIME REPORT

Manhattan Beach Police Dept

11-2882

Supplement No
ORIG

INVOLVED PARTY 1:										
Involvement	Invl No	Type	Name						MNI	
INVOLVED PARTY	1	Individual	[REDACTED]						1767546	
Race	Sex	DOB	Age	Juvenile?	Height	Weight	Hair Color	Eye Color		
WHITE LiveScan OK	[REDACTED]	[REDACTED]	[REDACTED]	No	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]		
PRN 1887830										
Type	Address						City	State		
HOME	[REDACTED]						MANHATTAN BEACH	CALIFORNIA		
ZIP Code		Date								
90266		09/03/2011								
Type	ID No	OLS								
OPERATOR LICENSE	[REDACTED]	[REDACTED]								
Phone Type	Phone No	Date								
HOME	[REDACTED]	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	[REDACTED]	[REDACTED]	[REDACTED]	No	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	1887831	
Type	Address						City			
WORK/BUSINESS	900 MANHATTAN BEACH BL						MANHATTAN BEACH			
State	ZIP Code	Date								
CALIFORNIA	90266	09/03/2011								
Type	ID No	OLS								
OPERATOR LICENSE	[REDACTED]	[REDACTED]								
Type	ID No									
SS	[REDACTED]									
Phone Type	Phone No	Date								
BUSINESS	[REDACTED]	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. [REDACTED] 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. [REDACTED] 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	Printed At	Page 2 of 3
20333/GARCIA, JESSE	09/05/2011 23:15	

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.

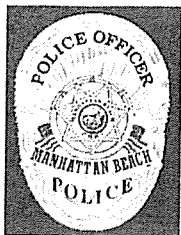
4

CRIME REPORT

Manhattan Beach Police Dept

12-1938

Supplement No
ORIG



420 15TH STREET

Reported Date
06/03/2012

MANHATTAN BEACH, CA 90266

Crime/Incident
5.48.120

Business: (310) 802-5100

Officer
BROWN, DON

(310) 802-5140

(310) 802-5107

Administrative Information

Agency Manhattan Beach Police Dept		Report No 12-1938	Supplement No ORIG	Reported Date 06/03/2012	Reported Time 14:41	CAD Call No 121550459
Status REPORT	Crime/Incident MBMC AMPLIFIED SOUNDS - ELECT DEVICE					
Location 900 N MANHATTAN AV			City MANHATTAN BEACH	ZIP Code 90266	Rep Dist M18	
Area 2	Beat M2	From Date 06/03/2012	From Time 01:00	To Date 06/03/2012	To Time 01:15	
Officer 20328/BROWN, DON			Assignment PATROL OFFICER	Entered By 20328	Assignment PATROL OFFICER	
RMS Transfer Successful	Prop Trans Stat Successful	Report Title CRIME REPORT		Approving Officer 20261		
Approval Date 06/03/2012		Approval Time 16:33:31				
Statements Yes		Victim(s) Contacted Yes				
# Offenses 1	Offense 5.48.120	Description MBMC AMPLIFIED SOUND		Complaint Type		

Person Summary

Invl	Invl No	Type	Name	MNI	Race	Sex	DOB
SUS	1	B	SIDE DOOR	2263671			
VIC	1	I	[REDACTED]	1767546	W	[REDACTED]	[REDACTED]

Summary Narrative

Noise complaint report.

manomet

900 Club

*Report # 12-1938
Personal rebuttal
to report #
1. Vaccinacis
2. report - wish*

ENTERED BY 2273

5

CRIME REPORT
Manhattan Beach Police Dept

12-1938

Supplement No
 ORIG

SUSPECT 1: SIDE DOOR

Involvement SUSPECT	Invl No 1	Type Business	Name SIDE DOOR	MNI 2263671	PRN 1967124
Type WORK/BUSINESS	Address 900 N MANHATTAN AV			City MANHATTAN BEACH	
State CALIFORNIA	ZIP Code 90266	Date 06/03/2012			

VICTIM 1.

Involvement VICTIM	Invl No 1	Type Individual	Name [REDACTED]	MNI 1767546						
Race WHITE	LiveScan OK	Sex [REDACTED]	DOB [REDACTED]	Age [REDACTED]	Juvenile? No	Height [REDACTED]	Weight [REDACTED]	Hair Color [REDACTED]	Eye Color [REDACTED]	Dom Violence NO
PRN 1967125										
Type HOME	Address [REDACTED]			City MANHATTAN BEACH	State CALIFORNIA					
ZIP Code 90266	Date 06/03/2012									
Type OPERATOR LICENSE	ID No [REDACTED]	OLS [REDACTED]								
Phone Type CELL	Phone No [REDACTED]	Date 06/03/2012								

Narrative

SOURCE:

On 6-3-2012 at approximately 1441 hours, I responded to the MBPD lobby regarding a noise disturbance report.

STATEMENT:

[REDACTED] Victim:

I contacted the victim, [REDACTED] who stated the following:

On 6-3-2012 at approximately 0100 hours, [REDACTED] was at her residence at [REDACTED]. She heard loud noise and amplified music coming from the Side Door bar at 900 North Manhattan Avenue.

[REDACTED] stated this is an ongoing problem and she has reviewed the bar's operations agreement with Manhattan Beach. The agreement states the bar cannot operate amplified music or serve alcohol after 0100 hours. She also stated patrons were still drinking alcohol at 0100 hours.

[REDACTED] is desirous of a violation of the agreement with Manhattan Beach and a possible municipal code violation of MBMC. 5.48.120.

ADDITIONAL:

I issued [REDACTED] a business card with the report number.

I was complaining because Kitzios did not cite the club the 2nd time & I requested he do so twice.

No mention of police responding 2X's

Rebuttal to Report 12-1938

June 3, 2012

I declare that the information taken on the above report does not accurately describe the information reported.

At 2:30 pm I visited 420 15th Street Manhattan Beach Police Department in person.

I requested to speak to a supervisor to make a complaint. I spoke to Lt. Ryan Small on duty.

I reported to Lt. Small that the supervisor/responding officer of the previous shift did not file a report/complaint on 2 incidents that occurred earlier that morning regarding violations by the 900 Club. (Police were called at approximately 12:10 a.m. and 12:50 a.m.)

In having ongoing problems with the 900 Club I was directed by Code Enforcement Officer, Jackie Harris, at the City of Manhattan Beach the importance of giving my name and filing an actual police report to document a pattern of violations by the 900 Club.

Attached are copies of 2 emails sent to Jackie Harris, Code Enforcement, at 12:36 a.m. and 1:16 a.m. immediately after I reported the violations to the police documenting the incidents.

Lt. Small had directed me to a room and had an officer take a report. The report does not accurately reflect the information I reported at the station for the following reasons:

1. The name of Establishment is incorrect. The Police Report states the "Side Door" and I reported the "900 Club" solely.
2. The Police Report omits that the police were called out 2 times that night (only reports 1 time). The police had to respond twice because the 900 Club ignored their first police visit and warning earlier.
3. The Police Report omits the purpose for my visit to the police station. First to report that the supervising watch commander did not file a complaint/citation with my name on it as requested by me personally 2 times after his 2nd response call out around 1 a.m. and secondly to make sure the 2 police calls were documented.

Page 2 of 4
Report 12-1938
June 3, 2012

Incidents as they occurred:

June 3, 2012 - At approximately 12:10 a.m. the 900 Club had a band playing loud amplified music, windows open, no sound proofing violating the City's Noise Ordinance and CUP. There were large groups of patrons in and out the back emergency exit door, hanging out making loud disruptive noises disturbing my sleep and no club supervision.

The police responded to my first call and the music and noises stopped.

Shortly after the officers left, the music started up full volume and the same scene above continued.

At approximately 12:50 a.m. I called the police a second time. This time I called the night watch command supervisor, Sgt. Kitzius. He came out and spoke to the 900 Club again and the music stopped. As he was leaving the area I went out on the street to talk to him after 1 a.m. and said I wanted to file a complaint/report with my name on it against the 900 Club. He declined to write up the report. I requested a second time for him to file a complaint explaining why and he said if he had to come out a 3rd time, he would. I told him the club should be closed by now as it was past 1 a.m. (another violation) yet they were in full swing and that they should not receive a 3rd chance as this was already their second chance. The officer declined my request again.

Because no action was taken in the form of a citation or formal report by the supervisor, except the 900 Club received 2 verbal police warnings that evening, I went to the Police Department the following afternoon to report and complain about the handling of the incidents above at 2:41 p.m.

The statements above and my emails at the time immediately following the incidents are my rebuttal to the report on file.

8

Report 12-1938
June 3, 2012

June 3rd 2012 re: 1st Call to Police

From:
Sent:
To:
Subject:

→ [REDACTED] Sunday, June 03, 2012 12:36 AM ←

[REDACTED]
900 Club.

Hi Jackie,

Hope you are doing well.

I had to call the police tonight. The 900 Club had a band with all windows open and there was over a dozen people sitting outside the back door smoking and talking loudly. I've been sick for almost a week and need to sleep. Very loud tonight.

Bad neighbors ☹

[REDACTED]

[REDACTED] | c [REDACTED] | f

[REDACTED]

9

Report 12-1938
June 3, 2012

June 3rd 2012 re: 2nd call to Police

From:
Sent:
To:
Subject:

→ [REDACTED]
Sunday, June 03, 2012 1:16 AM
'Jacqueline Harris'
Left you a voice mail...

Hi Jacqueline,

I have been sick all week with a sore throat and congestion. Needed to sleep tonight and just couldn't handle the 900 club.

The police had to come out twice tonight for a violation of the noise ordinance from having a band playing loudly. The 900 Club had windows open and over a dozen people hanging out going in and out of back door with voices being loud and raised. I left a message for the supervisor and he called and came out. I specifically asked to file a violation and that I would sign and give my name. They said if they had to come out a 3rd time they would. I said let's do it now it's already the 2nd chance. No action was taken.

Not sure why the 900 club should get a 3rd chance in one night when this is an ongoing weekly problem and it's 1:00am when they are supposed to be closed. If it wasn't their normal behavior I can understand giving them a break. The police aren't being taken seriously by the 900 Club and it's because there are no consequences when they are caught.

Wanted to let you know that I tried.

Thanks,

[REDACTED]

[REDACTED]

[REDACTED]

CRIME REPORT

Manhattan Beach Police Dept

12-3677

Supplement No
ORIG

Reported Date
10/18/2012

Officer
ZINS, TIM



420 15TH STREET
MANHATTAN BEACH, CA 90266
Crime/Incident
5.48.140
Business: (310) 802-5100
(310) 802-5140
(310) 802-5107

Administrative Information

Agency Manhattan Beach Police Dept		Report No 12-3677	Supplement No ORIG	Reported Date 10/18/2012	Reported Time 23:39	CAD Call No 122921006	
Status REPORT	Crime/Incident MBMC NOISE DISTURBANCES	Location 900 N MANHATTAN AV					
City MANHATTAN BEACH	ZIP Code 90266	Rep Dist M18	Area 2	Beat M2	From Date 10/18/2012	From Time 23:39	To Date 10/18/2012
To Time 23:39	Officer 20252/ZINS, TIM	Assignment PATROL OFFICER		Entered By 20252			
Assignment PATROL OFFICER	RMS Transfer Successful	Prop Trans Stat Successful	Report Title CRIME REPORT				
Approving Officer 20290	Approval Date 10/20/2012	Approval Time 05:30:20					

Person Summary

Inv	Inv No	Type	Name	MNI	Race	Sex	DOB
INV	1	I	ROHRBACHER, DAVID	910969			
REP	1	I		1767546			

Summary Narrative

Violation of CUP by 900 Club.

Report Officer
20252/ZINS, TIM

Printed At
10/22/2012 16:09

Page 1 of 2

(N/A)

CRIME REPORT

12-3677

Supplement No
ORIG

Manhattan Beach Police Dept

INVOLVED PARTY 1: ROHRBACHER, DAVID

Involvement	Invl No	Type	Name	MNI					
INVOLVED PARTY	1	Individual	ROHRBACHER, DAVID	910969					
Race	Sex	DOB	Age	Juvenile?	Height	Weight	Hair Color	Eye Color	PRN
WHITE LiveScan OK				No					2005114
Type	Address		City						
WORK/BUSINESS	900 MANHATTAN BEACH BL		MANHATTAN BEACH						
State	ZIP Code	Date							
CALIFORNIA	90266	10/18/2012							
Type	ID No	OLS							
OPERATOR LICENSE									
Type	ID No								
SS									
Phone Type	Phone No	Date							
CELL		10/18/2012							

REPORTING PARTY 1:

Involvement	Invl No	Type	Name	MNI				
REPORTING PARTY	1	Individual		1767546				
Race	Sex	DOB	Age	Juvenile?	Height	Weight	Hair Color	Eye Color
WHITE LiveScan OK				No				
PRN	2005115							
Type	Address		City		State			
HOME			MANHATTAN BEACH		CALIFORNIA			
ZIP Code	Date							
90266	10/18/2012							
Type	ID No	OLS						
OPERATOR LICENSE								
Phone Type	Phone No	Date						
CELL		10/18/2012						

Narrative

Source:

On 10/18/12 at approximately 2238 hours, Sgt. Kitsios and I were dispatched to 900 Manhattan Ave (900 Club) re: loud subjects to the rear of the location.

Statements:

When Sgt. Kitsios arrived, he stated he observed approximately four subjects near the rear door of the 900 Club, one of them smoking a cigar. Upon my arrival, Sgt. Kitsios was speaking to the owner of the 900 Club, David Rohrbacher. After speaking with Rohrbacher, Sgt. Kitsios and I contacted the reporting party, [REDACTED] who lives across the street at [REDACTED]. [REDACTED] stated, in essence, she video taped several subjects being loud outside the rear door to the 900 Club at 2336 hours. When we reviewed the video, we observed five subjects loitering near the rear door of the 900 Club but there was no sound to the video. [REDACTED] claims the subjects were so loud that they woke her up. Sgt. Kitsios advised Rohrbacher of the CUP violation of subject loitering and being loud outside the bar.

Additional:

When Sgt. Kitsios reviewed the CUP for the 900 Club, they are to stop serving alcohol at midnight on Thursday nights. When Sgt. Kitsios and I entered the club at approximately 0015 hours, there were approximately 20 customers inside who were drinking alcohol and the bartender was still serving alcohol. Sgt. Kitsios advised Rohrbacher of the CUP violation.

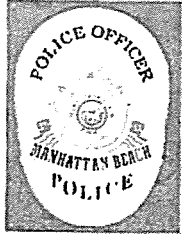
12

SUPPLEMENTAL REPORT

Manhattan Beach Police Dept

12-3677

Supplement No
0001



420 15TH STREET
 MANHATTAN BEACH, CA 90266
 Crime/Incident
 5.48.140
 Business: (310) 802-5100
 (310) 802-5140
 (310) 802-5107

Reported Date
10/25/2012

Officer
KITSIOS, STEVEN

Administrative Information															
Agency	Manhattan Beach Police Dept			Report No	12-3677	Supplement No	0001	Reported Date	10/25/2012	Reported Time	07:09	CAD Call No	122921006		
Status	REPORT			Crime/Incident	MBMC NOISE DISTURBANCES			Location	900 N MANHATTAN AV						
City	MANHATTAN BEACH	ZIP Code	90266	Rep Dist	M18	Area	2	Beat	M2	From Date	10/18/2012	From Time	23:39	To Date	10/18/2012
To Time	23:39	Officer	20290/KITSIOS, STEVEN			Assignment	SERGEANT		Entered By	20290		Assignment	SERGEANT		
RMS Transfer	Successful	Prop Trans Stat	Successful		Report Title	SUPPLEMENTAL REPORT			Approving Officer	20290					
Approval Date	11/09/2012		Approval Time	08:06:26											

Summary Narrative

provided me with video surveillance of several CUP violations made by the 900 Club.

INVOLVED PARTY 1:

Involvement	Invl No	Type	Name							MNI
INVOLVED PARTY	1	Individual	[REDACTED]							1767546
Race	Sex	DOB	Age	Juvenile?	Height	Weight	Hair Color	Eye Color		
WHITE LiveScan OK	[REDACTED]	[REDACTED]	[REDACTED]	No	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]		
Type	ID No	OLS								
OPERATOR LICENSE	[REDACTED]	CALIFORNIA								
Phone Type	Phone No	Date								
CELL	[REDACTED]	10/25/2012								

INVOLVED PARTY 1: ROHRBACHER, DAVID

Involvement	Invl No	Type	Name							MNI
INVOLVED PARTY	1	Individual	ROHRBACHER, DAVID							910969
Race	Sex	DOB	Age	Juvenile?	Height	Weight	Hair Color	Eye Color		
WHITE LiveScan OK	[REDACTED]	[REDACTED]	[REDACTED]	No	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]		
Type	ID No	OLS								
OPERATOR LICENSE	[REDACTED]	CALIFORNIA								
Type	ID No	SS								
SS	[REDACTED]	[REDACTED]								
Phone Type	Phone No	Date								
CELL	[REDACTED]	10/25/2012								

Narrative

Source:

On 10-24-12, Lieutenant R. Small #261 and I (Sergeant S. Kitsios #290) met with [REDACTED] at her residence to discuss CUP violations by the 900 Club. [REDACTED] also provided us with video surveillance of several violations recorded by her CCTV camera attached to the north side of her residence that faces the 900 Club.

Since 2004 and more recently, there have been several complaints regarding the 900 Club. Eight residents represented by [REDACTED] have alleged the 900 Club allows patrons to stay in the establishment well past closing hours and the owner, David Rohrbacher, allows his patrons to loiter outside the east door of the establishment in violation of Resolution No. PC 93-28 number 18 of their Conditional Use Permit (CUP). The patrons who loiter outside the bar are very loud and can be heard by the residents who live in the vicinity disturbing the reasonable peace of the adjacent community. There have been several noise complaints by the residents who can hear loud music coming from the bands that play in the bar and the bar stereo system can also be heard playing after hours, well past 60 feet when standing outside the bar, in violation of Resolution No. 93-28 number 6.

Report Officer	20290/KITSIOS, STEVEN		Printed At	11/26/2012 09:38		Page 1 of 2
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SUPPLEMENTAL REPORT

Manhattan Beach Police Dept

12-3677

Supplement No
0001

Narrative

In the last two months, Manhattan Beach City Prosecutor Joan Jenkins, Code Enforcement Officer Jackie Harris and Manhattan Beach Police Lieutenant A. Harrod #168 have met with Rohrbacher to discuss and warn him of the violations occurring at the 900 Club. Rohrbacher said he would comply with the CUP and make his best efforts to have his patrons be courteous to the neighbors in regards to loitering and noise complaints. Since these meetings have been held, the CUP violations made by the bars and noise from patrons continue. [REDACTED] has surveillance video to prove several loitering violations occur often.

In the month of October, two police reports were prepared (DR# 12-03677 and 12-01938) in regards to noise complaints coming from the 900 Club, see attached reports for further details. On 10-25-12 at 0345 and 0420 hours, patrons were seen by [REDACTED] and captured on video surveillance recordings loitering outside the bar, then leaving in taxi cabs. This incident was also documented on [REDACTED] CCTV footage.

On 10-25-12, between 2000-2200 hours, the Manhattan Beach Police ABC team conducted surveillance outside the 900 Club and observed several subjects loitering to the rear of the bar and the south east door was propped open for most of the night in violation of their agreement between the 900 Club and the residents, see attached letter for reference. This is also in violation of Resolution No. PC 93-28 number 18. For further information, refer to Detective Allard's report #12-03760.

The Manhattan Beach Police Department has responded to at least three calls for service related to noise and other CUP violations with advisements and warnings given. See the attached Computer Aided Dispatch reports for reference.

Based on the aforementioned investigations, it is recommended the City Prosecutor consider filing misdemeanor charges against the 900 Club management for:

- Three counts of unnecessary noise in violation of 5.48.140 MBMC
- Seven counts for violating Resolution No. PC 93-28 number 18, 10.104.040 MBMC
- One count of 347 b P.C.

This location continues to be a nuisance to the community with various violations of the CUP and the ABC ACT (B+P).

Reporting party [REDACTED] has taken and delivered personal copious notes of the violations that occur. See the attached notes for reference.

14

City Denied Public Acts Request

Police Report

October 25, 2012 ABC "Bugs in Bottle"

15

City Denied Public Acts Request

Police Report

October 27, 2012 Operating After CUP Hours

Citation, Code Enforcement Officer

CITY OF MANHATTAN BEACH

NOTICE TO APPEAR

UNDEVELOPED
 Traffic Nontraffic

137756

Date of Violation 01 18 13 Time 1040 Day of Week SAT BR / Price No. 190

Name (Print, Driver Last) DAVID ROHRBACHER License Responsibility Fee Code \$ 4300

Address [Redacted]

City [Redacted] State CA ZIP Code 90293

Gender M Hair Blk Eyes Blu Height 5 11 Weight 175 Race CA CM Age 31 Birth Date 08 11 81

Vehicle Lic. No. or VIN N/A Commercial Vehicle (Veh. Code § 102063)

Hazardous Material (Veh. Code § 253)

Evidence of Financial Responsibility Registered Owner or Lessee Same as Driver

Address City State ZIP Code Same as Driver

Correctable Violation (Veh. Code § 40610) Code and Section Description Booking Required Misdemeanor or Infraction (Circle) M I
 CALIFORNIA BUILDING CODE PERMITS REQUIRED 105.1 M I

Speed Approx. P.F. Max. Spd. Veh. Limit Code Spd. RADAR Continuation Form Issued LIDAR

Location of Violation(s) at 900 MANHATTAN AVE
Road Cond. Wet Dry Hwy Med Lt Traffic Working Unit No. Passengers M F Accident

Violation(s) not committed in my presence and declared on information and belief I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

JACQUELYNE HARRIS Arresting or Citing Officer

Date 1 1 Name of Arresting Officer, if different from Citing Officer Serial No.

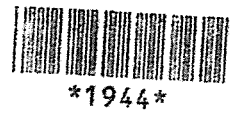
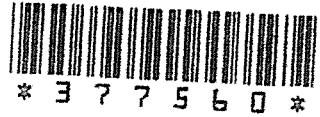
WITHOUT ADMITTING GUILT, I PROMISE TO APPEAR AT THE TIME AND PLACE INDICATED BELOW.

SIGNATURE [Signature]

WHEN: DATE 2 19 2013 Time 8:30 AM PM
WHAT TO DO DEPUTY CLERK OF THE SUPERIOR COURT - SOUTHWEST DISTRICT AT 625 Maple Ave, Torrance 90503 Division 5
 Other Juvenile Traffic Court, 3221 Torrance Blvd., Torrance 90503

To be notified

1377560



Notice to Appear form approved by the Judicial Council of California
Rev 02-15-02 Vehicle Code sections 40500(b), 40513 (b), 40522 40600;
Penal Code section 853.9

SEE REVERSE
COURT FEE TR-130

STRATACOM • 949.380.7792

18

**Manhattan Beach Code Enforcement
Citation Report**

Source: On January 18, 2013 at approximately 10:40 hours I cited the 900 Club manager at 900 Manhattan Ave., Manhattan Beach, CA.

Investigation: I approached David Rohrbacher, Manager, and advised him that as of today there have been no building permits issued for the site to construct a high fence at the rear of the property off of Bayview Dr. I have advised him and the worker on January 16, 2013 to stop work on the construction of the fence and to obtain permits. They were advised to go to the Planning Department and Planning would give them corrections if needed. When I arrived on Friday, January 18, 2013 nothing had been issued and they had completed the work. Rohrbacher had advised that he was just completing the work that was given to him 2 years ago that he had with the city.

Enforcement action: A permit is required for any fence over 6 feet in height and currently required by code. I issued David Rohrbacher a citation M377560 for Uniform Building Code 105.1 Permits Required.

Notes: 3rd Chance Given-Verbal
Code Enforcement Officer - gave Rohrbacher verbal to
pull permit and she will rip up citation. Rohrbacher
refused. City Prosecutor filed Judicial case # 2



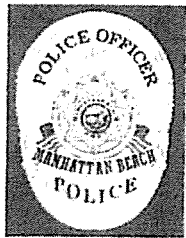
01/11/14
20

INFORMATION REPORT

Manhattan Beach Police Dept

13-1289

Supplement No
ORIG



420 15TH STREET
 MANHATTAN BEACH, CA 90266
 Crime/Incident
 5.48.140
 Business: (310) 802-5100
 (310) 802-5140
 (310) 802-5107

Reported Date
04/30/2013

Officer
BROWN, DON

Administrative Information

Agency Manhattan Beach Police Dept	Report No 13-1289	Supplement No ORIG	Reported Date 04/30/2013	Reported Time 00:32	CAD Call No 131200015
Status REPORT	Crime/Incident MBMC NOISE DISTURBANCES	Location 900 N MANHATTAN AV			
City MANHATTAN BEACH	ZIP Code 90266	Rep Dist M18	Area 2	Beat M2	From Date 04/30/2013
To Time 00:56	Officer 20328/BROWN, DON	From Time 00:32	To Date 04/30/2013	Assignment PATROL OFFICER	2nd Officer SMALL, RYAN
2nd Assignment LIEUTENANT	Entered By 20328	Assignment PATROL OFFICER	RMS Transfer Successful	Prop Trans Stat Successful	
Report Title INFORMATION REPORT	Approving Officer 20261	Approval Date 05/02/2013	Approval Time 02:52:38		

Statements
Yes

# Offenses	Offense	Description	Complaint Type
1	5.48.140	MBMC NOISE DISTURBAN	
2	415PC	DISTURB THE PEACE	

Person Summary

Inv	Inv No	Type	Name	MNI	Race	Sex	DOB
INV	1	I	DOHERTY, TIMOTHY MATTHEW	972096			

Summary Narrative

Violation of conditional use permit and disturbing the peace (ongoing).

21

(JOAN JENKINS

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	LiveScan OK			No					NO
PRN									
2059258									
Type	Address	City	State						
HOME									
ZIP Code	Date								
90266	04/30/2013								
Type	ID No	OLS							
OPERATOR LICENSE									
Type	ID No	OLS							
STATE IDENTIFICATION NUMBER									
Type	ID No								
SS									
Phone Type	Phone No	Date							
HOME		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.

MISDEMEANOR CITATIONS

Manhattan Beach Police Dept

13-3570

Supplement No
ORIG



420 15TH STREET

MANHATTAN BEACH, CA 90266

Crime/Incident
5.48.140

Business: (310) 802-5100

(310) 802-5140

(310) 802-5107

Reported Date
11/16/2013

Officer
SMITH, ALEINA

Administrative Information

Agency Manhattan Beach Police Dept		Report No 13-3570	Supplement No ORIG	Reported Date 11/16/2013	Reported Time 01:23	CAD Call No 133200057
Status CITATION ISSUED	Crime/Incident MBMC NOISE DISTURBANCES					
Location 900 N MANHATTAN AV			City MANHATTAN BEACH	ZIP Code 90266	Rep Dist M18	
Area 2	Beat M2	From Date 11/16/2013	From Time 01:00	To Date 11/16/2013	To Time 01:30	
Officer 20336/SMITH, ALEINA			Assignment PATROL OFFICER	Entered By 20336	Assignment PATROL OFFICER	
RMS Transfer Successful	Prop Trans Stat Successful	Report Title MISDEMEANOR CITATIONS		Approving Officer 20295		
Approval Date 11/16/2013		Approval Time 05:29:16				
# Offenses 1	Offense 5.48.140	Description MBMC NOISE DISTURBAN			Complaint Type	

Person Summary

Invl	Invl No	Type	Name	MNI	Race	Sex	DOB
CIT	1	I	ROHRBACHER, DAVID	1735572			
WIT	1	I		1767546			

Summary Narrative

Owner of 900 Club cited for noise violation.

23

MISDEMEANOR CITATIONS
Manhattan Beach Police Dept

13-3570

Supplement No
 ORIG

CITED 1: ROHRBACHER, DAVID

Involvement	Invt No	Type	Name			MNI
CITED	1	Individual	ROHRBACHER, DAVID			1735572
Race	Sex	DOB	Age	Juvenile?	Height	Weight
WHITE LiveScan OK				No	"	
Type	Address				City	State
HOME						CALIFORNIA
ZIP Code	Date					
90293	11/16/2013					
Type	Address			City		
WORK/BUSINESS	900 MANHATTAN AVENUE			MANHATTAN BEA		
State	ZIP Code	Date				
CALIFORNIA	90266	11/16/2013				
Type	ID No			OLS		
OPERATOR LICENSE						
Type	ID No			OLS		
STATE IDENTIFICATION NUMBER						
Type	ID No					
SS						
Phone Type	Phone No	Date				
BUSINESS	4	11/16/2013				
Involvement	Arrest Type	Arrest Date	Arrest Time	Status	Dispo	
CITED	CITATION	11/16/2013	01:59:00	CITED	MISDEMEANOR	
Arrest Location				City	Citation No	
900 MANHATTAN AVENUE				MANHATTAN BEA	M452994	
Charge	Level	Charge Literal				
MBMC 5.48.140	M	NOISE DISTURBANCES				

WITNESS 1:

Involvement	Invt No	Type	Name			MNI
WITNESS	1	Individual				1767546
Race	Sex	DOB	Age	Juvenile?	Height	Weight
WHITE LiveScan OK				No	"	
PRN						
2114916						
Type	Address				City	State
HOME					MANHATTAN BEACH	CALIFORNIA
ZIP Code	Date					
90266	11/16/2013					
Type	ID No			OLS		
OPERATOR LICENSE						
Phone Type	Phone No	Date				
CELL		11/16/2013				
Type	EMail					
Home						

Narrative

SOURCE:

On 11-16-2013 at approximately 0130 hours, Sergeant Sabosky (#295), Officer Luttenegger (#312) and I responded to 900 Manhattan Avenue (900 Club) regarding a loud music and loud subjects call at the location.

OBSERVATIONS:

When I arrived on scene, I did not hear music coming from the 900 Club. When I approached the west entrance door (located on Manhattan Avenue), I could hear voices coming from inside the building. I opened the door and a large crowd of people exited the club. Inside the location, I observed servers cleaning up the bar area and a band putting away their gear (located near the west side of the room). It did not appear that any other patrons were still inside the club. Officers spoke to the owner of the club, identified by [redacted] Driver License as David Rohrbacher.

STATEMENT:

David Rohrbacher, Owner of 900 Club

Rohrbacher stated his business, the 900 Club, was supposed to stop playing music and serving alcohol at 0100

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MISDEMEANOR CITATIONS
Manhattan Beach Police Dept

13-3570

Supplement No
ORIG

Narrative

hours per the business permit. By 0130 hours, customers needed to leave the location. On 11-15-2013 to 11-16-2013, Rohrbacher was hosting a charity event for one of the 900 Club members, identified as "Yonnie Curry," and the charity "Next Step." Rohrbacher stated that on 11-16-2013, the band played music past 0100 hours in violation of their business permit and he knew it was wrong for him to allow the band to continue playing past 0100 hours. Rohrbacher stated the band played until approximately 0105 hours in the morning. Rohrbacher allowed the band to play past 0100 hours because of the special charity event they were hosting.

Reporting Party/ Witness

I spoke to the reporting party, identified as [REDACTED] at her residence [REDACTED] residence is located approximately 200 yards away from the 900 Club. [REDACTED] told me the following:

On 11-16-2013 at approximately midnight, [REDACTED] returned to her residence. She could hear a live band and loud voices coming from the 900 Club. At 0008 hours, [REDACTED] received a text message from her neighbor, [REDACTED] (cell: [REDACTED]), asking her if she could hear the music. At 0100 hours, the live band was still playing and loud voices continued to resonate from inside the club. At approximately 0122 hours, [REDACTED] recorded the live band and voices at the 900 Club using her cell phone. [REDACTED] was outside on her second story balcony when she recorded the noise. The balcony is located on the southwest corner of her residence facing 9th Street. [REDACTED] stated she could hear the song "Free Falling" playing from the band, and people "hooting and hollering." At approximately 0123 hours, [REDACTED] heard the band talking on microphones from inside the 900 Club stating they were done playing for the night. [REDACTED] told me she could not sleep because of the noise generated from the 900 Club.

INVESTIGATION:

[REDACTED] agreed to sign a Misdemeanor Complaint form against Rohrbacher listing her as a witness to the noise violation created at Club 900. [REDACTED] signed the form in my presence (see attached).

Rohrbacher was issued citation #M452994 for the Manhattan Beach Municipal Code Noise Violation (MBMC 5.48.140) which he signed in my presence.

EVIDENCE:

I recorded conversations with Rohrbacher and [REDACTED] and the recordings were uploaded to the PUMA digital evidence file.

[REDACTED] emailed me two sound recording clips taken from her cell phone. The recordings were uploaded into the Digital Evidence System under tag #47835.

25

Public Records Act Request Denied Police Report 11/16/2013 Missing Addendums

Police Report:

- Missing 2 Witness Affidavits
- Missing First Responding Officers Report- Patrons in bar and alcohol service after hours

26

**Public Records Act Request
Declined**

Police Report February 2, 2014

**Police Report – Violation of the Noise Ordinance
Rohrbacher**

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Judicial Complaints Filed by MB City Prosecutor

Total of 5 Complaints Filed

Judicial Complaint #1 Filed

Summary of Docket Events Per Case

Case #1: Defendant, David Rohrbacher

Case No. # 2SY09217 – Disturbing the Peace by Loud Noise

Filed 12/19/2012 - Torrance Courthouse

See Police Report & Supplemental Report # 12-3677, 10/18/2012

First Arraignment in Court on 1/7/2013

Defendant Fails to Appear and Bench Warrant Issued - \$5000.

Case has approx. 11 Continuances over 1 ½ Years

Status - Continued to 5/21/2014.

DEC 19 2012

JOHN A. CLARKE, CLERK

1-7
LT

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

THE PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff,

v.

8
DAVID ROHRBACHER (09/05/1966)

Defendant(s).

CASE NO. 25409217

MISDEMEANOR COMPLAINT

The undersigned is informed and believes that:

COUNT 1

On or between September 15, 2012 and October 25, 2012, in the County of Los Angeles, the crime of DISTURBING THE PEACE BY LOUD NOISE, in violation of PENAL CODE SECTION 415(2), a Misdemeanor, was committed by DAVID ROHRBACHER, who did willfully, unlawfully, and maliciously disturb another person, to wit, Rosanna Libertucci by loud and unreasonable noise in violation of subsection (2).

* * * * *

ENTERED TO S 9 1 DEC 19 2012

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

NO. 2SY09217

PAGE NO. 1

THE PEOPLE OF THE STATE OF CALIFORNIA VS.

CURRENT DATE 04/30/14

DEFENDANT 01: DAVID ROHRBACHER

LAW ENFORCEMENT AGENCY EFFECTING ARREST: MANHATTAN BEACH POLICE DEPT.

BAIL:	APPEARANCE	AMOUNT	DATE	RECEIPT OR	SURETY COMPANY	REGISTER
	DATE	OF BAIL	POSTED	BOND NO.		NUMBER

CASE FILED ON 12/19/12.

COMPLAINT FILED, DECLARED OR SWORN TO CHARGING DEFENDANT WITH HAVING COMMITTED, ON OR ABOUT 09/15/12 IN THE COUNTY OF LOS ANGELES, THE FOLLOWING OFFENSE(S) OF:

COUNT 01: 415(2) PC MISD

NEXT SCHEDULED EVENT:

01/07/13 830 AM ARRAIGNMENT DIST TORRANCE COURTHOUSE DEPT 002

ON 01/07/13 AT 830 AM IN TORRANCE COURTHOUSE DEPT 002

CASE CALLED FOR ARRAIGNMENT

PARTIES: TRACY T. GRANT (JUDGE) DENISE WYATT (CLERK)
MARTI ROBERTS (REP) PHILIP E. Y. NORRIS (DA)

DEFENDANT IS NOT PRESENT IN COURT, AND NOT REPRESENTED BY COUNSEL

A BENCH WARRANT IS ISSUED FOR THE DEFENDANT'S ARREST.

BAIL ON THE BENCH WARRANT IS SET AT \$ 5,000.00

NEXT SCHEDULED EVENT:

BENCH/WARRANT TO ISSUE

01/07/13 BENCH WARRANT IN THE AMOUNT OF \$5,000.00 BY ORDER OF JUDGE TRACY T. GRANT ISSUED. (01/07/13).

ON 01/11/13 AT 830 AM IN TORRANCE COURTHOUSE DEPT 002

CASE CALLED FOR BENCH WARRANT HEARING

PARTIES: SANDRA THOMPSON (JUDGE) AILENE SANDERS (CLERK)
MARTI ROBERTS (REP) JOAN STEINE JENKINS (CA)

DEFENDANT IS NOT PRESENT IN COURT, AND NOT REPRESENTED BY COUNSEL

NEXT SCHEDULED EVENT:

01/22/13 830 AM BENCH WARRANT HOLD DIST TORRANCE COURTHOUSE DEPT 002

01/11/13 BENCH WARRANT IN THE AMOUNT OF \$5,000.00 RECALLED. (01/11/13).

ON 01/22/13 AT 830 AM IN TORRANCE COURTHOUSE DEPT 002

CASE CALLED FOR BENCH WARRANT HOLD

PARTIES: SANDRA THOMPSON (JUDGE) AILENE SANDERS (CLERK)
KAREN PECKHAM (REP) PHILIP E. Y. NORRIS (CA)

DEFENDANT IS NOT PRESENT IN COURT, BUT REPRESENTED BY ROBERT COURTNEY PRIVATE COUNSEL

DEFENDANT APPEARING BY COUNSEL PURSUANT TO PENAL CODE SECTION 977 ET SEQ, BY ROBERT COURTNEY PRIVATE COUNSEL

DEFENDANT WAIVES ARRAIGNMENT, READING OF COMPLAINT, AND STATEMENT OF CONSTITUTIONAL AND STATUTORY RIGHTS.

DEFENDANT WAIVES FURTHER ARRAIGNMENT.

DEFENDANT PLEADS NOT GUILTY TO COUNT 01, 415(2) PC.

CASE NO. 2SY09217
DEF NO. 01

PAGE NO. 2
DATE PRINTED 04/30/14

WAIVES STATUTORY TIME.

NEXT SCHEDULED EVENT:

UPON MOTION OF DEFENDANT
02/27/13 830 AM TRIAL SETTING/RESETTING DIST TORRANCE COURTHOUSE DEPT 002

CUSTODY STATUS: RELEASED ON OWN RECOGNIZANCE

ON 02/27/13 AT 830 AM IN TORRANCE COURTHOUSE DEPT 002

CASE CALLED FOR TRIAL SETTING/RESETTING

PARTIES: SANDRA THOMPSON (JUDGE) AILENE SANDERS (CLERK)

MARTI ROBERTS (REP) PHILIP E. Y. NORRIS (DA)

DEFENDANT IS NOT PRESENT IN COURT, BUT REPRESENTED BY ROBERT COURTNEY PRIVATE COUNSEL

DEFENDANT APPEARING BY COUNSEL PURSUANT TO PENAL CODE SECTION 977 ET SEQ, BY ROBERT COURTNEY PRIVATE COUNSEL

NEXT SCHEDULED EVENT:

UPON MOTION OF DEFENDANT

04/09/13 830 AM TRIAL SETTING/RESETTING DIST TORRANCE COURTHOUSE DEPT 002

CUSTODY STATUS: DEFENDANT REMAINS ON OWN RECOGNIZANCE

ON 04/09/13 AT 830 AM IN TORRANCE COURTHOUSE DEPT 002

CASE CALLED FOR TRIAL SETTING/RESETTING

PARTIES: SANDRA THOMPSON (JUDGE) AILENE SANDERS (CLERK)

CHRISTINE CHEATHAM (REP) PHILIP E. Y. NORRIS (DA)

DEFENDANT IS NOT PRESENT IN COURT, BUT REPRESENTED BY ROBERT COURTNEY PRIVATE COUNSEL

DEFENDANT APPEARING BY COUNSEL PURSUANT TO PENAL CODE SECTION 977 ET SEQ, BY ROBERT COURTNEY PRIVATE COUNSEL

NEXT SCHEDULED EVENT:

UPON MOTION OF DEFENDANT

05/08/13 830 AM TRIAL SETTING/RESETTING DIST TORRANCE COURTHOUSE DEPT 002

ON 05/08/13 AT 830 AM IN TORRANCE COURTHOUSE DEPT 002

CASE CALLED FOR TRIAL SETTING/RESETTING

PARTIES: SANDRA THOMPSON (JUDGE) AILENE SANDERS (CLERK)

MARTI ROBERTS (REP) PHILIP E. Y. NORRIS (DA)

DEFENDANT IS NOT PRESENT IN COURT, BUT REPRESENTED BY ROBERT COURTNEY PRIVATE COUNSEL

DEFENDANT APPEARING BY COUNSEL PURSUANT TO PENAL CODE SECTION 977 ET SEQ, BY ROBERT COURTNEY PRIVATE COUNSEL

NEXT SCHEDULED EVENT:

UPON MOTION OF DEFENDANT

06/12/13 830 AM TRIAL SETTING/RESETTING DIST TORRANCE COURTHOUSE DEPT 002

ON 06/12/13 AT 830 AM IN TORRANCE COURTHOUSE DEPT 002

CASE CALLED FOR TRIAL SETTING/RESETTING

CASE NO.. 2SY09217
DEF NO. 01

PAGE NO. 3
DATE PRINTED 04/30/14

PARTIES: SANDRA THOMPSON (JUDGE) AILENE SANDERS (CLERK)
MARTI ROBERTS (REP) DANIEL B MERRICK (DA)
DEFENDANT IS NOT PRESENT IN COURT, BUT REPRESENTED BY ROBERT COURTNEY PRIVATE
COUNSEL
DEFENDANT APPEARING BY COUNSEL PURSUANT TO PENAL CODE SECTION 977 ET SEQ, BY
ROBERT COURTNEY PRIVATE COUNSEL
NEXT SCHEDULED EVENT:
UPON MOTION OF DEFENDANT
07/23/13 830 AM TRIAL SETTING/RESETTING DIST TORRANCE COURTHOUSE DEPT
002

ON 07/23/13 AT 830 AM IN TORRANCE COURTHOUSE DEPT 002

CASE CALLED FOR TRIAL SETTING/RESETTING
PARTIES: SANDRA THOMPSON (JUDGE) AILENE SANDERS (CLERK)
MARTI ROBERTS (REP) DANIEL B MERRICK (DA)
DEFENDANT IS NOT PRESENT IN COURT, BUT REPRESENTED BY ROBERT COURTNEY PRIVATE
COUNSEL
DEFENDANT APPEARING BY COUNSEL PURSUANT TO PENAL CODE SECTION 977 ET SEQ, BY
ROBERT COURTNEY PRIVATE COUNSEL
NEXT SCHEDULED EVENT:
UPON MOTION OF DEFENDANT
08/21/13 830 AM TRIAL SETTING/RESETTING DIST TORRANCE COURTHOUSE DEPT
002

CUSTODY STATUS: DEFENDANT REMAINS ON OWN RECOGNIZANCE

ON 08/21/13 AT 830 AM IN TORRANCE COURTHOUSE DEPT 002

CASE CALLED FOR TRIAL SETTING/RESETTING
PARTIES: SANDRA THOMPSON (JUDGE) DENISE WYATT (CLERK)
BRENDA MATSUI (REP) MAREN F. DERMODY (DA)
DEFENDANT IS NOT PRESENT IN COURT, BUT REPRESENTED BY ROBERT COURTNEY PRIVATE
COUNSEL
DEFENDANT APPEARING BY COUNSEL PURSUANT TO PENAL CODE SECTION 977 ET SEQ, BY
ROBERT COURTNEY PRIVATE COUNSEL
NEXT SCHEDULED EVENT:
UPON MOTION OF DEFENDANT
02/24/14 830 AM TRIAL SETTING/RESETTING DIST TORRANCE COURTHOUSE DEPT
002

CUSTODY STATUS: DEFENDANT REMAINS ON OWN RECOGNIZANCE

ON 02/24/14 AT 830 AM IN TORRANCE COURTHOUSE DEPT 002

CASE CALLED FOR TRIAL SETTING/RESETTING
PARTIES: SANDRA THOMPSON (JUDGE) AILENE SANDERS (CLERK)
MARTI ROBERTS (REP) RYAN M. GOULD (DA)
DEFENDANT IS NOT PRESENT IN COURT, BUT REPRESENTED BY ROBERT COURTNEY PRIVATE
COUNSEL
DEFENDANT APPEARING BY COUNSEL PURSUANT TO PENAL CODE SECTION 977 ET SEQ, BY
ROBERT COURTNEY PRIVATE COUNSEL
NEXT SCHEDULED EVENT:
UPON MOTION OF DEFENDANT

CASE NO. .2SY09217
DEF NO. 01

PAGE NO. 4
DATE PRINTED 04/30/14

02/27/14 830 AM TRIAL SETTING/RESETTING DIST TORRANCE COURTHOUSE DEPT
002

CUSTODY STATUS: DEFENDANT REMAINS ON OWN RECOGNIZANCE

ON 02/27/14 AT 830 AM IN TORRANCE COURTHOUSE DEPT 002

CASE CALLED FOR TRIAL SETTING/RESETTING
PARTIES: SANDRA THOMPSON (JUDGE) AILENE SANDERS (CLERK)
MARTI ROBERTS (REP) RYAN M. GOULD (DA)
DEFENDANT IS NOT PRESENT IN COURT, BUT REPRESENTED BY ROBERT COURTNEY PRIVATE
COUNSEL
DEFENDANT APPEARING BY COUNSEL PURSUANT TO PENAL CODE SECTION 977 ET SEQ, BY
ROBERT COURTNEY PRIVATE COUNSEL
MATTER HEARD IN CHAMBERS.
NEXT SCHEDULED EVENT:
UPON MOTION OF DEFENDANT

05/21/14 830 AM JURY TRIAL DIST TORRANCE COURTHOUSE DEPT 002
DAY 00 OF 10

CUSTODY STATUS: DEFENDANT REMAINS ON OWN RECOGNIZANCE

ON 03/27/14 AT 830 AM IN TORRANCE COURTHOUSE DEPT 002

CASE CALLED FOR TRIAL SETTING/RESETTING
PARTIES: CHET L. TAYLOR (JUDGE) AILENE SANDERS (CLERK)
NONE (REP) MAREN F. DERMODY (DA)
DEFENDANT IS NOT PRESENT IN COURT, BUT REPRESENTED BY ROBERT COURTNEY PRIVATE
COUNSEL
DEFENDANT APPEARING BY COUNSEL PURSUANT TO PENAL CODE SECTION 977 ET SEQ, BY
ROBERT COURTNEY PRIVATE COUNSEL
5/21/14 DATE IS VACATED.
WAIVES STATUTORY TIME.
NEXT SCHEDULED EVENT:
UPON MOTION OF DEFENDANT

06/16/14 830 AM JURY TRIAL DIST TORRANCE COURTHOUSE DEPT 002
DAY 00 OF 10

CUSTODY STATUS: DEFENDANT REMAINS ON OWN RECOGNIZANCE.

Judicial Complaint #2 Filed

Summary of Docket Events Per Case

Case #2: Defendant, David Rohrbacher

Case No. # 3SY00900 – Building Code Violation

Filed 2/14/2013 – Torrance Courthouse

See Citation # M37756 Dated 1/18/2013

First Arraignment in Court on 2/19/2013

Defendant Fails to Appear & Bench Warrant Issued - \$15,000

Case has approx. 13 Continuances over 1 ½ Years

Status - Continued to 5/21/2014.

Joan Stein Jenkins, City Prosecutor (SBN 97242)
CITY OF MANHATTAN BEACH
1400 Highland Avenue
Manhattan Beach, CA 90266
Tel: (310) 802-5061; Fax: (310) 802-5251

*Cite
2-19*

FILED
LOS ANGELES SUPERIOR COURT

JAN 24 2013
JOHN A. CLARKE, CLERK
[Signature]
BY C. JURBINA, DEPUTY

THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES, SOUTHWEST JUDICIAL DISTRICT

PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

DAVID ROHRBACHER,

Defendant.

CASE NO.

38400900

COMPLAINT - MISDEMEANOR

COUNT 1:

The undersigned, upon information and belief, complains and states that on or about **January 18, 2013**, in the City of Manhattan Beach (the "City"), which is located in the above named Judicial District, in the County of Los Angeles, State of California, a misdemeanor was committed by **DAVID ROHRBACHER**, ("Defendant"), who willfully and unlawfully violated the Manhattan Beach Municipal Code, to wit, **Building Code Permits Required**, in the 900 Manhattan Avenue, Manhattan Beach, California 90266, in violation of Manhattan Beach Municipal Code Section **9.01.010**, Adoption of California Building Code Section **105.1**.

Complainant by this complaint and declaration prays that a warrant may be issued for the arrest of said Defendant and that Defendant may be dealt with according to the law.

I declare under penalty of perjury, upon information and belief, that the foregoing is true and correct and that this complaint consists of one (1) count.

Executed on January 24, 2013, in the County of Los Angeles, State of California.

**MANHATTAN
BEACH**

[Signature]
JOAN STEIN JENKINS
CITY PROSECUTOR
CITY OF MANHATTAN BEACH

TO THE ABOVE-NAMED DEFENDANT AND ATTORNEY FOR DEFENDANT: PLAINTIFF, THE PEOPLE OF THE STATE OF CALIFORNIA, HEREBY REQUEST DISCOVERY AND DISCLOSURE PURSUANT TO PENAL CODE SECTIONS 1054.3 AND 1054.5 WITHIN 15 DAYS OF THIS REQUEST.

INVESTIGATING AGENCY: CITY OF MANHATTAN BEACH POLICE DEPARTMENT

This Verified Complaint incorporates by reference citation DR No.13-190

MISDEMEANOR COMPLAINT

Joan Stein Jenkins, City Prosecutor (SBN 97242)
CITY OF MANHATTAN BEACH
1400 Highland Avenue
Manhattan Beach, CA 90266
Tel: (310) 802-5061; Fax: (310) 802-5251

**THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES, SOUTHWEST JUDICIAL DISTRICT**

PEOPLE OF THE STATE OF CALIFORNIA,)	CASE NO.
)	
Plaintiff,)	
)	AMENDED COMPLAINT -
vs.)	MISDEMEANOR
)	
DAVID ROHRBACHER,)	
)	
Defendant.)	
_____)	

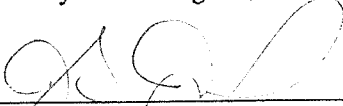
COUNT 1:

The undersigned, upon information and belief, complains and states that on or about **January 18, 2013**, in the City of Manhattan Beach (the "City"), which is located in the above named Judicial District, in the County of Los Angeles, State of California, a misdemeanor was committed by **DAVID ROHRBACHER**, ("Defendant"), who willfully and unlawfully violated the Manhattan Beach Municipal Code, to wit, **An Unlawful Erection of a Nonconformed Straight Away Less Than 36 Inches**, in the 900 Manhattan Avenue, Manhattan Beach, California 90266, in violation of Manhattan Beach Municipal Code Section **9.01.010**, Adoption of California Building Code Section **105.1**.

Complainant by this complaint and declaration prays that a warrant may be issued for the arrest of said Defendant and that Defendant may be dealt with according to the law.

I declare under penalty of perjury, upon information and belief, that the foregoing is true and correct and that this complaint consists of one (1) count.

Executed on February 19, 2013, in the County of Los Angeles, State of California.



JOAN STEIN JENKINS
CITY PROSECUTOR
CITY OF MANHATTAN BEACH

TO THE ABOVE-NAMED DEFENDANT AND ATTORNEY FOR DEFENDANT: PLAINTIFF, THE PEOPLE OF THE STATE OF CALIFORNIA, HEREBY REQUEST DISCOVERY AND DISCLOSURE PURSUANT TO PENAL CODE SECTIONS 1054.3 AND 1054.5 WITHIN 15 DAYS OF THIS REQUEST.

INVESTIGATING AGENCY: CITY OF MANHATTAN BEACH POLICE DEPARTMENT

This Verified Complaint incorporates by reference citation DR No.13-190
AMENDED COMPLAINT MISDEMEANOR

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

NO. 3SY00900

PAGE NO. 1

THE PEOPLE OF THE STATE OF CALIFORNIA VS.

CURRENT DATE 04/30/14

DEFENDANT 01: DAVID ROHRBACHER

LAW ENFORCEMENT AGENCY EFFECTING ARREST: MANHATTAN BEACH POLICE DEPT.

BAIL:	APPEARANCE	AMOUNT	DATE	RECEIPT OR	SURETY COMPANY	REGISTER
	DATE	OF BAIL	POSTED	BOND NO.		NUMBER

CASE FILED ON 02/14/13.

COMPLAINT FILED, DECLARED OR SWORN TO CHARGING DEFENDANT WITH HAVING
COMMITTED, ON OR ABOUT 01/18/13 IN THE COUNTY OF LOS ANGELES, THE FOLLOWING
OFFENSE(S) OF:

COUNT 01: 9.01.010 MBM MISD

NEXT SCHEDULED EVENT:

02/19/13 830 AM ARRAIGNMENT DIST TORRANCE COURTHOUSE DEPT 005

ON 02/19/13 AT 830 AM IN TORRANCE COURTHOUSE DEPT 005

CASE CALLED FOR ARRAIGNMENT

PARTIES: CHET L. TAYLOR (JUDGE) MICHELLE MILLIGAN (CLERK)

LISA PERES (REP) JOAN STEINE JENKINS (CP)

THE DEFENDANT FAILS TO APPEAR, WITHOUT SUFFICIENT EXCUSE AND NOT REPRESENTED BY
COUNSEL

O.R. IS REVOKED.

NEXT SCHEDULED EVENT:

BENCH/WARRANT TO ISSUE

02/19/13 BENCH WARRANT IN THE AMOUNT OF \$15,000.00 BY ORDER OF JUDGE CHET L.
TAYLOR ISSUED. (02/19/13).

ON 02/20/13 AT 830 AM IN TORRANCE COURTHOUSE DEPT 005

CASE CALLED FOR ARRAIGNMENT

PARTIES: CHET L. TAYLOR (JUDGE) MICHELLE MILLIGAN (CLERK)

CHRISTINE CHEATHAM (REP) NONE (DDA)

DEFENDANT IS NOT PRESENT IN COURT, BUT REPRESENTED BY ROBERT COURTNEY PRIVATE

COUNSEL

DEFENDANT APPEARING BY COUNSEL PURSUANT TO PENAL CODE SECTION 977 ET SEQ, BY
ROBERT COURTNEY PRIVATE COUNSEL

A COPY OF THE COMPLAINT AND THE ARREST REPORT GIVEN TO DEFENDANTS COUNSEL.

DEFENDANT WAIVES ARRAIGNMENT, READING OF COMPLAINT, AND STATEMENT OF

CONSTITUTIONAL AND STATUTORY RIGHTS.

DEFENDANT WAIVES FURTHER ARRAIGNMENT.

DEFENDANT PLEADS NOT GUILTY TO COUNT 01, 9.01.010 MBM.

WAIVES STATUTORY TIME.

NEXT SCHEDULED EVENT:

04/17/13 830 AM PRETRIAL HEARING DIST TORRANCE COURTHOUSE DEPT 005

DAY 00 OF 45

02/20/13 BENCH WARRANT IN THE AMOUNT OF \$15,000.00 RECALLED. (02/20/13).

CUSTODY STATUS: RELEASED ON OWN RECOGNIZANCE

ON 04/17/13 AT 830 AM IN TORRANCE COURTHOUSE DEPT 005

CASE NO. 3SY00900
DEF NO. 01

PAGE NO. 2
DATE PRINTED 04/30/14

CASE CALLED FOR PRETRIAL HEARING
PARTIES: CHET L. TAYLOR (JUDGE) MICHELLE MILLIGAN (CLERK)
WILLIAM BARNES (REP) JOAN STEINE JENKINS (CP)
DEFENDANT IS NOT PRESENT IN COURT, BUT REPRESENTED BY ROBERT COURTNEY PRIVATE
COUNSEL
DEFENDANT APPEARING BY COUNSEL PURSUANT TO PENAL CODE SECTION 977 ET SEQ, BY
ROBERT COURTNEY PRIVATE COUNSEL
WAIVES STATUTORY TIME.
NEXT SCHEDULED EVENT:
UPON MOTION OF DEFENDANT
05/22/13 830 AM PRETRIAL HEARING DIST TORRANCE COURTHOUSE DEPT 005

CUSTODY STATUS: RELEASED ON OWN RECOGNIZANCE

ON 05/22/13 AT 830 AM IN TORRANCE COURTHOUSE DEPT 005

CASE CALLED FOR PRETRIAL HEARING
PARTIES: CHET L. TAYLOR (JUDGE) MICHELLE MILLIGAN (CLERK)
MICHELLE CARMODY (REP) JOAN STEINE JENKINS (CP)
DEFENDANT IS NOT PRESENT IN COURT, BUT REPRESENTED BY ROBERT COURTNEY PRIVATE
COUNSEL
DEFENDANT APPEARING BY COUNSEL PURSUANT TO PENAL CODE SECTION 977 ET SEQ, BY
ROBERT COURTNEY PRIVATE COUNSEL
WAIVES STATUTORY TIME.
NEXT SCHEDULED EVENT:
06/12/13 830 AM PRETRIAL HEARING DIST TORRANCE COURTHOUSE DEPT 005
DAY 00 OF 15

CUSTODY STATUS: DEFENDANT REMAINS ON OWN RECOGNIZANCE

ON 06/12/13 AT 830 AM IN TORRANCE COURTHOUSE DEPT 005

CASE CALLED FOR PRETRIAL HEARING
PARTIES: CHET L. TAYLOR (JUDGE) P. OLSON (CLERK)
WILLIAM BARNES (REP) NONE (DDA)
DEFENDANT IS NOT PRESENT IN COURT, BUT REPRESENTED BY ROBERT COURTNEY PRIVATE
COUNSEL
DEFENDANT APPEARING BY COUNSEL PURSUANT TO PENAL CODE SECTION 977 ET SEQ, BY
ROBERT COURTNEY PRIVATE COUNSEL
WAIVES STATUTORY TIME.
NEXT SCHEDULED EVENT:
07/23/13 830 AM PRETRIAL HEARING DIST TORRANCE COURTHOUSE DEPT 005
DAY 00 OF 15

CUSTODY STATUS: DEFENDANT REMAINS ON OWN RECOGNIZANCE

ON 07/23/13 AT 830 AM IN TORRANCE COURTHOUSE DEPT 005

CASE CALLED FOR PRETRIAL HEARING
PARTIES: CHET L. TAYLOR (JUDGE) MICHELLE MILLIGAN (CLERK)
LISA GUERRERO (REP) JOAN STEINE JENKINS (CP)
DEFENDANT IS NOT PRESENT IN COURT, BUT REPRESENTED BY ROBERT COURTNEY PRIVATE
COUNSEL
DEFENDANT APPEARING BY COUNSEL PURSUANT TO PENAL CODE SECTION 977 ET SEQ, BY

CASE NO. 3SY00900
DEF NO. 01

PAGE NO. 3
DATE PRINTED 04/30/14

ROBERT COURTNEY PRIVATE COUNSEL
WAIVES STATUTORY TIME.
NEXT SCHEDULED EVENT:

08/21/13 830 AM PRETRIAL HEARING DIST TORRANCE COURTHOUSE DEPT 005
DAY 00 OF 15

CUSTODY STATUS: DEFENDANT REMAINS ON OWN RECOGNIZANCE

ON 08/21/13 AT 830 AM IN TORRANCE COURTHOUSE DEPT 005

CASE CALLED FOR PRETRIAL HEARING

PARTIES: CHET L. TAYLOR (JUDGE) MICHELLE MILLIGAN (CLERK)

LISA GUERRERO (REP) JOAN STEINE JENKINS (CP)

DEFENDANT IS NOT PRESENT IN COURT, BUT REPRESENTED BY ROBERT COURTNEY PRIVATE
COUNSEL

DEFENDANT APPEARING BY COUNSEL PURSUANT TO PENAL CODE SECTION 977 ET SEQ, BY
ROBERT COURTNEY PRIVATE COUNSEL

NO FURTHER CONTINUANCES.

WAIVES STATUTORY TIME.

NEXT SCHEDULED EVENT:

09/24/13 830 AM PRETRIAL HEARING DIST TORRANCE COURTHOUSE DEPT 005
DAY 00 OF 15

CUSTODY STATUS: DEFENDANT REMAINS ON OWN RECOGNIZANCE

ON 09/24/13 AT 830 AM IN TORRANCE COURTHOUSE DEPT 005

CASE CALLED FOR PRETRIAL HEARING

PARTIES: CHET L. TAYLOR (JUDGE) MICHELLE MILLIGAN (CLERK)

GERALDINE GARCIA (REP) JOAN STEINE JENKINS (CP)

DEFENDANT IS NOT PRESENT IN COURT, BUT REPRESENTED BY ROBERT COURTNEY PRIVATE
COUNSEL

DEFENDANT APPEARING BY COUNSEL PURSUANT TO PENAL CODE SECTION 977 ET SEQ, BY
ROBERT COURTNEY PRIVATE COUNSEL

WAIVES STATUTORY TIME.

NEXT SCHEDULED EVENT:

10/29/13 830 AM PRETRIAL AND DISPOSITION DIST TORRANCE COURTHOUSE DEPT

005

DAY 00 OF 15

CUSTODY STATUS: DEFENDANT REMAINS ON OWN RECOGNIZANCE

ON 10/29/13 AT 830 AM IN TORRANCE COURTHOUSE DEPT 005

CASE CALLED FOR PRETRIAL AND DISPOSITION

PARTIES: CHET L. TAYLOR (JUDGE) MICHELLE MILLIGAN (CLERK)

LISA GUERRERO (REP) JOAN STEINE JENKINS (CP)

DEFENDANT IS NOT PRESENT IN COURT, BUT REPRESENTED BY ROBERT COURTNEY PRIVATE
COUNSEL

DEFENDANT APPEARING BY COUNSEL PURSUANT TO PENAL CODE SECTION 977 ET SEQ, BY
ROBERT COURTNEY PRIVATE COUNSEL

WAIVES STATUTORY TIME.

NEXT SCHEDULED EVENT:

11/13/13 830 AM PRETRIAL AND DISPOSITION DIST TORRANCE COURTHOUSE DEPT

005

CASE NO. 3SY00900
DEF NO. 01

PAGE NO. 4
DATE PRINTED 04/30/14

DAY 00 OF 15

CUSTODY STATUS: DEFENDANT REMAINS ON OWN RECOGNIZANCE

ON 11/13/13 AT 830 AM IN TORRANCE COURTHOUSE DEPT 005

CASE CALLED FOR PRETRIAL AND DISPOSITION

PARTIES: CHET L. TAYLOR (JUDGE) MICHELLE MILLIGAN (CLERK)

LISA GUERRERO (REP) JOAN STEINE JENKINS (CP)

DEFENDANT IS NOT PRESENT IN COURT, BUT REPRESENTED BY ROBERT COURTNEY PRIVATE COUNSEL

DEFENDANT APPEARING BY COUNSEL PURSUANT TO PENAL CODE SECTION 977 ET SEQ, BY ROBERT COURTNEY PRIVATE COUNSEL

WAIVES STATUTORY TIME.

NEXT SCHEDULED EVENT:

01/03/14 830 AM PRETRIAL AND DISPOSITION DIST TORRANCE COURTHOUSE DEPT 005

DAY 00 OF 15

ON 01/02/14 AT 830 AM IN TORRANCE COURTHOUSE DEPT 002

CASE CALLED FOR PRETRIAL AND DISPOSITION

PARTIES: SANDRA THOMPSON (JUDGE) MICHELLE MILLIGAN (CLERK)

MARTI ROBERTS (REP) JOAN STEINE JENKINS (CP)

DEFENDANT IS NOT PRESENT IN COURT, BUT REPRESENTED BY ROBERT COURTNEY PRIVATE COUNSEL

DEFENDANT APPEARING BY COUNSEL PURSUANT TO PENAL CODE SECTION 977 ET SEQ, BY ROBERT COURTNEY PRIVATE COUNSEL

CAUSE ADVANCED FROM 01-03-14 AND VACATED.

NEXT SCHEDULED EVENT:

01/08/14 830 AM PRETRIAL AND DISPOSITION DIST TORRANCE COURTHOUSE DEPT 005

CUSTODY STATUS: DEFENDANT REMAINS ON OWN RECOGNIZANCE

ON 01/08/14 AT 830 AM IN TORRANCE COURTHOUSE DEPT 005

CASE CALLED FOR PRETRIAL AND DISPOSITION

PARTIES: CHET L. TAYLOR (JUDGE) MICHELLE MILLIGAN (CLERK)

LISA GUERRERO (REP) JOAN STEINE JENKINS (CP)

DEFENDANT IS NOT PRESENT IN COURT, BUT REPRESENTED BY ROBERT COURTNEY PRIVATE COUNSEL

DEFENDANT APPEARING BY COUNSEL PURSUANT TO PENAL CODE SECTION 977 ET SEQ, BY ROBERT COURTNEY PRIVATE COUNSEL

WAIVES STATUTORY TIME.

NEXT SCHEDULED EVENT:

02/24/14 830 AM PRETRIAL HEARING DIST TORRANCE COURTHOUSE DEPT 005

DAY 00 OF 15

CUSTODY STATUS: DEFENDANT REMAINS ON OWN RECOGNIZANCE

ON 01/30/14 AT 500 AM :

CASE ORDERED REASSIGNED ON 01/30/14.

CASE NO. 3SY00900
DEF NO. 01

PAGE NO. 5
DATE PRINTED 04/30/14

NEXT SCHEDULED EVENT:

02/24/14 830 AM PRETRIAL HEARING DIST TORRANCE COURTHOUSE DEPT 713

ON 02/24/14 AT 830 AM IN TORRANCE COURTHOUSE DEPT 713

CASE CALLED FOR PRETRIAL HEARING

PARTIES: DAVID SOTELO (JUDGE) DENISE WYATT (CLERK)

CELIA BERNAL (REP) JOAN STEINE JENKINS (CP)

DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY ROBERT COURTNEY PRIVATE
COUNSEL

WAIVES STATUTORY TIME.

NEXT SCHEDULED EVENT:

03/27/14 830 AM PRETRIAL HEARING DIST TORRANCE COURTHOUSE DEPT 713

CUSTODY STATUS: RELEASED ON OWN RECOGNIZANCE

ON 03/27/14 AT 830 AM IN TORRANCE COURTHOUSE DEPT 713

CASE CALLED FOR PRETRIAL HEARING

PARTIES: DAVID SOTELO (JUDGE) PATRICIA SOTO (CLERK)

CELIA BERNAL (REP) JOAN STEINE JENKINS (CP)

DEFENDANT IS NOT PRESENT IN COURT, BUT REPRESENTED BY ROBERT COURTNEY PRIVATE
COUNSEL

DEFENDANT APPEARING BY COUNSEL PURSUANT TO PENAL CODE SECTION 977 ET SEQ, BY
ROBERT COURTNEY PRIVATE COUNSEL

WAIVES STATUTORY TIME.

NEXT SCHEDULED EVENT:

05/21/14 830 AM PRETRIAL HEARING DIST TORRANCE COURTHOUSE DEPT 713

CUSTODY STATUS: RELEASED ON OWN RECOGNIZANCE.

Judicial Complaint #3 Filed

Summary of Docket Events Per Case

Case #3 - Defendant, Timothy Doherty

Case No. # 3SY04497, 2 Counts CUP Violation and Noise Disturbance

Filed 7/18/2013 – Torrance Courthouse

See Police Report # 13-1289 for 4/30/2013

First Arraignment in Court on 7/24/2013

Case has approx. 9 Continuances

Status - Continued to 5/21/2014

*Note – Not filed in complaint – Defendant made a false report of his identity to Police.

Joan Stein Jenkins, City Prosecutor (SBN 97242)
CITY OF MANHATTAN BEACH
1400 Highland Avenue
Manhattan Beach, CA 90266
Tel: (310) 802-5061; Fax: (310) 802-5251

FILED
CLERK OF SUPERIOR COURT

JUL 18 2013

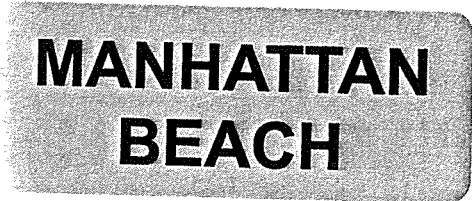
JOHN A. CLARKE, CLERK
BY TERESA GUAFOGA, DEPUTY

THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES, SOUTHWEST JUDICIAL DISTRICT

PEOPLE OF THE STATE OF CALIFORNIA,)
)
Plaintiff,)
)
6 vs.)
)
TIMOTHY MATTHEW DOHERTY,)
)
Defendant.)
_____)

CASE NO. 35704497

AMENDED COMPLAINT -
MISDEMEANOR



COUNT 1:

The undersigned, upon information and belief, complains and states that on or about **April 30, 2013**, in the City of Manhattan Beach (the "City"), which is located in the above named Judicial District, in the County of Los Angeles, State of California, a misdemeanor was committed by **TIMOTHY MATTHEW DOHERTY**, ("Defendant"), who willfully and unlawfully violated the Manhattan Beach Municipal Code, to wit, **Violation of the Provisions of the Conditional Use Permit, Resolution No. PC 93-28**, at 900 Manhattan Avenue, Manhattan Beach, California 90266, in violation of Manhattan Beach Municipal Code section **10.104.040**.

COUNT 2:

The undersigned, upon information and belief, complains and states that on or about **April 30, 2013**, in the City of Manhattan Beach (the "City"), which is located in the above named Judicial District, in the County of Los Angeles, State of California, a misdemeanor was committed by **TIMOTHY MATTHEW DOHERTY**, ("Defendant"), who willfully and unlawfully violated the Manhattan Beach Municipal Code, to wit, **Noise Disturbance**, at 900 Manhattan Avenue, Manhattan Beach, California 90266, in violation of Manhattan Beach Municipal Code section **5.48.140**.

Complainant by this complaint and declaration prays that a warrant may be issued for the arrest of said Defendant and that Defendant may be dealt with according to the law.

I declare under penalty of perjury, upon information and belief, that the foregoing is true and correct and that this complaint consists of two (2) counts.

ENTERED TOIS JUL 18 2013

INVESTIGATING AGENCY: CITY OF MANHATTAN BEACH POLICE DEPARTMENT

This Verified Complaint incorporates by reference citation DR No.13-1289

AMENDED MISDEMEANOR COMPLAINT

Executed on July 5, 2013, in the County of Los Angeles, State of California.



JOAN STEIN JENKINS
CITY PROSECUTOR
CITY OF MANHATTAN BEACH


TO THE ABOVE-NAMED DEFENDANT AND ATTORNEY FOR DEFENDANT: PLAINTIFF, THE PEOPLE OF THE STATE OF CALIFORNIA, HEREBY REQUEST DISCOVERY AND DISCLOSURE PURSUANT TO PENAL CODE SECTIONS 1054.3 AND 1054.5 WITHIN 15 DAYS OF THIS REQUEST.

INVESTIGATING AGENCY: CITY OF MANHATTAN BEACH POLICE DEPARTMENT

This Verified Complaint incorporates by reference citation DR No.13-1289

AMENDED MISDEMEANOR COMPLAINT

Executed on May 7, 2013, in the County of Los Angeles, State of California.



JOAN STEIN JENKINS
CITY PROSECUTOR
CITY OF MANHATTAN BEACH

TO THE ABOVE-NAMED DEFENDANT AND ATTORNEY FOR DEFENDANT: PLAINTIFF, THE PEOPLE OF THE STATE OF CALIFORNIA, HEREBY REQUEST DISCOVERY AND DISCLOSURE PURSUANT TO PENAL CODE SECTIONS 1054.3 AND 1054.5 WITHIN 15 DAYS OF THIS REQUEST.

INVESTIGATING AGENCY: CITY OF MANHATTAN BEACH POLICE DEPARTMENT
This Verified Complaint incorporates by reference citation DR No. 13-1289
MISDEMEANOR COMPLAINT

SUPERIOR COURT, SOUTHWEST DISTRICT

NOTICE REGARDING ARRAIGNMENT DATE

NAME, ADDRESS, AND TELEPHONE NUMBER OF AGENCY OR PROSECUTOR JOAN STEIN JENKINS, City Prosecutor (SBH 97242) City of Manhattan Beach 1400 Highland Avenue Manhattan Beach, California 90266 Telephone No. (310)802-5061	FOR ADDITIONAL INFORMATION, CONTACT (Name and telephone number):
--	--

TO:

TIMOTHY MATTHEW DOHERTY
1808 N. Ardmore Avenue
Manhattan Beach, CA 90266

TODAY'S DATE May 7, 2013	CITATION/BOOKING NUMBER N/A
O.R. NUMBER 13-1289	COURT CASE NUMBER (if applicable) N/A
DATE CITATION ISSUED April 30, 2013	ORIGINAL COURT APPEARANCE DATE
CHARGE(S) VIOLATION OF THE PROVISIONS OF CONDITIONAL USE PERMIT, BESO NO. PC-93-28 5.48.140 MMC - NOISE DISTURBANCE	

- On the date shown above, you were issued a citation to appear in court for arraignment.
- The date you were previously given to appear in court fell on a court holiday, a Saturday, a Sunday, or a nonarraignment day; therefore, your appearance date has been rescheduled as indicated below.
- You were cited to appear in the wrong division (courtroom) or at the wrong address. The correct division and address are indicated below.
- You have been named as a defendant in a criminal complaint charging you with the violation(s) shown above. You must appear in court for arraignment as indicated below. By appearing in court promptly at the time and place indicated, you can avoid the inconvenience resulting from the issuance of a warrant for your arrest. **IF YOU FAIL TO APPEAR IN COURT AS DIRECTED, A WARRANT FOR YOUR ARREST WILL BE ISSUED.**
- Due to investigative delay, a criminal complaint has not yet been filed by the prosecutor with the court. Do not appear in court on the date you were previously given. Instead, appear as indicated below. You will be notified by mail of your new arraignment date. If you were released on bail, your bail will be continued to your new appearance date (when assigned).
- Your case has been dismissed, and you do not have to appear in court.

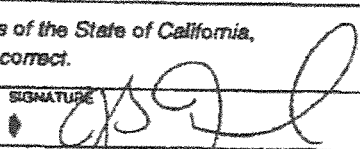
APPEAR AS INDICATED BELOW:

DATE June 26, 2013	TIME 8:30 <input checked="" type="checkbox"/> A.M. <input type="checkbox"/> P.M.	DIVISION 5	ROOM NUMBER
LOCATION SOUTHWEST SUPERIOR COURT 825 Maple Avenue, Torrance, CA 90503-5058			

DECLARATION OF MAILING

I declare under penalty of perjury, under the laws of the State of California, that the following is true and correct: I am over the age of 18 years, not a party to this action, and readily familiar with my office's or agency's practice for the collection and processing of correspondence for mailing with the United States Postal Service. In the ordinary course of business, correspondence would be deposited with the United States Postal Service on the same day it was placed for collection. I served this Notice Regarding Arraignment Date by placing a true copy in an envelope addressed as shown above, and then by sealing and placing it for collection; stamping or metering with first-class, prepaid postage; and mailing on the date stated below, in the United States mail at Los Angeles County, California, following ordinary business practices.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.

DATE 5/7/2013	TYPE OR PRINT NAME JOAN STEIN JENKINS	SIGNATURE 
-------------------------	---	---

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

NO. 3SY04497

PAGE NO. 1

THE PEOPLE OF THE STATE OF CALIFORNIA VS.

CURRENT DATE 04/30/14

DEFENDANT 01: TIMOTHY MATTHEW DOHERTY

LAW ENFORCEMENT AGENCY EFFECTING ARREST: MANHATTAN BEACH POLICE DEPT.

BAIL:	APPEARANCE	AMOUNT	DATE	RECEIPT OR	SURETY COMPANY	REGISTER
	DATE	OF BAIL	POSTED	BOND NO.		NUMBER

CASE FILED ON 07/18/13.

COMPLAINT FILED, DECLARED OR SWORN TO CHARGING DEFENDANT WITH HAVING COMMITTED, ON OR ABOUT 04/30/13 IN THE COUNTY OF LOS ANGELES, THE FOLLOWING OFFENSE(S) OF:

COUNT 01: 10.104.040 MBM MISD

COUNT 02: 5.48.140 MBM MISD

NEXT SCHEDULED EVENT:

07/24/13 830 AM ARRAIGNMENT DIST TORRANCE COURTHOUSE DEPT 005

ON 07/24/13 AT 830 AM IN TORRANCE COURTHOUSE DEPT 005

CASE CALLED FOR ARRAIGNMENT

PARTIES: CHET L. TAYLOR (JUDGE) MICHELLE MILLIGAN (CLERK)

LISA GUERRERO (REP) JOAN STEINE JENKINS (CP)

DEFENDANT IS NOT PRESENT IN COURT, BUT REPRESENTED BY ROBERT COURTNEY PRIVATE COUNSEL

DEFENDANT APPEARING BY COUNSEL PURSUANT TO PENAL CODE SECTION 977 ET SEQ, BY ROBERT COURTNEY PRIVATE COUNSEL

WAIVES STATUTORY TIME.

NEXT SCHEDULED EVENT:

08/21/13 830 AM ARRAIGNMENT AND PLEA DIST TORRANCE COURTHOUSE DEPT 005

CUSTODY STATUS: RELEASED ON OWN RECOGNIZANCE

ON 08/21/13 AT 830 AM IN TORRANCE COURTHOUSE DEPT 005

CASE CALLED FOR ARRAIGNMENT AND PLEA

PARTIES: CHET L. TAYLOR (JUDGE) MICHELLE MILLIGAN (CLERK)

LISA GUERRERO (REP) JOAN STEINE JENKINS (CP)

DEFENDANT IS NOT PRESENT IN COURT, BUT REPRESENTED BY ROBERT COURTNEY PRIVATE COUNSEL

DEFENDANT APPEARING BY COUNSEL PURSUANT TO PENAL CODE SECTION 977 ET SEQ, BY ROBERT COURTNEY PRIVATE COUNSEL

WAIVES STATUTORY TIME.

NEXT SCHEDULED EVENT:

09/24/13 830 AM PRETRIAL HEARING DIST TORRANCE COURTHOUSE DEPT 005

DAY 00 OF 15

CUSTODY STATUS: DEFENDANT REMAINS ON OWN RECOGNIZANCE

ON 09/24/13 AT 830 AM IN TORRANCE COURTHOUSE DEPT 005

CASE CALLED FOR PRETRIAL HEARING

PARTIES: CHET L. TAYLOR (JUDGE) MICHELLE MILLIGAN (CLERK)

GERALDINE GARCIA (REP) JOAN STEINE JENKINS (CP)

DEFENDANT IS NOT PRESENT IN COURT, BUT REPRESENTED BY ROBERT COURTNEY PRIVATE COUNSEL

CASE NO. 3SY04497
DEF NO. 01

PAGE NO. 2
DATE PRINTED 04/30/14

DEFENDANT APPEARING BY COUNSEL PURSUANT TO PENAL CODE SECTION 977 ET SEQ, BY
ROBERT COURTNEY PRIVATE COUNSEL

NEXT SCHEDULED EVENT:

10/29/13 830 AM PRETRIAL AND DISPOSITION DIST TORRANCE COURTHOUSE DEPT
005

DAY 00 OF 15

CUSTODY STATUS: DEFENDANT REMAINS ON OWN RECOGNIZANCE

ON 10/29/13 AT 830 AM IN TORRANCE COURTHOUSE DEPT 005

CASE CALLED FOR PRETRIAL AND DISPOSITION

PARTIES: CHET L. TAYLOR (JUDGE) MICHELLE MILLIGAN (CLERK)

LISA GUERRERO (REP) JOAN STEINE JENKINS (CP)

DEFENDANT IS NOT PRESENT IN COURT, BUT REPRESENTED BY ROBERT COURTNEY PRIVATE
COUNSEL

DEFENDANT APPEARING BY COUNSEL PURSUANT TO PENAL CODE SECTION 977 ET SEQ, BY

ROBERT COURTNEY PRIVATE COUNSEL

WAIVES STATUTORY TIME.

NEXT SCHEDULED EVENT:

11/13/13 830 AM PRETRIAL AND DISPOSITION DIST TORRANCE COURTHOUSE DEPT
005

DAY 00 OF 15

CUSTODY STATUS: DEFENDANT REMAINS ON OWN RECOGNIZANCE

ON 11/13/13 AT 830 AM IN TORRANCE COURTHOUSE DEPT 005

CASE CALLED FOR PRETRIAL AND DISPOSITION

PARTIES: CHET L. TAYLOR (JUDGE) MICHELLE MILLIGAN (CLERK)

LISA GUERRERO (REP) JOAN STEINE JENKINS (CP)

DEFENDANT IS NOT PRESENT IN COURT, BUT REPRESENTED BY ROBERT COURTNEY PRIVATE
COUNSEL

DEFENDANT APPEARING BY COUNSEL PURSUANT TO PENAL CODE SECTION 977 ET SEQ, BY

ROBERT COURTNEY PRIVATE COUNSEL

COURT ORDERS AND FINDINGS:

-THE COURT ORDERS THE DEFENDANT TO APPEAR ON THE NEXT COURT DATE.

WAIVES STATUTORY TIME.

NEXT SCHEDULED EVENT:

01/03/14 830 AM PRETRIAL AND DISPOSITION DIST TORRANCE COURTHOUSE DEPT
005

DAY 00 OF 15

CUSTODY STATUS: DEFENDANT REMAINS ON OWN RECOGNIZANCE

ON 01/02/14 AT 830 AM IN TORRANCE COURTHOUSE DEPT 002

CASE CALLED FOR PRETRIAL AND DISPOSITION

PARTIES: SANDRA THOMPSON (JUDGE) MICHELLE MILLIGAN (CLERK)

MARTI ROBERTS (REP) JOAN STEINE JENKINS (CP)

DEFENDANT IS NOT PRESENT IN COURT, BUT REPRESENTED BY ROBERT COURTNEY PRIVATE
COUNSEL

DEFENDANT APPEARING BY COUNSEL PURSUANT TO PENAL CODE SECTION 977 ET SEQ, BY

ROBERT COURTNEY PRIVATE COUNSEL

CAUSE ADVANCED FROM 01-03-14 AND VACATED.

CASE NO. 3SY04497
DEF NO. 01

PAGE NO. 3
DATE PRINTED 04/30/14

NEXT SCHEDULED EVENT:

01/08/14 830 AM PRETRIAL AND DISPOSITION DIST TORRANCE COURTHOUSE DEPT
005

CUSTODY STATUS: DEFENDANT REMAINS ON OWN RECOGNIZANCE

ON 01/08/14 AT 830 AM IN TORRANCE COURTHOUSE DEPT 005

CASE CALLED FOR PRETRIAL AND DISPOSITION

PARTIES: CHET L. TAYLOR (JUDGE) MICHELLE MILLIGAN (CLERK)

LISA GUERRERO (REP) JOAN STEINE JENKINS (CP)

DEFENDANT IS NOT PRESENT IN COURT, BUT REPRESENTED BY ROBERT COURTNEY PRIVATE
COUNSEL

DEFENDANT APPEARING BY COUNSEL PURSUANT TO PENAL CODE SECTION 977 ET SEQ, BY
ROBERT COURTNEY PRIVATE COUNSEL

WAIVES STATUTORY TIME.

NEXT SCHEDULED EVENT:

02/24/14 830 AM PRETRIAL HEARING DIST TORRANCE COURTHOUSE DEPT 005
DAY 00 OF 15

CUSTODY STATUS: DEFENDANT REMAINS ON OWN RECOGNIZANCE

ON 01/30/14 AT 500 AM :

CASE ORDERED REASSIGNED ON 01/30/14.

NEXT SCHEDULED EVENT:

02/24/14 830 AM PRETRIAL HEARING DIST TORRANCE COURTHOUSE DEPT 713

ON 02/24/14 AT 830 AM IN TORRANCE COURTHOUSE DEPT 713

CASE CALLED FOR PRETRIAL HEARING

PARTIES: DAVID SOTELO (JUDGE) DENISE WYATT (CLERK)

CELIA BERNAL (REP) JOAN STEINE JENKINS (CP)

DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY ROBERT COURTNEY PRIVATE
COUNSEL

WAIVES STATUTORY TIME.

NEXT SCHEDULED EVENT:

03/27/14 830 AM PRETRIAL HEARING DIST TORRANCE COURTHOUSE DEPT 713

CUSTODY STATUS: RELEASED ON OWN RECOGNIZANCE

ON 03/27/14 AT 830 AM IN TORRANCE COURTHOUSE DEPT 713

CASE CALLED FOR PRETRIAL HEARING

PARTIES: DAVID SOTELO (JUDGE) PATRICIA SOTO (CLERK)

CELIA BERNAL (REP) JOAN STEINE JENKINS (CP)

DEFENDANT IS NOT PRESENT IN COURT, BUT REPRESENTED BY ROBERT COURTNEY PRIVATE
COUNSEL

DEFENDANT APPEARING BY COUNSEL PURSUANT TO PENAL CODE SECTION 977 ET SEQ, BY
ROBERT COURTNEY PRIVATE COUNSEL

WAIVES STATUTORY TIME.

NEXT SCHEDULED EVENT:

05/21/14 830 AM PRETRIAL HEARING DIST TORRANCE COURTHOUSE DEPT 713

CASE NO. 3SY04497
DEF NO. 01

PAGE NO. 4
DATE PRINTED 04/30/14

CUSTODY STATUS: RELEASED ON OWN RECOGNIZANCE.

Judicial Complaint #4 Filed

Summary of Docket Events Per Case

Case #4: Defendant, David Rohrbacher

Case No. # 3SY08142, 2 Counts CUP Violation, Noise Violation

Filed 12/10/2013 – Torrance Courthouse

Police Report # 13-3570, 11/16/2013.

First Arraignment in Court on 1/7/2014.

Defendant is a No-Show and Bench Warrant Issued

Case has approx. 4 Continuances

Status - Continued to 5/21/2014

Joan Stein Jenkins, City Prosecutor (SBN 97242)
CITY OF MANHATTAN BEACH
1400 Highland Avenue
Manhattan Beach, CA 90266
Tel: (310) 802-5061; Fax: (310) 802-5251

LITCITE

FILED
Superior Court of California
County of Los Angeles

DEC 10 2013

Sherri R. Carter, Executive Officer/Clerk
By Michelle Luther, Deputy
Michelle Luther

THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES, SOUTHWEST JUDICIAL DISTRICT

PEOPLE OF THE STATE OF CALIFORNIA,)
)
) Plaintiff,)
)
) vs.)
)
) DAVID ROHRBACHER,)
)
) Defendant.)
)

CASE NO. 32408142

COMPLAINT - MISDEMEANOR

COUNT 1:

The undersigned, upon information and belief, complains and states that on or about **November 16, 2013**, in the City of Manhattan Beach (the "City"), which is located in the above named Judicial District, in the County of Los Angeles, State of California, a misdemeanor was committed by **DAVID ROHRBACHER, OWNER OF 900 CLUB**, ("Defendant"), who willfully and unlawfully violated the Manhattan Beach Municipal Code, to wit, **Violation of the Provisions of the Conditional Use Permit, Resolution No. PC 93-28**, at 900 Manhattan Avenue, Manhattan Beach, California 90266, in violation of Manhattan Beach Municipal Code section **10.104.040** to wit; open after hours.

COUNT 2:

The undersigned, upon information and belief, complains and states that on or about **November 16, 2013**, in the City of Manhattan Beach (the "City"), which is located in the above named Judicial District, in the County of Los Angeles, State of California, a misdemeanor was committed by **DAVID ROHRBACHER, OWNER OF 900 CLUB**, ("Defendant"), who willfully and unlawfully violated the Manhattan Beach Municipal Code, to wit, **Violation of the Provisions of the Conditional Use Permit, Resolution No. PC 93-28**, at 900 Manhattan Avenue, Manhattan Beach, California 90266, in violation of Manhattan Beach Municipal Code section **10.104.040** to wit; music after permitted time.

COUNT 3:

The undersigned, upon information and belief, complains and states that on or about **November 16, 2013**, in the City of Manhattan Beach (the "City"), which is located in the above named Judicial District, in the County of Los Angeles, State of California, a misdemeanor was committed by **DAVID**

INVESTIGATING AGENCY: CITY OF MANHATTAN BEACH POLICE DEPARTMENT

This Verified Complaint incorporates by reference citation DR No. 13-3570

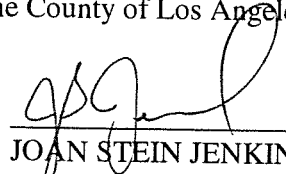
MISDEMEANOR COMPLAINT

ROHRBACHER, OWNER OF 900 CLUB, ("Defendant"), who willfully and unlawfully violated the Manhattan Beach Municipal Code, to wit, **Noise Ordinance Violation**, at 900 Manhattan Avenue, Manhattan Beach, California 90266, in violation of Manhattan Beach Municipal Code section **5.48.140(a)**.

Complainant by this complaint and declaration prays that a warrant may be issued for the arrest of said Defendant and that Defendant may be dealt with according to the law.

I declare under penalty of perjury, upon information and belief, that the foregoing is true and correct and that this complaint consists of three (3) counts.

Executed on November 27, 2013, in the County of Los Angeles, State of California.



JOAN STEIN JENKINS
CITY PROSECUTOR
CITY OF MANHATTAN BEACH

INVESTIGATING AGENCY: CITY OF MANHATTAN BEACH POLICE DEPARTMENT

This Verified Complaint incorporates by reference citation DR No. 13-3570

MISDEMEANOR COMPLAINT

10.104.040 - Prosecution of violations.

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

(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91; § 2, Ord. 1951, eff. July 4, 1996; § 2, Ord. 2052, eff. February 19, 2004)

INVESTIGATING AGENCY: CITY OF MANHATTAN BEACH POLICE DEPARTMENT

This Verified Complaint incorporates by reference citation DR No. 13-3570

MISDEMEANOR COMPLAINT

5.48.140 - Noise disturbances.

A.

Notwithstanding any other provisions of this chapter and in addition thereto, it shall be unlawful for any person to willfully make or continue, or cause to be made or continued, any loud, unnecessary and unusual noise which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness. The standard which may be considered in determining whether a violation of the provisions of this section exists may include, but not be limited to, the following:

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

B.

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

(§ 6. Ord. 1957, eff. December 5, 1996)

INVESTIGATING AGENCY: CITY OF MANHATTAN BEACH POLICE DEPARTMENT

This Verified Complaint incorporates by reference citation DR No. 13-3570

MISDEMEANOR COMPLAINT

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

NO. 3SY08142

PAGE NO. 1

THE PEOPLE OF THE STATE OF CALIFORNIA VS.

CURRENT DATE 04/30/14

DEFENDANT 01: DAVID ROHRBACHER

LAW ENFORCEMENT AGENCY EFFECTING ARREST: MANHATTAN BEACH POLICE DEPT.

BAIL:	APPEARANCE	AMOUNT	DATE	RECEIPT OR	SURETY COMPANY	REGISTER
	DATE	OF BAIL	POSTED	BOND NO.		NUMBER

CASE FILED ON 12/10/13.

COMPLAINT FILED, DECLARED OR SWORN TO CHARGING DEFENDANT WITH HAVING COMMITTED, ON OR ABOUT 11/16/13 IN THE COUNTY OF LOS ANGELES, THE FOLLOWING OFFENSE(S) OF:

COUNT 01: 10.104.040 MBM MISD

COUNT 02: 10.104.040 MBM MISD

COUNT 03: 5.48.140(A) MBM MISD

NEXT SCHEDULED EVENT:

01/07/14 830 AM ARRAIGNMENT DIST TORRANCE COURTHOUSE DEPT 005

ON 01/07/14 AT 830 AM IN TORRANCE COURTHOUSE DEPT 005

CASE CALLED FOR ARRAIGNMENT

PARTIES: CHET L. TAYLOR (JUDGE) MICHELLE MILLIGAN (CLERK)
LISA GUERRERO (REP) JOAN STEINE JENKINS (CP)

DEFENDANT IS NOT PRESENT IN COURT, AND NOT REPRESENTED BY COUNSEL

BENCH WARRANT ISSUED AND HELD.

NEXT SCHEDULED EVENT:

01/09/14 830 AM BENCH WARRANT HOLD DIST TORRANCE COURTHOUSE DEPT 005

CUSTODY STATUS: RELEASED ON OWN RECOGNIZANCE

ON 01/08/14 AT 830 AM IN TORRANCE COURTHOUSE DEPT 005

CASE CALLED FOR BENCH WARRANT HOLD

PARTIES: CHET L. TAYLOR (JUDGE) MICHELLE MILLIGAN (CLERK)
LISA GUERRERO (REP) JOAN STEINE JENKINS (CP)

DEFENDANT IS NOT PRESENT IN COURT, BUT REPRESENTED BY ROBERT COURTNEY PRIVATE COUNSEL

DEFENDANT APPEARING BY COUNSEL PURSUANT TO PENAL CODE SECTION 977 ET SEQ, BY ROBERT COURTNEY PRIVATE COUNSEL

A COPY OF THE COMPLAINT AND THE ARREST REPORT GIVEN TO DEFENDANTS COUNSEL.

DEFENDANT WAIVES ARRAIGNMENT, READING OF COMPLAINT, AND STATEMENT OF CONSTITUTIONAL AND STATUTORY RIGHTS.

DEFENDANT WAIVES FURTHER ARRAIGNMENT.

DEFENDANT PLEADS NOT GUILTY TO COUNT 01, 10.104.040 MBM.

DEFENDANT PLEADS NOT GUILTY TO COUNT 02, 10.104.040 MBM.

DEFENDANT PLEADS NOT GUILTY TO COUNT 03, 5.48.140(A) MBM.

CAUSE ADVANCED FROM 01-09-14 AND VACATED.

WAIVES STATUTORY TIME.

NEXT SCHEDULED EVENT:

02/24/14 830 AM PRETRIAL HEARING DIST TORRANCE COURTHOUSE DEPT 005

DAY 00 OF 15

CUSTODY STATUS: DEFENDANT REMAINS ON OWN RECOGNIZANCE

CASE NO. 3SY08142
DEF NO. 01

PAGE NO. 2
DATE PRINTED 04/30/14

ON 01/30/14 AT 500 AM :

CASE ORDERED REASSIGNED ON 01/30/14.
NEXT SCHEDULED EVENT:

02/24/14 830 AM PRETRIAL HEARING DIST TORRANCE COURTHOUSE DEPT 713

ON 02/24/14 AT 830 AM IN TORRANCE COURTHOUSE DEPT 713

CASE CALLED FOR PRETRIAL HEARING

PARTIES: DAVID SOTELO (JUDGE) DENISE WYATT (CLERK)

CELIA BERNAL (REP) JOAN STEINE JENKINS (CP)

DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY ROBERT COURTNEY PRIVATE
COUNSEL

WAIVES STATUTORY TIME.

NEXT SCHEDULED EVENT:

03/27/14 830 AM PRETRIAL HEARING DIST TORRANCE COURTHOUSE DEPT 713

CUSTODY STATUS: RELEASED ON OWN RECOGNIZANCE

ON 03/27/14 AT 830 AM IN TORRANCE COURTHOUSE DEPT 713

CASE CALLED FOR PRETRIAL HEARING

PARTIES: DAVID SOTELO (JUDGE) PATRICIA SOTO (CLERK)

CELIA BERNAL (REP) JOAN STEINE JENKINS (CP)

DEFENDANT IS NOT PRESENT IN COURT, BUT REPRESENTED BY ROBERT COURTNEY PRIVATE
COUNSEL

DEFENDANT APPEARING BY COUNSEL PURSUANT TO PENAL CODE SECTION 977 ET SEQ, BY
ROBERT COURTNEY PRIVATE COUNSEL

WAIVES STATUTORY TIME.

NEXT SCHEDULED EVENT:

05/21/14 830 AM PRETRIAL HEARING DIST TORRANCE COURTHOUSE DEPT 713

CUSTODY STATUS: RELEASED ON OWN RECOGNIZANCE.

Judicial Complaint #5 Filed

**City Public Acts Request MB
(Pending Documents Not Received)**

Judicial Complaint #5

Complaint Not Received, Docket Obtained from Court House

Summary of Docket Events Per Case

Case #5: Defendant, David Rohrbacher

Case # 4SY00912, Violation of Noise Ordinance

Filed 2/6/2014 – Torrance Courthouse

Police Report- 2/2/2014

First Arraignment in Court 3/27/2014

Case has approx. 2 Continuances

Status - Continued to 3/27/2014

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

NO. 4SY00912

PAGE NO. 1

THE PEOPLE OF THE STATE OF CALIFORNIA VS.

CURRENT DATE 04/30/14

DEFENDANT 01: DAVID ROHRBACHER

LAW ENFORCEMENT AGENCY EFFECTING ARREST: MANHATTAN BEACH POLICE DEPT.

BAIL:	APPEARANCE	AMOUNT	DATE	RECEIPT OR	SURETY COMPANY	REGISTER
	DATE	OF BAIL	POSTED	BOND NO.		NUMBER

CASE FILED ON 02/06/14.

COMPLAINT FILED, DECLARED OR SWORN TO CHARGING DEFENDANT WITH HAVING COMMITTED, ON OR ABOUT 02/02/14 IN THE COUNTY OF LOS ANGELES, THE FOLLOWING OFFENSE(S) OF:

COUNT 01: 5.48.140(A) MBM MISD

NEXT SCHEDULED EVENT:

04/07/14 830 AM ARRAIGNMENT DIST TORRANCE COURTHOUSE DEPT 713

ON 03/27/14 AT 830 AM IN TORRANCE COURTHOUSE DEPT 713

CASE CALLED FOR ARRAIGNMENT

PARTIES: DAVID SOTELO (JUDGE) PATRICIA SOTO (CLERK)

CELIA BERNAL (REP) JOAN STEINE JENKINS (CP)

DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY ROBERT COURTNEY PRIVATE COUNSEL

DATE OF 04/07/2014 IS ADVANCED AND VACATED.

NO LEGAL FILE.

WAIVES STATUTORY TIME.

NEXT SCHEDULED EVENT:

05/21/14 830 AM ARRAIGNMENT AND PLEA DIST TORRANCE COURTHOUSE DEPT 713

CUSTODY STATUS: RELEASED ON OWN RECOGNIZANCE.

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Demeanor of 900 Club in Compliance Attempts

2004 - Neighbor Letters Detailing Violations & Harassment

2004-2014 - Emails, Police Reports, Minutes - Club Aware of Rules

2004-2014 - Reports to Code Enforcement, Police, City Prosecutor, City Attorney

January 2013 - Block Captain Statement Re: Threatening Behavior

Sept. 2013 - City Prosecutor/Torrance DA Inclusion of Anti-Harassment Clause

October 2013 - Former Police Officer Statement/Rohrbacher Demeanor:

February 2014 - Cease and Desist Harassment Letter to 900 Club

2004 Neighbor Complaints

Sent to:

**Richard Thompson, Director of Community Development
Jacqueline Harris, Code Enforcement Officer**

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, rthompson@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

Jackie Harris

Richard Thompson

[REDACTED]

Sunday, October 31, 2004 America Online: REYNGUY

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2004

Richard
Thompson

Jackie
Harris

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



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 through 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



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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

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REC'D U V E
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 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. (BACK DOOR)

- 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,

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- Management's complete disregard to the neighborhood - a "to 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

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.

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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 _____

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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 Officer 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 & 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 in 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:

To:

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.

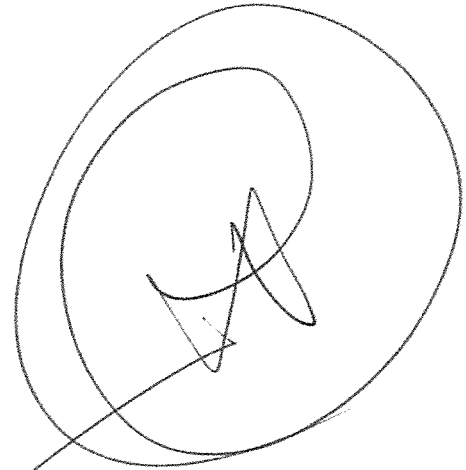
During the two nights since your meeting, I saw people entering and exiting that back entrance throughout the evenings. The casual way this was happening made it appear there was no emergency, just business as usual.

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 congregating on Bayview Drive.

Is there anything that can be done to make

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



Wonder who this could be?



Jackie Harris

— Original Message —

From:

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

Cc:

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.

Sunday, October 31, 2004 America Online: REYNGUY

14

2004-2014 - Emails, Police Reports, Minutes
Club Aware of Rules, Agreed to Follow, Violate Anyway

September 2004

From:
Sent: Friday, September 17, 2004 11:44 AM
To: househunt@adelphia.net
Subject: [Fwd: 900 club weekend updates]

>
> From: "diamonddave900" <diamonddave900@adelphia.net>
> Date: 2004/09/16 Thu PM 03:32:19 EDT
> To: "AAA Diamond" <diamonddave900club@yahoo.com>
> Subject: 900 club weekend updates
>
> Dear Members
>
> Due to the ongoing pressure from police and neighbors, we ask all
> members and guest to enter the same old way to the 900 Club, but please later in the
> evening from the hours of 10:00 p.m. till closing please exit using the front of the
> building. . .another's words you will be exiting towards Manhattan Ave. Thanks Also for
> the next couple of weeks. . . please. . . we will be closing earlier to appease and
> mitigate all concerning parties.
> Thank you for all you patience and and always for your patronage.
>
>
> Diamond
>

September 2004 - Email from 900 Club to Members

Same Issues

Dave Aware

5-13-2011

From: Timothy Doherty [<mailto:timothydoherty72@yahoo.com>] *Owner*
Sent: Friday, May 13, 2011 1:22 PM
To: ~~timothydoherty72@yahoo.com~~
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 Jacquie, 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 Jacquie, 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 Jacquie.

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

5-27-11

From: Doherty, Timothy [<mailto:tdoherty@financialguide.com>]

Owners

Sent: Friday, May 27, 2011 4:36 PM

To: [REDACTED]

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 Rozzana Libertucci were in attendance. The meeting was for about 30 minutes. Multiple topics were discussed but the main topic of concern for Rozzana (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. Rozzana 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. Rozzana 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. Rozzana agreed and reiterated that the measures and effort put forth are producing an out come that is satisfactory to the neighborhood. Rozzana 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 Rozzana 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 Rozzana 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 Rozzana 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

9-3-11

CRIME REPORT Manhattan Beach Police Dept

11-2882

Supplement No
ORIG

INVOLVED PARTY 1:										
Involvement	Invl No	Type	Name						MNI	
INVOLVED PARTY	1	Individual	[REDACTED]						1767546	
Race	Sex	DOB	Age	Juvenile?	Height	Weight	Hair Color	Eye Color		
WHITE LiveScan OK	[REDACTED]	[REDACTED]	[REDACTED]	No	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]		
PRN 1887830										
Type	Address						City	State		
HOME	[REDACTED]						MANHATTAN BEACH	CALIFORNIA		
ZIP Code	Date									
90266	09/03/2011									
Type	ID No	OLS								
OPERATOR LICENSE	[REDACTED]	[REDACTED]								
Phone Type	Phone No	Date								
HOME	[REDACTED]	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		
WHITE LiveScan OK	[REDACTED]	[REDACTED]	[REDACTED]	No	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]		
PRN 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	[REDACTED]	[REDACTED]								
Type	ID No									
SS	[REDACTED]									
Phone Type	Phone No	Date								
BUSINESS	[REDACTED]	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. [REDACTED] 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. [REDACTED] 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 09/05/2011 23:15	Page 2 of 3
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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.

↑ demeanor-aggressive to police

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[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.

[REDACTED]

July 17, 2012

City Officials Request Meeting With 900 Club

Regarding Ongoing Complaints
Post May 2012 City Meeting With Neighbors
Neighbors Still Report Same Complaints

City Officials Present:

Joan Jenkins, City Prosecutor
Andy Harrod, Police Supervisor
Jackie Harris, Code Enforcement

900 Club Present:

Dave Rohrbacher – Manager/ Owner
Tim Doherty – Owner
Sean Varner- Owner/Attorney

Club's Response:

- Deny violation of the CUP
- Blame other establishments for noise – Mucho's
- Will continue to work with the neighbors

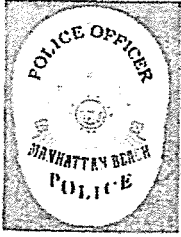
* Note: In follow up discussions with Block Captain
Lt. Hamud stated Rohrbacher became agitated
at meeting.

October 2012

SUPPLEMENTAL REPORT Manhattan Beach Police Dept

12-3677

Supplement No
0001



420 15TH STREET
MANHATTAN BEACH, CA 90266
Crime/Incident
5.48.140
Business: (310) 802-5100
(310) 802-5140
(310) 802-5107

Reported Date
10/25/2012

Officer
KITSIOS, STEVEN

Administrative Information															
Agency	Manhattan Beach Police Dept			Report No	12-3677	Supplement No	0001	Reported Date	10/25/2012	Reported Time	07:09	CAD Call No	122921006		
Status	REPORT			Crime/Incident	MBMC NOISE DISTURBANCES			Location	900 N MANHATTAN AV						
City	MANHATTAN BEACH	ZIP Code	90266	Rep Dist	M18	Area	2	Beat	M2	From Date	10/18/2012	From Time	23:39	To Date	10/18/2012
To Time	23:39	Officer	20290/KITSIOS, STEVEN			Assignment	SERGEANT		Entered By	20290		Assignment	SERGEANT		
RMS Transfer	Successful	Prop Trans Stat	Successful		Report Title	SUPPLEMENTAL REPORT			Approving Officer	20290					
Approval Date	11/09/2012			Approval Time	08:06:26										

Summary Narrative

provided me with video surveillance of several CUP violations made by the 900 Club.

INVOLVED PARTY 1

Involvement	Invl No	Type	Name										MNI
INVOLVED PARTY	1	Individual	[REDACTED]										1767546
Race	Sex	DOB	Age	Juvenile?	Height	Weight	Hair Color	Eye Color	[REDACTED]				
WHITE	LiveScan OK			No									
Type	ID No	OLS											
OPERATOR LICENSE		CALIFORNIA											
Phone Type	Phone No	Date											
CELL		10/25/2012											

INVOLVED PARTY 2 ROHRBACHER, DAVID

Involvement	Invl No	Type	Name										MNI
INVOLVED PARTY	1	Individual	ROHRBACHER, DAVID										910969
Race	Sex	DOB	Age	Juvenile?	Height	Weight	Hair Color	Eye Color	[REDACTED]				
WHITE	LiveScan OK			No									
Type	ID No	OLS											
OPERATOR LICENSE		CALIFORNIA											
Type	ID No	[REDACTED]											
SS		[REDACTED]											
Phone Type	Phone No	Date											
CELL		10/25/2012											

Narrative

Source:

On 10-24-12, Lieutenant R. Small #261 and I (Sergeant S. Kitsios #290) met with [REDACTED] at her residence to discuss CUP violations by the 900 Club. [REDACTED] also provided us with video surveillance of several violations recorded by her CCTV camera attached to the north side of her residence that faces the 900 Club.

Since 2004 and more recently, there have been several complaints regarding the 900 Club. Eight residents represented by [REDACTED] have alleged the 900 Club allows patrons to stay in the establishment well past closing hours and the owner, David Rohrbacher, allows his patrons to loiter outside the east door of the establishment in violation of Resolution No. PC 93-28 number 18 of their Conditional Use Permit (CUP). The patrons who loiter outside the bar are very loud and can be heard by the residents who live in the vicinity disturbing the reasonable peace of the adjacent community. There have been several noise complaints by the residents who can hear loud music coming from the bands that play in the bar and the bar stereo system can also be heard playing after hours, well past 60 feet when standing outside the bar, in violation of Resolution No. 93-28 number 6.

23

October 2012

SUPPLEMENTAL REPORT Manhattan Beach Police Dept

12-3677

Supplement No
0001

Narrative

In the last two months, Manhattan Beach City Prosecutor Joan Jenkins, Code Enforcement Officer Jackie Harris and Manhattan Beach Police Lieutenant A. Harrod #168 have met with Rohrbacher to discuss and warn him of the violations occurring at the 900 Club. Rohrbacher said he would comply with the CUP and make his best efforts to have his patrons be courteous to the neighbors in regards to loitering and noise complaints. Since these meetings have been held, the CUP violations made by the bars and noise from patrons continue. [REDACTED] has surveillance video to prove several loitering violations occur often.

In the month of October, two police reports were prepared (DR# 12-03677 and 12-01938) in regards to noise complaints coming from the 900 Club, see attached reports for further details. On 10-25-12 at 0345 and 0420 hours, patrons were seen by [REDACTED] and captured on video surveillance recordings loitering outside the bar, then leaving in taxi cabs. This incident was also documented on [REDACTED] CCTV footage.

On 10-25-12, between 2000-2200 hours, the Manhattan Beach Police ABC team conducted surveillance outside the 900 Club and observed several subjects loitering to the rear of the bar and the south east door was propped open for most of the night in violation of their agreement between the 900 Club and the residents, see attached letter for reference. This is also in violation of Resolution No. PC 93-28 number 18. For further information, refer to Detective Allard's report #12-03760.

The Manhattan Beach Police Department has responded to at least three calls for service related to noise and other CUP violations with advisements and warnings given. See the attached Computer Aided Dispatch reports for reference.

Based on the aforementioned investigations, it is recommended the City Prosecutor consider filing misdemeanor charges against tthe 900 Club management for:

- Three counts of unnecessary noise in violation of 5.48.140 MBMC
- Seven counts for violating Resolution No. PC 93-28 number 18, 10.104.040 MBMC
- One count of 347 b P.C.

This location continues to be a nuisance to the community with various violations of the CUP and the ABC ACT (B+P).

Reporting party [REDACTED] has taken and delievered personal copius notes of the violations that occur. See the attached notes for reference.

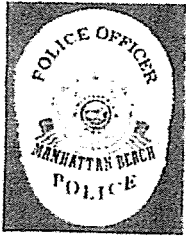
24

4304B

INFORMATION REPORT Manhattan Beach Police Dept

13-1289

Supplement No
ORIG



420 15TH STREET
MANHATTAN BEACH, CA 90266
Crime/Incident
5.48.140
Business: (310) 802-5100
(310) 802-5140
(310) 802-5107

Reported Date
04/30/2013

Officer
BROWN, DON

Administrative Information

Agency	Report No	Supplement No	Reported Date	Reported Time	CAD Call No
Manhattan Beach Police Dept	13-1289	ORIG	04/30/2013	00:32	131200015
Status	Crime/Incident	Location			
REPORT	MBMC NOISE DISTURBANCES	900 N MANHATTAN AV			
City	ZIP Code	Rep Dist	Area	Beat	From Date
MANHATTAN BEACH	90266	M18	2	M2	04/30/2013
To Time	Officer	From Time	To Date		
00:56	20328/BROWN, DON	00:32	04/30/2013		
2nd Assignment	Entered By	Assignment	RMS Transfer	Prop Trans Stat	2nd Officer
LIEUTENANT	20328	PATROL OFFICER	Successful	Successful	SMALL, RYAN
Report Title	Approving Officer	Approval Date	Approval Time		
INFORMATION REPORT	20261	05/02/2013	02:52:38		

Statements

Yes

# Offenses	Offense	Description	Complaint Type
1	5.48.140	MBMC NOISE DISTURBAN	
2	415PC	DISTURB THE PEACE	

Person Summary

Inv#	Inv No	Type	Name	MNI	Race	Sex	DOB
INV	1	I	DOHERTY, TIMOTHY MATTHEW	972096			

Summary Narrative

Violation of conditional use permit and disturbing the peace (ongoing).

Owner gives false information to Officers

Report Officer
20328/BROWN, DON

Printed At
05/02/2013 09:29

Page 1 of 2

Page 182 of 241
PC MTG 5-14-14

25
JOAN JANKINS

4-30-13

INFORMATION REPORT Manhattan Beach Police Dept

13-1289

Supplement No
ORIG

INVOLVED PARTY 1: DOHERTY, TIMOTHY MATTHEW

Involvement	Inv No	Type	Name	MNI
INVOLVED PARTY	1	Individual	DOHERTY, TIMOTHY MATTHEW	972096
Race	Sex	DOB	Age	Juvenile?
WHITE LiveScan OK				No
PRN				NO
2059258				
Type	Address		CITY	State
HOME				
ZIP Code	Date			
90266	04/30/2013			
Type	ID No		OIS	
OPERATOR LICENSE				
Type	ID No		OIS	
STATE IDENTIFICATION NUMBER				
Type	ID No		OIS	
SS				
Phone Type	Phone No		Date	
HOME			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.

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2004 to 2014

Reports to Code Enforcement, Police, City Prosecutor, City Attorney

Year 2004- Letters from Neighbors to City Hall Officials

Sept. 2011 - Dog excrement placed at home after making a complaint

June 2012 - Glass around tires of complaining neighbors car

May 2013 - House egged after police cited the Club

2004-2014—Reported ongoing incidents of intimidation, harassment, defamation

Rohrbacher – January 2013
Refusal to Pull a Required Permit, 3 Warnings
Threatening Behavior Towards Block Captain

**Manhattan Beach Code Enforcement
Citation Report**

Source: On January 18, 2013 at approximately 10:40 hours I cited the 900 Club manager at 900 Manhattan Ave., Manhattan Beach, CA.

Investigation: I approached David Rohrbacher, Manager, and advised him that as of today there have been no building permits issued for the site to construct a high fence at the rear of the property off of Bayview Dr. I have advised him and the worker on January 16, 2013 to stop work on the construction of the fence and to obtain permits. They were advised to go to the Planning Department and Planning would give them corrections if needed. When I arrived on Friday, January 18, 2013 nothing had been issued and they had completed the work. Rohrbacher had advised that he was just completing the work that was given to him 2 years ago that he had with the city.

Enforcement action: A permit is required for any fence over 6 feet in height and currently required by code. I issued David Rohrbacher a citation M377560 for Uniform Building Code 105.1 Permits Required.

Notes:

Code Enforcement Officer - given 3rd chance - Verbally
gave Rohrbacher verbal to
pull permit and she will rip up citation. Rohrbacher
refused. City Prosecutor filed Judicial case # 2

Blamed Block Captain - see Statement

Block Captain Statement

Statement:

On January 18th, 2013 I received a phone call from the Code Enforcement Officer. She was concerned for my personal safety from Dave Rohrbacher. She told me to lay low, stay out of sight for a few days and use my back door. She stated that Dave Rohrbacher flew off the handle, was agitated, threatening and shaking using my name with a string of expletives. He blamed me for his recent citation.

9th Street Block Captain

Plea Bargain/Diversion Agreement #1
Included Anti-Harassment Clause to Neighbors

Plea Bargain/Diversion Agreement #1 of 2

From: MDermody@da.lacounty.gov [mailto:MDermody@da.lacounty.gov]

Sent: Friday, October 4, 2013 1:16 PM

To:

Subject: Re: 900 Club

I have attached the proposed agreement with 900 Club. Let me know of any revisions you may have. (See attached file: Last Chance Agreement.docx)

Best,

Maren F. Dermody

Notes:

INITIATED Sept 2013 By Joan Jenkins, City MB
Prosecutor
Contained anti-harassment clause

Torrance DA terminated Dec/2013 - Due to
continued violations during plea bargain

Sep 2019 Drafted

Plea Bargain/Diversion Agreement #1

900 Club and names of individual defendants Last Chance Agreement---Diversion

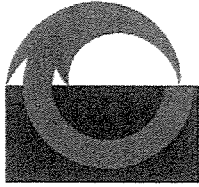
1. Back door (door in the alley way behind the 900 Club) will not be used for any purpose other than emergency purposes. The code will be disabled or used only by emergency personnel only. Staff, musicians, employees, subcontractors shall use the front entrance on Manhattan Avenue.
2. 900 Club shall apply soundproofing, as required by the 1993 CUP and any addenda, on the ceiling, walls, and windows. Doors and windows shall be closed. Band and DJ are not to operate until soundproofing is complete.
3. 900 Club shall comply with ABC and CUP imposed hours of operation and alcohol sales.
4. 900 Club shall comply with terms of ABC permit type 47.
5. 900 Club shall conduct all of its business within the building. There shall be no congregating or drinking by any patrons or employees in the alley behind the building on either side of the fence in front of the back door, or the wall or sidewalk on 9th Street.
6. 900 Club shall comply with the terms of the extant CUP.
7. 900 Club owners and employees shall conduct business with appropriate regard and respect for its neighbors. The manager and employees shall be mindful and considerate of neighbors and responsive to complaints and concerns, whether anonymous or not. The 900 club shall work to make sure that it does not affect adversely the peace and livability of the neighborhood.
8. Any and all harassment and menacing behavior towards neighbors shall end completely. At this point, there shall be no contact other than those initiated by a specific neighbor.
9. 900 Club shall agree that along with standard ABC inspections, the Manhattan Beach police shall have access for reasonable inspection, that is, welfare and safety checks, neighborhood complaints and reasonable suspicion of misdemeanors, or standard business inspections as appropriate with the terms of the 900 Club business license.
10. 900 Club shall agree to waive time for sentencing and to toll the time on cases *****, *****, ***** for a period of two years from the date of signing of this agreement by attorneys and defendants, with the agreement that the cases will be reinstated should violations be ongoing. Small or unintended noise violations will not be cause to reinstate proceedings. Should 900 Club comply with the agreement, the cases *****, *****, ***** shall be dismissed.
11. Patrons must be out of the establishment by CUP closing time.
12. 900 Club shall adhere to the occupancy requirements.

Anti-harassment Clause necessary

Former Police Officer Observations

Aggressive Behavior

October 2013



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

Cease and Desist Harassment Letter

900 Club, February 20, 2014

STRUMWASSER & WOOCHER LLP

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†Also admitted to practice in New York
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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 & WOOCHER 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

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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	Saturday	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

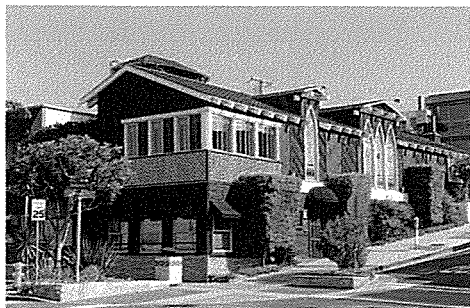
Video Clips - Partial Log

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

Community Director Comments and Opinion Prior to Modification Hearing

Members-only 900 Club faces complaints from Manhattan Beach neighbors



Location in Manhattan Beach of the 900 Club at 900 Manhattan Ave. The exclusive, members-only club is located on the second floor, above the Red Room bar.

Feb. 25, 2014. (Brad Graverson / Staff Photographer) By Carley J. Dryden, carley.dryden@langnews.com
Posted: 02/25/14, 7:47 PM PST | Daily Breeze

Location in Manhattan Beach of the 900 Club at 900 Manhattan Ave. The exclusive, members-only club is located on the second floor, above the Red Room bar. Feb. 25, 2014. (Brad Graverson / Staff Photographer)
WANT TO GO? What: Manhattan Beach Planning Commission meeting to discuss the 900 Club When: 6:30 p.m. Wednesday Where: City Council Chambers, 1400 Highland Ave.

A members-only club in downtown Manhattan Beach faces the possible loss of its operating permit if measures aren't put in place to address neighbor complaints.

The city Planning Commission will take public comment on the posh 900 Club on Wednesday night to consider — likely at its April 9 meeting — whether to revoke the use permit or require additional restrictions and conditions.

The club has been the subject of many calls to law enforcement and several cases filed by the District Attorney's Office and city prosecutor over the past few years, mostly for excessive noise and alcohol consumption after hours. The legal cases are pending, according to staff.

"The city prosecutor has met with the business owner on various occasions to resolve the outstanding issues since 2012, but compliance has not been reached," a staff report read. "Prosecution efforts, while still underway in some cases, have also not resulted in ongoing compliance."

The multilevel building at the corner of Manhattan Avenue and Ninth Street has housed a restaurant and cocktail lounge/bar since 1973. The current owners of the upstairs bar, now called the 900 Club, took over in 2003. The use permit allows full alcohol service, live weekend entertainment, dancing, and operating hours until midnight on weekdays and 1 a.m. on Fridays and Saturdays.

In 2004, after ongoing complaints from neighbors, the city attorney met with the 900 Club owner, who agreed to restrict access to the rear door onto Bayview Drive, allowing the door to be opened only from the inside, according to a staff report.

But neighbor complaints have continued.

From 2011 to December 2013, there were 19 calls for service and five self-initiated police responses to the club, whose members pay yearly dues.

The 900 Club owners could not be reached for comment. An assistant for Bob Courtney, an attorney who represents the club, said "We make no comments."

Lou Giovannetti, owner of the Red Room bar downstairs, said he was not inclined to comment.

If the use permit is revoked, it would impact his bar as well since the two businesses are housed in the same building.

Community Development Director Richard Thompson said his department has received more than 100 letters and emails in support of the club, and a few letters that express concern.

"There are a number of families that go there and kids during certain hours of the day," Thompson said. "Maybe later at night it gets noisy. When the band plays, it leaks out of the building."

Thompson said if the building were more insulated and the owners install more noise-insulating windows, most of the issues would be fixed.

"For the most part, I think staff believes that these issues could be mitigated and the use permit does not need to be revoked," he said.

Thompson said the Planning Commission will be an important meeting for the public.

"The hearing gives the neighbors and others a forum to speak on the matter whether they're for it or against it," he said. "This is the meeting to come voice your opinion."

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THE GORMAN LAW FIRM

1346 E. WALNUT ST., SUITE 220

PASADENA, CA 91106

mgorman@gormanfirm.com

TEL 626 215 5951

FAX 626 467 5470

May 7, 2014

VIA E-MAIL <rthompson@citymb.info>; <PlanningCommission@citymb.info>
AND HAND DELIVERY

Chairman Chris Conaway and Commissioners
City of Manhattan Beach Planning Commission
400 Highland Avenue
Manhattan Beach, CA 90266

Re: May 14, 2014 Planning Commission Meeting on Revocation and/or
Modification to an Existing Use Permit, Resolution No. 5155, for an Existing
Restaurant/Bar Located at 900 Manhattan Ave. (900 Club and Red Room)

Dear Chariman Conaway and Honorable Members of the Planning Commission:

Our firm serves as legal counsel to residents with an interest in the above-referenced matter. This letter is sent to urge your action to impose rigorous modifications to the subject Use Permit, as provided in the attached drafts. We ask that you consider the following matters in this regard:

1. At your meeting of February 26, 2014, the Commission undertook a public hearing on this matter and received various testimony and evidence in support and in opposition to modification of the subject Use Permit. While we are concerned that individuals wishing to submit testimony and evidence on this matter were not permitted to do so fully, ***we understand that the matter was continued to the Commission's May 14, 2014 meeting, at which time further materials may be provided.***

2. Our understanding has been confirmed by subsequent discussions with City staff and legal counsel. Accordingly, this letter, and the materials herewith, are submitted for your consideration. Our submission includes:

- a. The draft Modified Conditions which were provided to us by City staff on April 30, 2014 (attached as **ATTACHMENT 1** hereto);
- b. Our comments and suggested revisions to the City's draft Modified Conditions, provided in both redline and clean form (attached as **ATTACHMENT 2** and **ATTACHMENT 3** hereto, respectively); and

Chairman Conaway and Commissioners
 Re: Modification of Use Permit for 900 Manhattan Avenue
 May 7, 2014
 Page 2 of 3

- c. Further materials which are relevant to the Commission's consideration regarding modification of the subject Use Permit and review of the Resolution proposed by City staff (submitted separately due to large file size).

3. Based on our discussions with City staff, we understand that these materials will be included in the Commission's formal record of proceedings on the above-referenced matter. We respectfully request that the Commission consider our submissions in conjunction with the other materials and evidence which has been submitted on this matter. ***We are particularly interested in the Commission's consideration of our comments on the draft Modified Conditions, and we ask that the Commission carefully consider our suggested revisions to the Conditions submitted by City staff.***

4. We recognize that this matter has been highly contentious and elicited a great deal of public comment, both for and against the revocation/modification of the proposed Use Permit. In light of importance attached to this matter, we believe that fairness dictates that all interested parties be consulted in the preparation of proposed Modified Conditions. Indeed, it appears that the Commission recognized the importance of this and likely intended that the public participate in preparation of the Modified Conditions that would be considered by this Commission. Doing so allows the public to meaningfully participate in the process of developing conditions which are important for preserving the health, safety and welfare of the surrounding neighborhood and community at-large.

5. We are disappointed to see, however, that public participation in developing the draft Modified Conditions has been minimal. To wit, the draft Modified Conditions (ATTACHMENT 1 hereto) were provided to us just one week ago, without any prior solicitation for input or dialog in their formation. ***We believe that inviting interested parties, along with those opposed to modification of the Use Permit, to collaboratively develop conditions for the Commission's consideration would have been a sound approach to addressing this contentious matter.*** It appears that such approach was not adopted in this case.

6. We are also concerned to see that the proposed Modified Conditions submitted to us by staff (ATTACHMENT 1) appear skewed against the concerns expressed by residents and neighborhood leaders who have endured the brunt of problematic activities conducted at 900 Manhattan Avenue. ***The conditions as proposed by staff are, in our opinion, relatively weak and fail to address many key issues.*** Comparing the City's proposed Modified Conditions (ATTACHMENT 1) with the City's actual 1995 conditions (see Resolution No. 5155; copy attached as ATTACHMENT 4), it appears that many long-standing conditions which have failed to address problems associated with 900 Manhattan Avenue have not been significantly revised in staff's proposal.

7. We are especially concerned by wording in the City's proposed Modified Conditions which resembles verbiage that one would expect to come directly from the advocates for 900 Manhattan Avenue. While we have not been advised about communications between staff and the principals, interested parties, or legal counsel for 900 Manhattan Avenue, the weakness of the City's proposed conditions cause us to question this. To the extent advocates

Chairman Conaway and Commissioners
Re: Modification of Use Permit for 900 Manhattan Avenue
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Page 3 of 3

for 900 Manhattan Avenue have participated in staff's development of the proposed Modified Conditions, we believe such participation should be disclosed.

8. The proposed revisions to staff's Modified Conditions (ATTACHMENTS 2 and 3 hereto) offer our opinion on what conditions for 900 Manhattan Avenue should entail. We have prepared these revisions to enhance protection of health, safety and welfare, while seeking to respect the rights and activities occurring at 900 Manhattan Avenue. We again ask that the Commission carefully review our proposed revisions and consider them in making a decision on this matter.

9. We also note, however, the relatively short time period which we have had to work within in order to produce our proposed revisions. In essence, we have had only one week to digest an enormous volume of information and material to produce our revisions. While we have attempted to capture all of our suggestions within ATTACHMENTS 2 and 3, additional or alternate verbiage may be necessary, and we therefore respectfully reserve the right to supplement and amend our proposed conditions prior to or at the Commission's May 14, 2014 consideration of this matter.

The Commission is charged with making difficult but important decisions over many matters, and we recognize the challenges that this matter poses to the Commission. We are hopeful that you will give full consideration to the issues expressed herein and in our submissions herewith, and we ask that you ultimately act to ensure that rigorous conditions are adopted for the operations of 900 Manhattan Avenue.

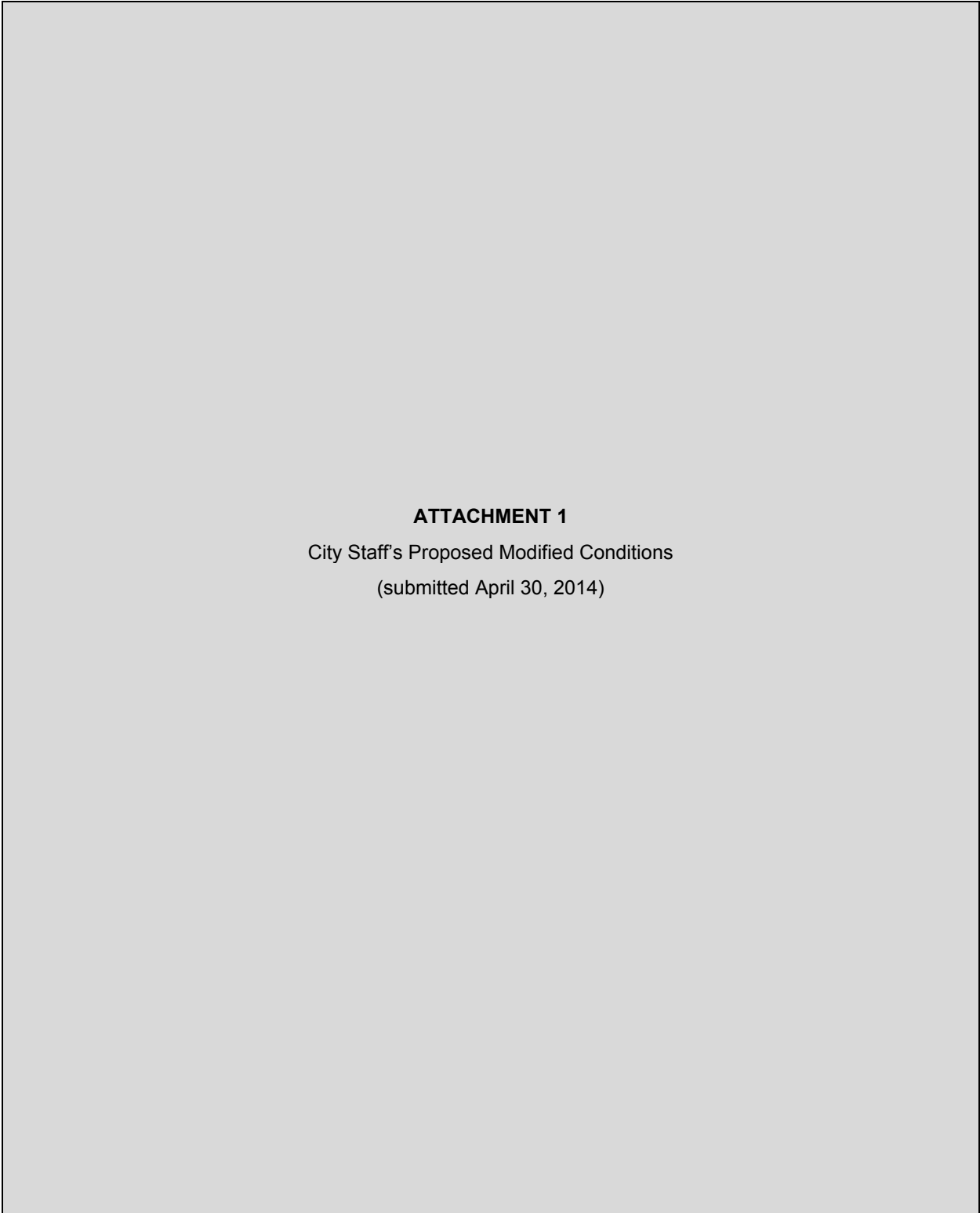
Should you have any questions concerning this matter, please do not hesitate to contact the undersigned.

Very truly yours,

THE GORMAN LAW FIRM

Matthew M. Gorman

Chairman Conaway and Commissioners
Re: Modification of Use Permit for 900 Manhattan Avenue
May 7, 2014
ATTACHMENT 1



ATTACHMENT 1
City Staff's Proposed Modified Conditions
(submitted April 30, 2014)

'Draft' Conditions for 900 Club and Red Room

Operational Restrictions

1. Hours of operation for the establishment shall be permitted as follows. At closing time, all areas (inside and outside) of the business must be vacated, including music off, no sales, service or consumption of food and alcohol. Staff may remain one hour after closing operating hours.

Monday - Thursday	11:00am - midnight
Friday	11:00am – 1:00am
Saturday	9:00am – 1:00am
Sunday	9:00am – midnight

2. The service of alcohol shall be in conjunction with food service and a “bona fide eating place” type of alcohol license (Type 42) from the State of California shall be maintained.
3. Management shall provide a third party security staff person, approved by the City. The security officer shall be responsible for the site and surrounding area and to ensure all conditions of approval are complied with including but not limited to noise, sales and service of alcohol, use of back door, littering, access, windows and doors being closed and any other nuisances. The Security staff shall work cooperatively and meet periodically with the Police Department.
4. The management of the restaurant shall police the property in all areas immediately adjacent to the business to keep it free of litter and to discourage patrons from entering residential areas. After 10pm, on Thursday, Friday, Saturday and Sundays preceding legal holidays, and on special event days, if the establishment is open, the security guard shall be located outside the back door on Bayview Drive to prevent patrons from entering or exiting the establishment, loitering, unruliness and boisterous activities outside the business or in the immediate area.
5. The back door shall remain closed after 10pm and used for emergency purposes only. Bands shall be allowed to use the back door for the loading of equipment for a maximum of 30 minutes after closing time.
6. Live entertainment, either amplified or non-amplified sound, comprised of any combination of instrumental musicians, vocalists and/or disc jockeys, is limited to Thursday, Friday, Saturday and Sunday on the second floor only (900 Club). On Sunday, sound shall be limited to non-amplified only, except for Sundays preceding legal holidays as defined by City regulations.
7. Dancing is permitted on Friday and Saturday nights only. Dancing shall be limited to a 12 foot x 12 foot maximum area on the second floor.

8. A maximum of six special events that may include, entertainment, audience participation and/or dancing shall be allowed annually subject to approval of an annual Class I Group Entertainment Permit. Special events shall be defined as events in which there is a contract for exclusive use of the venue on a day other than a Friday or Saturday. These special events will require prior approval from the Community Development Department through the Group Entertainment Permit.
9. Noise emanating from the site shall be in compliance with the Municipal Noise Ordinance and the Group Entertainment Permit. Any outdoor sound or outdoor amplification system or equipment is prohibited. All doorways and windows for the business shall remain closed at all times during entertainment or dancing, and shall be closed at other times as specified by the establishment's Group Entertainment Permit. For any length of time, the noise may not dominate the background ambient noise, nor disturb surrounding residents, as defined in the MBMC "reasonable person" noise regulations, as well as the annual Entertainment Permit.
10. Three parking spaces shall be maintained on-site at the rear of the building.
11. Required occupancy loads shall not be exceeded and required access and exits shall remain unobstructed at all times in compliance with Fire and Building requirements. Occupancy limits stated below are required to be posted on site at all times:
 - a. Red Room (downstairs) – 31
 - b. 900 Club (upstairs) – 92
12. All signs shall be in compliance with the City's Sign Code. Pole signs and internally illuminated awnings shall be prohibited.
13. The following noise mitigation measures, some which are already installed, shall be maintained and not removed:
 - a. Tempered glass panels installed over each stained glass window along the south wall.
 - b. A separate tempered glass panel installed over the inside windows along the south rear hallway.
 - c. Double pane windows on Manhattan Avenue and 9th Street upstairs and downstairs.
 - d. Signage on the rear door (inside and outside) to not enter or exit after 10pm.
 - e. Sound curtains to be installed on the double pane windows on Manhattan Avenue and windows on 9th Street upstairs.
14. Pending an acoustical report from the applicant's Acoustical Engineer and recommendations from the City's Acoustical Engineer, additional noise mitigation improvements may be required to be installed. These may include but not limited to additional sound curtains on windows, glass panels on the outside of the stained glass windows and the south rear hallway windows, sealing gaps of all exterior doors, modification to speakers and amplified sound equipment, etc. Any noise mitigation measures recommended by the City Sound

Engineer and/or required by the Community Development Director shall be installed in a timely manner.

15. The Community Development Department staff shall be allowed to inspect the site at any time. Management shall provide the Police, Fire, County Health Departments and the Alcoholic Beverage Control (ABC) with the key pad code for access any time.

Procedural

16. This Use Permit Amendment shall lapse two years after its date of approval, unless implemented or extended pursuant to 10.84.090 of the Municipal Code.
17. Pursuant to Public Resources Code section 21089(b) and Fish and Game Code section 711.4(c), the project is not operative, vested or final until the required filing fees are paid.
18. At any time in the future, the Planning Commission or City Council may review the Use Permit for the purposes of revocation or modification. Modification may consist of the following: limitation of hours; further limitation of total occupancy; requiring valet parking; elimination of entertainment or the establishment of any other condition or conditions deemed reasonable to mitigate or alleviate impacts to adjacent land uses.
19. Applicant shall defend, indemnify, and hold the City, its elected officials, officers, employees, volunteers, agents, and those City agents serving as independent contractors in the role of City officials (collectively "Indemnitees") free and harmless from and against any and all claims (including, without limitation, claims for bodily injury, death, or damage to property), demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs, and expenses (including, without limitation, attorneys' fees, consequential damages, disbursements, and court costs) of every kind and nature whatsoever (individually, a "Claim," collectively, "Claims"), in any manner arising out of or incident to: (i) this approval and related entitlements, (ii) the City's environmental review of this project, (iii) any construction related to this approval, or (iv) the use of the property that is the subject of this approval. Applicant shall pay and satisfy any judgment, award or decree that may be rendered against City or the other Indemnitees in any such suit, action, or other legal proceeding arising out of or incident to this approval, any construction related to this approval, or the use of the property that is the subject of this approval. The City shall have the right to select counsel of its choice. Applicant shall reimburse the City, and the other Indemnitees, for any and all legal expenses and costs incurred by each of them in connection therewith or in enforcing the indemnity herein provided. Applicant's obligation to indemnify shall not be restricted to insurance proceeds, if any, received by Applicant or Indemnitees. This indemnity shall apply to all Claims and liability regardless of whether any insurance policies are applicable. Nothing in this Section shall be construed to require Applicant to indemnify Indemnitees for any Claim arising from the sole negligence or willful misconduct of the Indemnitees. In the event such a legal action is filed challenging the City's determinations herein or the issuance of the permit, the City shall estimate its expenses for the litigation. Applicant shall deposit said amount with the City or

enter into an agreement with the City to pay such expenses as they become due.

20. One year, following the effective date of this Resolution, a fully noticed public hearing shall be conducted by the Planning Commission for the purpose of reviewing the subject Use Permit for compliance with all conditions.

SECTION 3. Pursuant to Government Code Section 65009 and Code of Civil Procedure Section 1094.6, any action or proceeding to attack, review, set aside, void or annul this decision, or concerning any of the proceedings, acts, or determinations taken, done or made prior to such decision or to determine the reasonableness, legality or validity of any condition attached to this decision shall not be maintained by any person unless the action or proceeding is commenced within 90 days of the date of this resolution and the City Council is served within 120 days of the date of this resolution. The City Clerk shall send a certified copy of this resolution to the applicant, and if any, the appellant at the address of said person set forth in the record of the proceedings and such mailing shall constitute the notice required by Code of Civil Procedure Section 1094.6.

I hereby certify that the foregoing is a full, true, and correct copy of the Resolution as adopted by the Planning Commission at its regular meeting of May 14, 2014 and that said Resolution was adopted by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

RICHARD THOMPSON,
Secretary to the Planning Commission

Rosemary Lacklow,
Recording Secretary

Chairman Conaway and Commissioners
Re: Modification of Use Permit for 900 Manhattan Avenue
May 7, 2014
ATTACHMENT 2



ATTACHMENT 2

Proposed Revisions to City Staff's Modified Conditions
(redline format)

‘Draft’ Conditions for 900 Club and Red Room

Operational Restrictions

1. The establishment is permitted to operate only during the Hhours of operation for the establishment shall be permitted as followslisted below (“Hours of Operation”). Except during the Hours of Operation or as otherwise provided belowAt closing time, the premises (all areas, -(inside and outside) of the business-must be vacated, including music off, no sales, service or consumption of food andor alcohol, no entertainment, and cessation of all other activities except for those of bona fide management, staff, and Security Guards described in this Condition 1, below. No patrons, club members, band members or performers, managers, employees, staff, volunteers, vendors, guests, invitees, or any other person shall remain on the premises beyond the Hours of Operation, except as follows: (a) bona fide management and Sstaff of the establishment may remain on the premises for up to one hour after closing-øafter the Operating hHours, for the purpose of completing management, cleaning and/or regular job duties only; and (b) a Security Guard (as provided at Condition No. 3, below) may remain on the premises until all bona fide management and staff leave and as may be necessary to comply with these Conditions and to secure and safeguard the premises and its staff, patrons, and employees.

4- The Hours of Operation are:

Monday - Thursday	11:00am - midnight
Friday	11:00am – 1:00am
Saturday	9:00am – 1:00am
Sunday	9:00am – midnight

The establishment is encouraged to provide a “last call” to patrons at least 60 minutes prior to the end of the Hours of Operation, and to commence closing procedures at least 30 minutes prior to the end of the Hours of Operation, in order to ensure compliance with this Condition.

2. The service of alcohol shall be in conjunction with food service and a “bona fide eating place” type of alcohol license (Type 427) from the State of California shall be maintained. The service of alcohol shall be in conjunction with and incidental to the sale of food in a bona fide restaurant and shall be during the hours of operation of the establishment. The service of food and beverages shall be primarily by employees served to customers seated at tables.
3. Management shall provide one or more-a third party security staff personguards who shall be present on the premises during all Hours of Operation and other times described in Condition No. 1 (“Security Guard”). No person may serve as a Security Guard unless: (a) he/she is regularly-employed as a security guard by a licensed private patrol operator and is registered by the California Bureau of Security and Investigative Services as a security guard; and (b) such person has been approved to act as a Security Guard by the Chief of

~~Police, approved by the City. The~~ All sSecurity officer Guards shall be permitted to access the entire premises~~be responsible for the site~~ and surrounding area and to ~~ensure all~~ monitor compliance with these eConditions and other requirements for the establishment's operations, of approval are complied with including but not limited to: Hours of Operation, noise, sales and service of alcohol, use of back door, use of side door, occupancy limitations, littering, access, windows and doors being closed and any other nuisances. The presence of one or more Security Guards on the premises shall not relieve the management or any other party of the obligations to adhere to these Conditions or any other requirement for operation. The All Security staff Guards shall work cooperatively with the Police Department and City staff, shall communicate in private with Police Officers and City staff upon request, and shall meet and report periodically with to the Police Department and/or City staff regarding compliance with these Conditions and other requirements for the establishment's operations.

4. ~~The mManagement of the restaurant~~ shall police the property in all areas immediately adjacent to the ~~business premises~~ to keep it free of litter, and shall undertake and implement all reasonably necessary actions necessary to discourage patrons from entering residential areas. Management shall ensure all City and other governmental laws, rules, ordinances, regulations, codes, requirements, operating permits, and conditions are met, maintained and upheld. Management shall undertake and implement all reasonably necessary techniques to prevent loitering, unruliness, boisterous activities of patrons and limit all activities to comply with the City's Municipal Noise Ordinance.
- 4.5. ~~Commencing at —After 10pm~~ 9:00 p.m., on Thursday, Friday, Saturday ~~and,~~ Sundays preceding legal holidays, and on special event days, and commencing at 10:00 p.m. on all other days that if the establishment is open, ~~the~~ one or more Security gGuards shall be located outside the back door on Bayview Drive to prevent patrons, staff, band members, performers, vendors, volunteers, and all others from entering or exiting the establishment, loitering, unruliness and boisterous activities ~~outside the business on the premises~~ or in and around the immediate area.
6. On Thursday, Friday, Saturday, Sundays preceding legal holidays, and on special event days, tThe back door of the premises shall remain closed after 109:00 p.m. and used for emergency purposes only. On all other days, the back door of the premises shall remain closed after 10:00 p.m. and used for emergency purposes only. Bands shall be allowed to use tThe back door may not be used for ingress or egress, for the loading of equipment, or for any other purpose (other than as an emergency exit) for a maximum of 30 minutes after closing time ~~after the times listed in this Condition No. 6, above. Management shall install and maintain an alarm system on the back door, of a type approved by the Chief of Police, which, when armed, shall emit sound upon the opening of the back door. Management shall ensure that the alarm system is functional and armed starting from the times listed in this Condition No. 6, above, and continuing until the commencement of Operating Hours the following day.~~
7. The side door of the premises (permitting access to the Red Room on Ninth Street) shall remain closed at all times and used for emergency purposes only. Except for emergency

purposes, access to the Red Room shall be through the main entrance of the premises (i.e., front door) only.

5-8. Management shall install and maintain a lock, of a type approved by the Chief of Police, on the rear utility closet of the premises sufficient to secure the utility closet from being accessed by individuals other than management, bona fide staff, and Security Guards. The utility closet shall remain locked at all times from 10:00 p.m. until the commencement of Operating Hours the following day, except as it may be accessed by management, bona fide staff, and Security Guards in the performance of their regular duties.

6-9. Non-amplified Live entertainment, either amplified or non-amplified sound, comprised of any combination of instrumental musicians, vocalists and/or other performers disc jockeys, is limited to Thursday, Friday, Saturday and Sunday on the second floor only (900 Club). On Sunday, sound shall be limited to non-amplified only sound may not be used in connection with such live entertainment. Compliance with this Condition shall not excuse compliance with Municipal Noise Ordinance regulations, City Entertainment Permit requirements, and all other City regulations, and no entertainment shall be permitted without conforming with such requirements, except for Sundays preceding legal holidays as defined by City and regulations.

7-10. Dancing is permitted on Friday and Saturday nights only. Dancing shall be limited to a 12 foot x 12 foot maximum area on the second floor.

8-11. A maximum of six special events that may include, entertainment, audience participation and/or dancing shall be allowed annually subject to approval of an annual Class I Group Entertainment Permit. Special events shall be defined as events in which there is a contract for exclusive use of the venue on any day other than a Friday or Saturday. These special events will require prior approval from the Community Development Department through the Group Entertainment Permit. Compliance with this Condition shall not excuse compliance with Municipal Noise Ordinance regulations and all other City regulations, and special event shall be permitted without conforming with such requirements and regulations.

9-12. Noise emanating from the site shall be in compliance with the Municipal Noise Ordinance and the Group Entertainment Permit. Any outdoor sound or outdoor amplification system or equipment is prohibited. All doorways and windows for the business shall remain closed at all times during entertainment or dancing, and shall be closed at other times as specified by the establishment's Group Entertainment Permit. For any length of time, the noise may not dominate the background ambient noise, nor disturb surrounding residents, as defined in the MBMC "reasonable person" noise regulations, as well as the annual Entertainment Permit.

10-13. Prior to operation, management shall provide three full size off-street parking spaces shall be maintained on-site at the rear of the building. Said parking spaces shall be maintained and provided for public use during all Hours of Operation.

11-14. Required occupancy loads shall not be exceeded and required access and exits shall remain unobstructed at all times in compliance with Fire and Building requirements. Occupancy limits stated below are required to be posted on site and adhered to at all times:

- a. Red Room (downstairs) – 31
- b. 900 Club (upstairs) – 92

~~12.15.~~ All signs shall be in compliance with the City's Sign Code. Pole signs and internally illuminated awnings shall be prohibited.

~~13.16.~~ Prior to operation, the following noise mitigation measures, ~~some which are already whether presently~~ installed ~~or not~~, shall be ~~provided and~~ maintained ~~on the premises, and may and~~ not ~~be~~ removed:

- a. Tempered glass panels installed over each stained glass window along the south wall.
- b. A separate tempered glass panel installed over the inside windows along the south rear hallway.
- c. Double pane windows on Manhattan Avenue and 9th Street upstairs and downstairs.
- d. Signage on the rear door (inside and outside) to not enter or exit after 10pm.
- e. Sound curtains to be installed on the double pane windows on Manhattan Avenue and windows on 9th Street upstairs.

Prior to operation, City staff shall inspect and review the foregoing mitigation measures. Operation may not commence until and unless City staff determine that the foregoing mitigation measures have been installed. Compliance with this Condition shall not excuse compliance with Municipal Noise Ordinance regulations and all other City regulations.

~~14.17.~~ Use of amplified sound may be permitted only upon: (a) Pending completion of an acoustical report from the applicant's Acoustical Engineer; ~~and (b) recommendations from the City's Acoustical Engineer; and (c) a subsequent modification of the Conditional Use Permit pursuant to all procedures and requirements for such modification as provided in the Municipal Code and any other applicable laws, ordinances, rules and regulations. In any such modification, approval for use of amplified sound may be subject to;~~ additional noise mitigation improvements ~~may be required to be installed. These may,~~ includeing but not limited to additional sound curtains on windows, glass panels on the outside of the stained glass windows and the south rear hallway windows, sealing gaps of all exterior doors, modification to speakers and amplified sound equipment, etc. ~~Any noise mitigation measures recommended by the City Sound Engineer and/or required by the Community Development Director shall be installed in a timely manner.~~

18. The Community Development Department staff, Police Department officers and staff, Fire Department staff, and all other governmental agency staff shall be allowed to inspect any area of the site premises at any time. Management shall provide the Police, Fire, County Health Departments and the Alcoholic Beverage Control (ABC) with the key pad code keys enabling for access to all areas of the premises at any time. In the event any such staff is denied or unable to access any area of the premises, Conditional Use Permit revocation proceedings may be commenced immediately, and such staff may immediately initiate any other proceedings as may be necessary to safeguard health, safety and welfare interests posed by such lack of access.

~~15.19.~~ _____

Procedural

~~16.20.~~ _____ This Use Permit Amendment shall lapse two years after its date of approval, unless implemented or extended pursuant to 10.84.090 of the Municipal Code.

~~17.21.~~ _____ ~~To the extent the provisions of Pursuant to~~ Public Resources Code section 21089(b) and Fish and Game Code section 711.4(c) apply, no operations on the premises may commence unless and the project is not operative, vested or final until the required filing fees pursuant to said sections are have been paid.

~~18.22.~~ _____ At any time in the future, the Planning Commission or City Council may review the Use Permit for the purposes of revocation or modification. ~~Modification may consist of the following: limitation of hours; further limitation of total occupancy; requiring valet parking; elimination of entertainment or the establishment of any other condition or conditions deemed reasonable to mitigate or alleviate impacts to adjacent land uses.~~

~~19.23.~~ _____ Applicant shall defend, indemnify, and hold the City, its elected officials, officers, employees, volunteers, agents, and those City agents serving as independent contractors in the role of City officials (collectively “Indemnitees”) free and harmless from and against any and all claims (including, without limitation, claims for bodily injury, death, or damage to property), demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs, and expenses (including, without limitation, attorneys’ fees, consequential damages, disbursements, and court costs) of every kind and nature whatsoever (individually, a “Claim,” collectively, “Claims”), in any manner arising out of or incident to: (i) this approval and related entitlements, (ii) the City’s environmental review of this project, (iii) any construction related to this approval, or (iv) the use of the property that is the subject of this approval. Applicant shall pay and satisfy any judgment, award or decree that may be rendered against City or the other Indemnitees in any such suit, action, or other legal proceeding arising out of or incident to this approval, any construction related to this approval, or the use of the property that is the subject of this approval. The City shall have the right to select counsel of its choice. Applicant shall reimburse the City, and the other Indemnitees, for any and all legal expenses and costs incurred by each of them in connection therewith or in enforcing the indemnity herein provided. Applicant’s obligation to indemnify shall not be restricted to insurance proceeds, if any, received by Applicant or Indemnitees. This indemnity shall apply to all Claims and liability regardless of whether any insurance policies are applicable. Nothing in this Section shall be construed to require Applicant to indemnify Indemnitees for any Claim arising from the sole negligence or willful misconduct of the Indemnitees. In the event such a legal action is filed challenging the City’s determinations herein or the issuance of the permit, the City shall estimate its expenses for the litigation. Applicant shall deposit said amount with the City or enter into an agreement with the City to pay such expenses as they become due.

24. One year, following the effective date of this Resolution, a fully noticed public hearing shall be conducted by the Planning Commission for the purpose of reviewing the subject Use Permit for compliance with all conditions.

~~20.25.~~ A summary of the conditions described above, in the form attached as ATTACHMENT 1 to this Resolution, shall be maintained on the premises at all times for the purpose of providing City staff, police, and other government agencies and the members of the public with a simplified description of these conditions. A copy of the summary shall be maintained on-file with the Community Development Department and shall be provided to the Police Department. The summary shall be produced to City staff, police officers, staff and officers of governmental agencies, and members of the public upon request.

SECTION 3. Pursuant to Government Code Section 65009 and Code of Civil Procedure Section 1094.6, any action or proceeding to attack, review, set aside, void or annul this decision, or concerning any of the proceedings, acts, or determinations taken, done or made prior to such decision or to determine the reasonableness, legality or validity of any condition attached to this decision shall not be maintained by any person unless the action or proceeding is commenced within 90 days of the date of this resolution and the City Council is served within 120 days of the date of this resolution. The City Clerk shall send a certified copy of this resolution to the applicant, and if any, the appellant at the address of said person set forth in the record of the proceedings and such mailing shall constitute the notice required by Code of Civil Procedure Section 1094.6.

I hereby certify that the foregoing is a full, true, and correct copy of the Resolution as adopted by the Planning Commission at its regular meeting of May 14, 2014 and that said Resolution was adopted by the following vote:

AYES:

NOES:

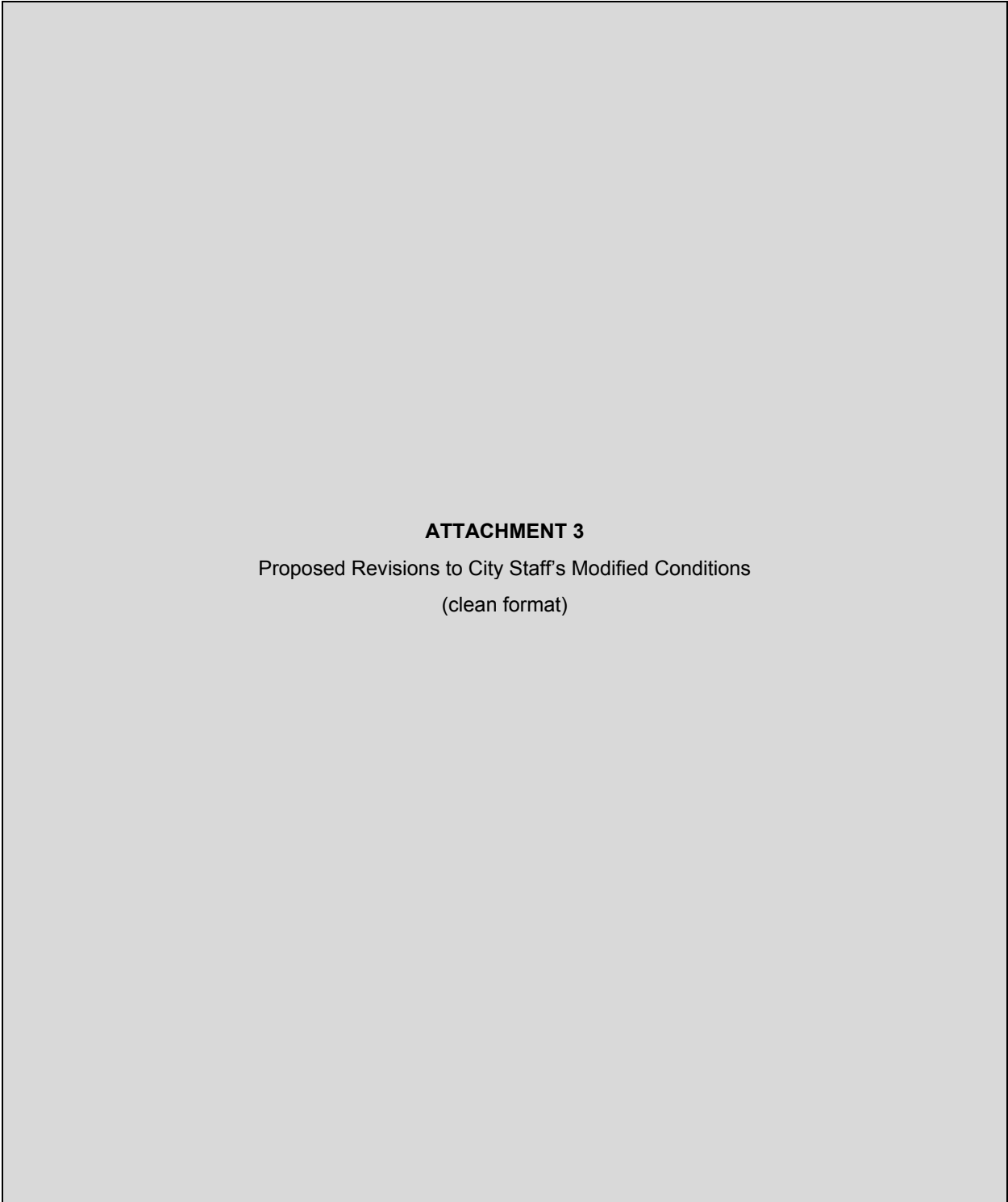
ABSTAIN:

ABSENT:

RICHARD THOMPSON,
Secretary to the Planning Commission

Rosemary Lacklow,
Recording Secretary

Chairman Conaway and Commissioners
Re: Modification of Use Permit for 900 Manhattan Avenue
May 7, 2014
ATTACHMENT 3



ATTACHMENT 3

Proposed Revisions to City Staff's Modified Conditions
(clean format)

‘Draft’ Conditions for 900 Club and Red Room

Operational Restrictions

1. The establishment is permitted to operate only during the hours of operation listed below (“Hours of Operation”). Except during the Hours of Operation or as otherwise provided below, the premises (all areas, inside and outside) must be vacated, including music off, no sales, service or consumption of food or alcohol, no entertainment, and cessation of all other activities except for those of bona fide management, staff, and Security Guards described in this Condition 1, below. No patrons, club members, band members or performers, managers, employees, staff, volunteers, vendors, guests, invitees, or any other person shall remain on the premises beyond the Hours of Operation, except as follows: (a) bona fide management and staff of the establishment may remain on the premises for up to one hour after the Operating Hours, for the purpose of completing management, cleaning and/or regular job duties only; and (b) a Security Guard (as provided at Condition No. 3, below) may remain on the premises until all bona fide management and staff leave and as may be necessary to comply with these Conditions and to secure and safeguard the premises and its staff, patrons, and employees.

The Hours of Operation are:

Monday - Thursday	11:00am - midnight
Friday	11:00am – 1:00am
Saturday	9:00am – 1:00am
Sunday	9:00am – midnight

The establishment is encouraged to provide a “last call” to patrons at least 60 minutes prior to the end of the Hours of Operation, and to commence closing procedures at least 30 minutes prior to the end of the Hours of Operation, in order to ensure compliance with this Condition.

2. The service of alcohol shall be in conjunction with food service and a “bona fide eating place” type of alcohol license (Type 47) from the State of California shall be maintained. The service of alcohol shall be in conjunction with and incidental to the sale of food in a bona fide restaurant and shall be during the hours of operation of the establishment. The service of food and beverages shall be primarily by employees served to customers seated at tables.
3. Management shall provide one or more third party security guards who shall be present on the premises during all Hours of Operation and other times described in Condition No. 1 (“Security Guard”). No person may serve as a Security Guard unless: (a) he/she is regularly-employed as a security guard by a licensed private patrol operator and is registered by the California Bureau of Security and Investigative Services as a security guard; and (b) such person has been approved to act as a Security Guard by the Chief of Police. All Security Guards shall be permitted to access the entire premises and

surrounding area and to monitor compliance with these Conditions and other requirements for the establishment's operations, including but not limited to: Hours of Operation, noise, sales and service of alcohol, use of back door, use of side door, occupancy limitations, littering, access, windows and doors being closed and any other nuisances. The presence of one or more Security Guards on the premises shall not relieve the management or any other party of the obligations to adhere to these Conditions or any other requirement for operation. All Security Guards shall work cooperatively with the Police Department and City staff, shall communicate in private with Police Officers and City staff upon request, and shall meet and report periodically to the Police Department and/or City staff regarding compliance with these Conditions and other requirements for the establishment's operations.

4. Management shall police the property in all areas immediately adjacent to the premises to keep it free of litter, and shall undertake and implement all reasonably necessary actions necessary to discourage patrons from entering residential areas. Management shall ensure all City and other governmental laws, rules, ordinances, regulations, codes, requirements, operating permits, and conditions are met, maintained and upheld. Management shall undertake and implement all reasonably necessary techniques to prevent loitering, unruliness, boisterous activities of patrons and limit all activities to comply with the City's Municipal Noise Ordinance.
5. Commencing at 9:00 p.m. on Thursday, Friday, Saturday, Sundays preceding legal holidays, and on special event days, and commencing at 10:00 p.m. on all other days that the establishment is open, one or more Security Guards shall be located outside the back door on Bayview Drive to prevent patrons, staff, band members, performers, vendors, volunteers, and all others from entering or exiting the establishment, loitering, unruliness and boisterous activities on the premises or in and around the immediate area.
6. On Thursday, Friday, Saturday, Sundays preceding legal holidays, and on special event days, the back door of the premises shall remain closed after 9:00 p.m. and used for emergency purposes only. On all other days, the back door of the premises shall remain closed after 10:00 p.m. and used for emergency purposes only. The back door may not be used for ingress or egress, for the loading of equipment, or for any other purpose (other than as an emergency exit) after the times listed in this Condition No. 6, above. Management shall install and maintain an alarm system on the back door, of a type approved by the Chief of Police, which, when armed, shall emit sound upon the opening of the back door. Management shall ensure that the alarm system is functional and armed starting from the times listed in this Condition No. 6, above, and continuing until the commencement of Operating Hours the following day.
7. The side door of the premises (permitting access to the Red Room on Ninth Street) shall remain closed at all times and used for emergency purposes only. Except for emergency purposes, access to the Red Room shall be through the main entrance of the premises (i.e., front door) only.
8. Management shall install and maintain a lock, of a type approved by the Chief of Police, on the rear utility closet of the premises sufficient to secure the utility closet from being

accessed by individuals other than management, bona fide staff, and Security Guards. The utility closet shall remain locked at all times from 10:00 p.m. until the commencement of Operating Hours the following day, except as it may be accessed by management, bona fide staff, and Security Guards in the performance of their regular duties.

9. Non-amplified live entertainment, comprised of any combination of instrumental musicians, vocalists and/or other performers, is limited to Thursday, Friday, Saturday and Sunday on the second floor only (900 Club). Amplified sound may not be used in connection with such live entertainment. Compliance with this Condition shall not excuse compliance with Municipal Noise Ordinance regulations, City Entertainment Permit requirements, and all other City regulations, and no entertainment shall be permitted without conforming with such requirements and regulations.
10. Dancing is permitted on Friday and Saturday nights only. Dancing shall be limited to a 12 foot x 12 foot maximum area on the second floor.
11. A maximum of six special events that may include, entertainment, audience participation and/or dancing shall be allowed annually subject to approval of an annual Class I Group Entertainment Permit. Special events shall be defined as events in which there is a contract for exclusive use of the venue on any day. These special events will require prior approval from the Community Development Department through the Group Entertainment Permit. Compliance with this Condition shall not excuse compliance with Municipal Noise Ordinance regulations and all other City regulations, and special event shall be permitted without conforming with such requirements and regulations.
12. Noise emanating from the site shall be in compliance with the Municipal Noise Ordinance and the Group Entertainment Permit. Amplification system or equipment is prohibited. All doorways and windows for the business shall remain closed at all times during entertainment or dancing, and shall be closed at other times as specified by the establishment's Group Entertainment Permit.
13. Prior to operation, management shall provide three full size off-street parking spaces on-site at the rear of the building. Said parking spaces shall be maintained and provided for public use during all Hours of Operation.
14. Required occupancy loads shall not be exceeded and required access and exits shall remain unobstructed at all times in compliance with Fire and Building requirements. Occupancy limits stated below are required to be posted on site and adhered to at all times:
 - a. Red Room (downstairs) – 31
 - b. 900 Club (upstairs) – 92
15. All signs shall be in compliance with the City's Sign Code. Pole signs and internally illuminated awnings shall be prohibited.
16. Prior to operation, the following noise mitigation measures, whether presently installed or not, shall be provided and maintained on the premises, and may not be removed:

- a. Tempered glass panels installed over each stained glass window along the south wall.
- b. A separate tempered glass panel installed over the inside windows along the south rear hallway.
- c. Double pane windows on Manhattan Avenue and 9th Street upstairs and downstairs.
- d. Signage on the rear door (inside and outside) to not enter or exit after 10pm.
- e. Sound curtains to be installed on the double pane windows on Manhattan Avenue and windows on 9th Street upstairs.

Prior to operation, City staff shall inspect and review the foregoing mitigation measures. Operation may not commence until and unless City staff determine that the foregoing mitigation measures have been installed. Compliance with this Condition shall not excuse compliance with Municipal Noise Ordinance regulations and all other City regulations.

17. Use of amplified sound may be permitted only upon: (a) completion of an acoustical report from the applicant's Acoustical Engineer; (b) recommendations from the City's Acoustical Engineer; and (c) a subsequent modification of the Conditional Use Permit pursuant to all procedures and requirements for such modification as provided in the Municipal Code and any other applicable laws, ordinances, rules and regulations. In any such modification, approval for use of amplified sound may be subject to additional noise mitigation improvements, including but not limited to additional sound curtains on windows, glass panels on the outside of the stained glass windows and the south rear hallway windows, sealing gaps of all exterior doors, modification to speakers and amplified sound equipment, etc.
18. The Community Development Department staff, Police Department officers and staff, Fire Department staff, and all other governmental agency staff shall be allowed to inspect any area of the premises at any time. Management shall provide the Police, Fire, County Health Departments and the Alcoholic Beverage Control (ABC) with keys enabling access to all areas of the premises at any time. In the event any such staff is denied or unable to access any area of the premises, Conditional Use Permit revocation proceedings may be commenced immediately, and such staff may immediately initiate any other proceedings as may be necessary to safeguard health, safety and welfare interests posed by such lack of access.

Procedural

19. This Use Permit Amendment shall lapse two years after its date of approval, unless implemented or extended pursuant to 10.84.090 of the Municipal Code.
20. To the extent the provisions of Public Resources Code section 21089(b) and Fish and Game Code section 711.4(c) apply, no operations on the premises may commence unless and until the required filing fees pursuant to said sections have been paid.
21. At any time in the future, the Planning Commission or City Council may review the Use Permit for the purposes of revocation or modification.

22. Applicant shall defend, indemnify, and hold the City, its elected officials, officers, employees, volunteers, agents, and those City agents serving as independent contractors in the role of City officials (collectively "Indemnitees") free and harmless from and against any and all claims (including, without limitation, claims for bodily injury, death, or damage to property), demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs, and expenses (including, without limitation, attorneys' fees, consequential damages, disbursements, and court costs) of every kind and nature whatsoever (individually, a "Claim," collectively, "Claims"), in any manner arising out of or incident to: (i) this approval and related entitlements, (ii) the City's environmental review of this project, (iii) any construction related to this approval, or (iv) the use of the property that is the subject of this approval. Applicant shall pay and satisfy any judgment, award or decree that may be rendered against City or the other Indemnitees in any such suit, action, or other legal proceeding arising out of or incident to this approval, any construction related to this approval, or the use of the property that is the subject of this approval. The City shall have the right to select counsel of its choice. Applicant shall reimburse the City, and the other Indemnitees, for any and all legal expenses and costs incurred by each of them in connection therewith or in enforcing the indemnity herein provided. Applicant's obligation to indemnify shall not be restricted to insurance proceeds, if any, received by Applicant or Indemnitees. This indemnity shall apply to all Claims and liability regardless of whether any insurance policies are applicable. Nothing in this Section shall be construed to require Applicant to indemnify Indemnitees for any Claim arising from the sole negligence or willful misconduct of the Indemnitees. In the event such a legal action is filed challenging the City's determinations herein or the issuance of the permit, the City shall estimate its expenses for the litigation. Applicant shall deposit said amount with the City or enter into an agreement with the City to pay such expenses as they become due.
23. One year, following the effective date of this Resolution, a fully noticed public hearing shall be conducted by the Planning Commission for the purpose of reviewing the subject Use Permit for compliance with all conditions.
24. A summary of the conditions described above, in the form attached as ATTACHMENT 1 to this Resolution, shall be maintained on the premises at all times for the purpose of providing City staff, police, and other government agencies and the members of the public with a simplified description of these conditions. A copy of the summary shall be maintained on-file with the Community Development Department and shall be provided to the Police Department. The summary shall be produced to City staff, police officers, staff and officers of governmental agencies, and members of the public upon request.

SECTION 3. Pursuant to Government Code Section 65009 and Code of Civil Procedure Section 1094.6, any action or proceeding to attack, review, set aside, void or annul this decision, or concerning any of the proceedings, acts, or determinations taken, done or made prior to such decision or to determine the reasonableness, legality or validity of any condition attached to this decision shall not be maintained by any person unless the action or proceeding is commenced within 90 days of the date of this resolution and the City Council is served within 120 days of the date of this resolution. The City Clerk shall send a certified copy of this resolution to the applicant, and if any, the appellant at the address of said person set forth in the record of the proceedings and such mailing shall constitute the notice required by Code of Civil Procedure Section 1094.6.

I hereby certify that the foregoing is a full, true, and correct copy of the Resolution as adopted by the Planning Commission at its regular meeting of May 14, 2014 and that said Resolution was adopted by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

RICHARD THOMPSON,
Secretary to the Planning Commission

Rosemary Lacklow,
Recording Secretary

Chairman Conaway and Commissioners
Re: Modification of Use Permit for 900 Manhattan Avenue
May 7, 2014
ATTACHMENT 4

ATTACHMENT 4
Resolution No. 5155

900 CLUB

1 RESOLUTION NO. 5155

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

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

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

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

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

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

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

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

the authority provided by Res. No. 3555.

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

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

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

Monday - Thursday:	11:00 a.m. to 12:00 p.m.
Friday	11:00 a.m. to 1:00 a.m.
Saturday	9:00 a.m. to 1:00 a.m.
Sunday	9:00 a.m. to 12:00 p.m.
- 2. Live entertainment is permitted exclusively on the second floor and may be comprised of any combination of instrumental musicians, vocalists and/or disc jockeys. Live entertainment may consist of either amplified or non-amplified sound unless otherwise stated in this resolution.
- 3. Live entertainment, which may be comprised of any combination of instrumental musicians, vocalists and/or disc jockeys, is limited to Thursday, Friday, Saturday and Sunday. On Sunday sound shall be non-amplified only, except for Sundays preceding legal holidays as defined by City Council resolution.
- 4. Dancing is permitted on Friday and Saturday nights only. Dancing shall be located on a 12 ft. by 12 ft. (maximum) dance floor area as shown on the approved floor plan, attached and incorporated herein as Exhibit A.

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

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

1
2 within 120 days of the date of this resolution. The City Clerk
3 shall send a certified copy of this resolution to the applicant,
4 and if any, the appellant at the address of said person set forth
5 in the record of the proceedings and such mailing shall constitute
6 the notice required by Code of Civil Procedure Section 1094.6.

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

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

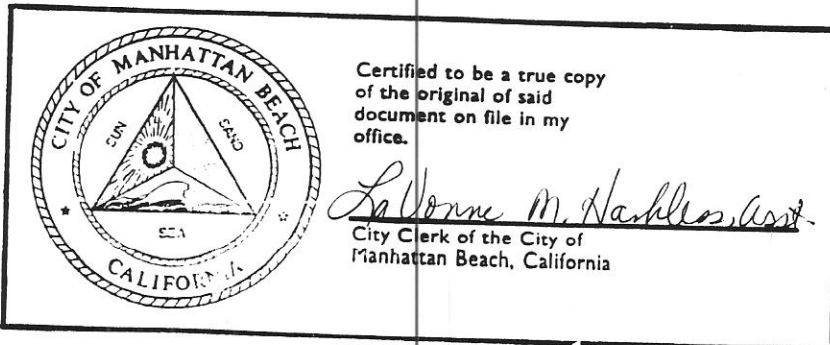
15 PASSED, APPROVED, and ADOPTED this 4th day of April,
16 1995.

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

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

24 ATTEST:

25 /s/ Win Underhill
26 City Clerk



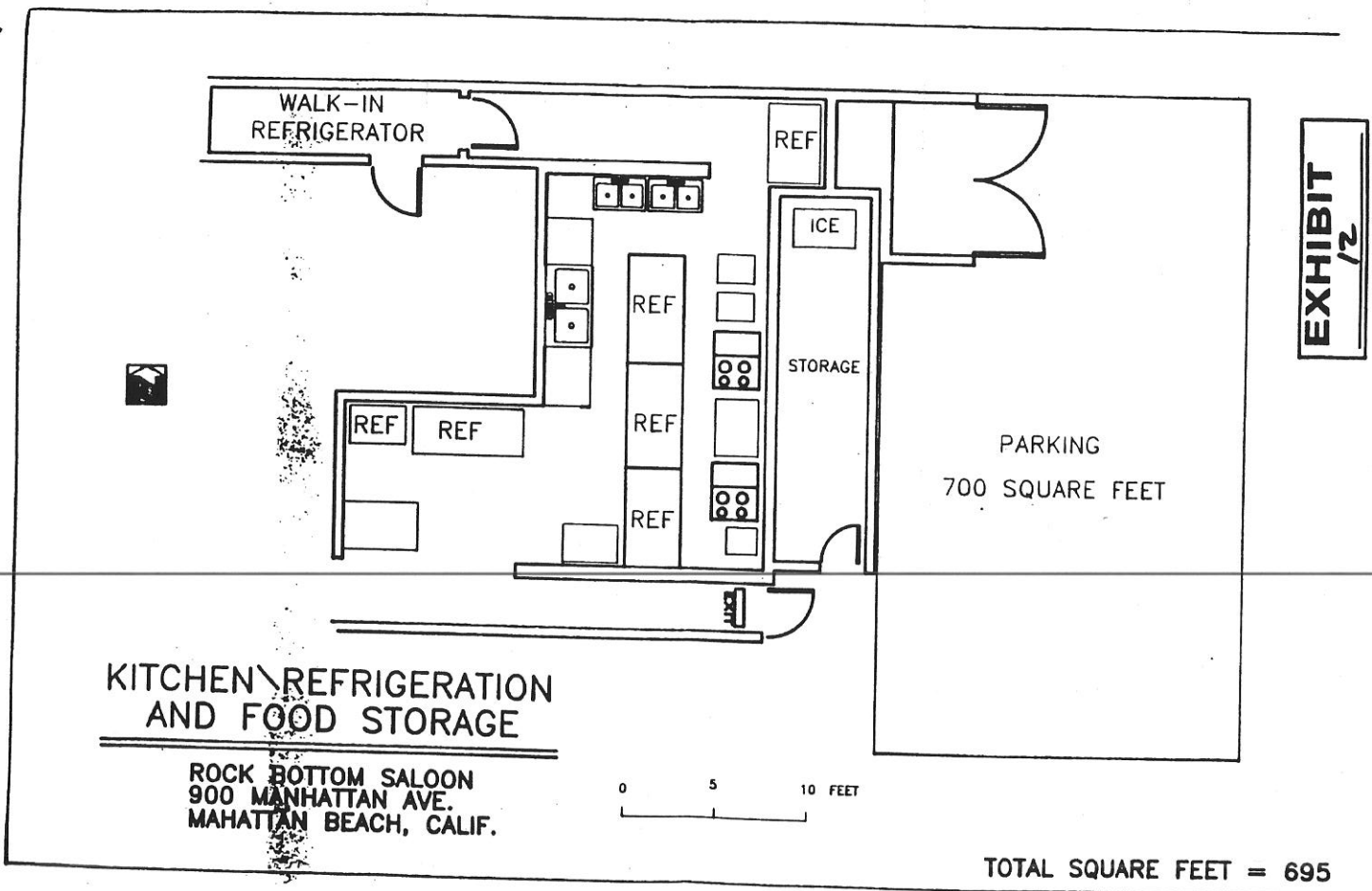
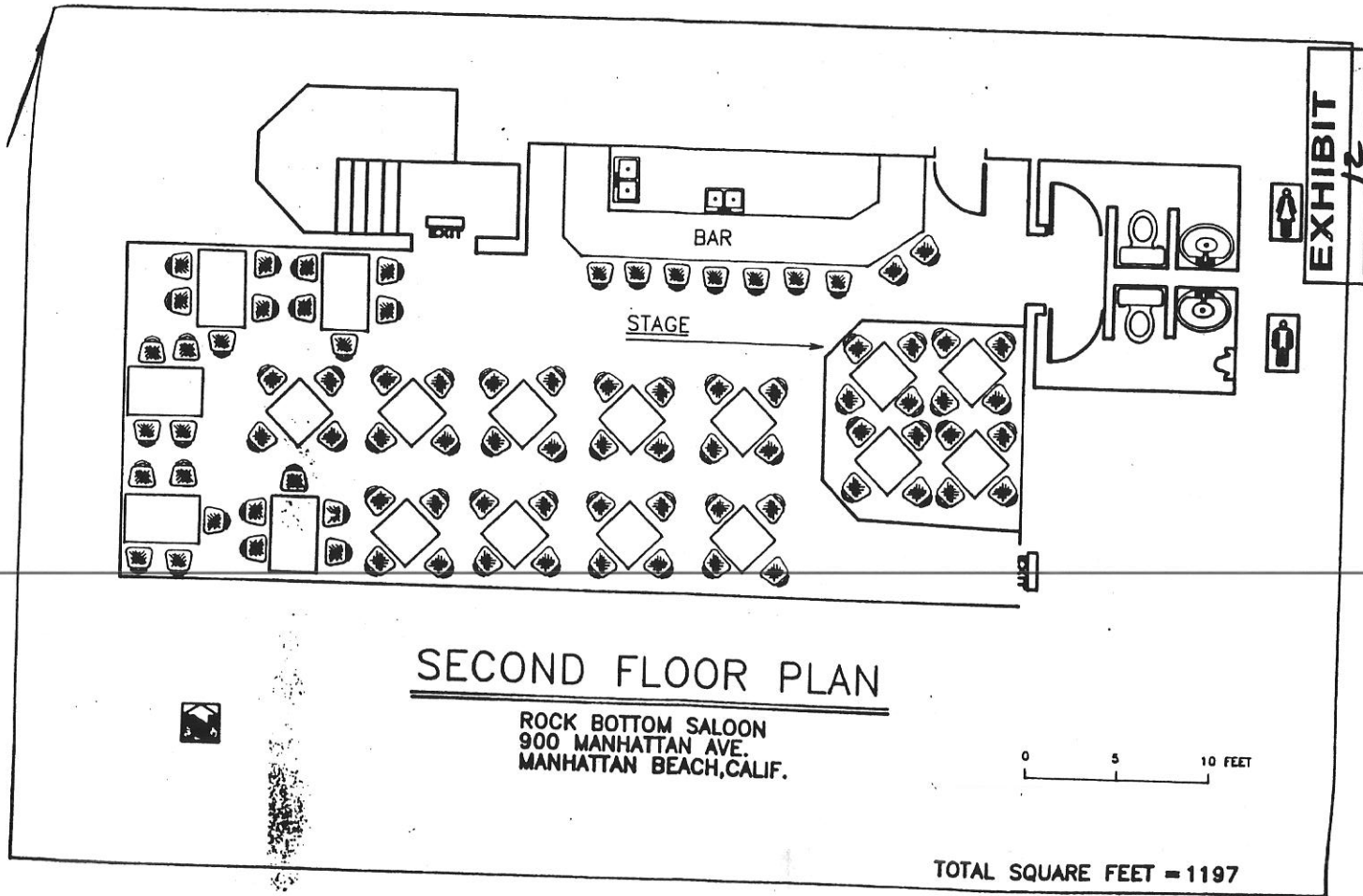
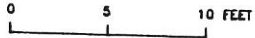


EXHIBIT
/2



SECOND FLOOR PLAN

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



TOTAL SQUARE FEET = 1197

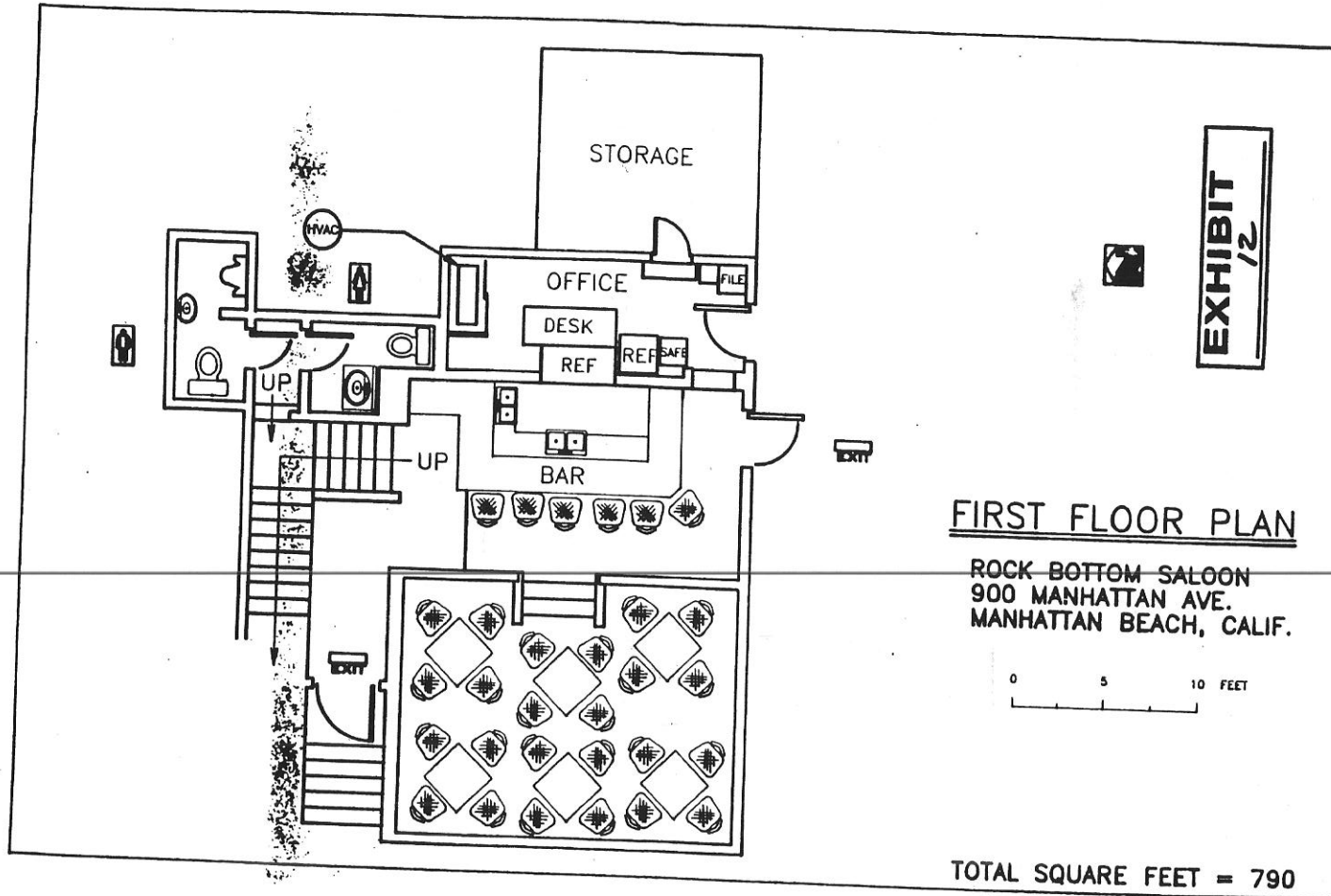
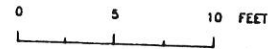


EXHIBIT
12

FIRST FLOOR PLAN

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



TOTAL SQUARE FEET = 790

From: Louis Giovannetti [mailto:L.giovannetti@verizon.net]
Sent: Thursday, May 01, 2014 10:29 AM
To: David Biggs
Subject: Re: Draft PC Conditions of Approval

david,

Thanks for meeting today. I reviewed the Resolution, and there are some missing points of opportunity. Based on our passed conversations with you and John, and Richard M. As I told you, and as I know you are aware, I have had no problems over the years with City, Fire, Police or my neighbors. I simply request that as businessman, I be able to compete and bring my personal brand of service to Manhattan Beach. That being said, I request the written ability to

1. Play music as I have for the first 7 years of business, both Acoustic performers, and Curated(D.J.) assisted music.

This would take place wednesday through Saturday, ALWAYS abiding by the cities and my neighbors needs when it come to noise, and loud ambient wherever it may come from.

2. The ability to have Acoustic/live players or singers share their talent on fridays, sat, or sundays. from 7-9 pm. I have also sang at the location for years on the first sunday of every month, before I was forced to stop, for no other reason than paperwork. There have never been any complaints.

I have had the Sidedoor sessions for years as well on Fridays, with Zero complaints and would like to bring it back, officially with support of the city in my CUP.

3. Given my record, and the fact that the buildings CUP is split by the "Upstairs" and "Downstairs". I would like the downstairs to be able to stay open like my other Public competitors till 2am. This would give my public business the ability to compete and enhance our customers experiences by being able to use both Circa and Red room as a place to "hang ones hat" and bookending the downtown area. At the present, my business suffers dramatically, when the customer knows there options narrow as the evening progresses, so they leave early.

4. Finally, i suggest we use the front door of the building for all in and out and make the "side-door" an usable emergency exit. this would cut down on the side street noise and while I have kept a door person for over 10 years and we have had no issues, given the goals of this process, I am suggesting it, as part of our concessions. by pushing the in/out to the ave. it makes it easier for all to police and in conjunction with closing the backdoor after 10, removes all the issues from the side street where are neighbors are.

Again, my main goal is to solve these issues once and for all and protect and update my operational abilities, and be able to compete in the present and future climate that is Manhattan Beach.

Thanks you so much for the consideration,

regards,

Louis giovannetti

EXHIBIT D
PC MTG 5-14-14