

**CITY OF MANHATTAN BEACH  
DEPARTMENT OF COMMUNITY DEVELOPMENT  
MEMORANDUM**

**TO:** Planning Commission

**FROM:** Anne McIntosh, Director of Community Development

**THROUGH:** Laurie B. Jester, Planning Manager

**BY:** Jason Masters, Assistant Planner

**DATE:** February 28, 2018

**SUBJECT:** Proposed amendments to the Use Permit for the 900 Club for a change in hours of operation and changes to the Entertainment Permit requirements, for an Existing Restaurant/Bar at 900 Manhattan Avenue (900 Club and Downstairs Bar)

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**RECOMMENDATION**

Staff recommends that the Planning Commission conduct the continued public hearing, accept additional testimony, close the public hearing and direct staff to prepare a resolution approving the request in part with or without additional conditions as follows:

- 1- Remove the last sentence related to “last call” of Condition #1 from Resolution No. 14-0063: “Last call for food and drinks to patrons shall commence 60 minutes prior to closing time and no sales or service of food or drinks, and...”. Provide direction on the portion of the condition that states “... all music shall be off 30 minutes prior to closing time.”
- 2- Increase the number of events that require an entertainment permit from 18 to 24 annually.
- 3- Consider additional conditions that provide noise mitigation in the Downstairs bar.

**PROJECT BACKGROUND**

At the January 24, 2018, Planning Commission meeting the Commission received public input in support and against the subject Use Permit Amendment request. Some of the public comments noted the improvements the 900 Club has made over the past several years in their effort to comply with restrictions imposed in Resolution No. 14-0063. However, speakers also mentioned that there have been continued problems with the Downstairs Bar, particularly regarding noise and loitering.

Based on the public testimony, the Planning Commission concluded that the impacts from the private club operation in the upstairs area appeared to have negligible impacts on the surrounding area. Rather than extend the operating hours as requested, the Commission agreed to remove the last sentence or a portion of the sentence of Condition #1 from Resolution No. 14-0063 which limits last call to one hour prior to closing. Further, the Commission was receptive to increasing

the number of entertainment permits to 24 days per year but only with the notification requirement.

The Commission continued the public hearing open to February 28, 2018, and directed staff to convene a meeting with neighbors and the applicant to discuss additional measures that could be taken to reduce impacts of the Downstairs Bar on the surrounding community.

City Staff including Department Director Anne McIntosh and Assistant Planner Jason Masters organized two meetings at the 900 Club and Downstairs Bar; first with City staff and the applicant, and secondly with Staff, the applicant and seven residents.

## **DISCUSSION**

Staff met at the subject property with the applicant on January 31, 2018 to tour the Club and Downstairs bar area, and to discuss potential operational improvements.

A meeting was held on February 20<sup>th</sup> at the Downstairs bar with staff, the applicant and seven residents. The primary concern is noise emanating from the Downstairs Bar, as well as loitering, and overcrowding. Staff noted that the “Maximum Occupancy” sign was not prominently displayed at the Downstairs Bar. Accordingly, regardless of any revisions or amendments to the Use Permit, the applicant must post an occupancy sign in a prominent location, and adhere to said occupancy limits for the Downstairs Bar.

The owner did not offer to undertake any further measures to mitigate the impacts on the neighborhood. He feels that propping the side door open with a rock rather than keeping it wide open, and stationing a security guard there is adequate.

This location is particularly challenging because it is at the edge of the commercial area as it transitions to a residential neighborhood. The City can ensure that physical alterations to the property can be made, and can seek the cooperation of the business owner to be responsible in enforcing operational conditions, but it is harder to regulate people’s behavior. To the extent that patrons congregate on nearby streets or use car alarms, or make phone calls as they arrive and depart, or smoke in violation of the City’s no smoking law – all of these impacts are a sheer result of having a late night bar in this location. It is simply not an ideal location for the use.

Based on the discussion and suggestions made by the neighbors, staff believes that the only way to allow the Downstairs Bar to remain a bar and mitigate noise impacts on the surrounding neighborhood is to impose restrictions on the operation of the Downstairs bar including a combination or all of the following:

- Ensure that there is an on-site manager at all times that will actively address noise issues, be responsive to neighbors, and manage unruly patrons.
- Provide the list of conditions on the business to all employees when they are hired and trained, and include them in any employee handbook and make sure they are physically available in the bar.
- Prohibit use of the 9<sup>th</sup> Street door except in the case of emergencies and ADA access – could be after 10 p.m. or permanently.

- Hire an acoustical engineer to evaluate adding acoustical buffering to the ceiling and walls.
- Require windows to be kept shut during the later nighttime hours, possibly sometime after 8 p.m. or later, or replace with solid glass.
- Limit occupancy
- Impose an earlier closing time
- Continue to prohibit amplified entertainment as required by the existing Use Permit
- Require a security guard on 9<sup>th</sup> Street as required by the existing Use Permit (COA #3) for late nights, Special Events and Amplified Sound, and to direct patrons to Manhattan Avenue for ride pick-up
- Consider requiring a one year review of the application

If the Commission feels this business should not have any noise impacts on the neighborhood, then a combination of these measures must be considered. An enforcement strategy would also be implemented to ensure that the measures are being followed and are effective. The operator will not undertake these measures voluntarily.

***Public Comments***

A public notice for tonight’s hearing was published in the Beach Reporter on January 11<sup>th</sup>, and mailed to all property owners within a 500’ radius, since the Public Hearing was continued to the February 28, 2018 meeting, no additional no Public Notice was required. As of the writing of this report, staff has received several phone calls regarding the subject Use Permit Amendment and one letter commenting on the application (Exhibit D).

**ENVIRONMENTAL DETERMINATION**

In accordance with the provisions of the California Environmental Quality Act (CEQA), the Community Development Department found that the subject project would not have a significant effect on the environment because there is no expansion of use and therefore exempt per Section 15301, Class 1.

**CONCLUSION**

Staff recommends that the Planning Commission conduct the continued Public Hearing, accept additional testimony, close the Public Hearing and direct Staff to prepare a Resolution approving the request in part with or without additional conditions.

**EXHIBITS:**

- A. Minute Excerpts- January 24, 2018
- B. Staff Report and Attachments from January 24, 2018 Planning Commission meeting
- C. Late Public comments from January 24, 2018 Planning Commission meeting
- D. Public Comment

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CITY OF MANHATTAN BEACH  
PLANNING COMMISSION  
MINUTES OF REGULAR MEETING  
JANUARY 24, 2018

A Regular Meeting of the Planning Commission of the City of Manhattan Beach, California, was held on the 24<sup>th</sup> day of January, 2018, at the hour of 6:00 p.m., in the City Council Chambers, at 1400 Highland Avenue, in said City.

**1. ROLL CALL**

Present: Burkhalter, Fournier, Morton, Seville-Jones, Chairperson Apostol  
Absent: None  
Others Present: Anne McIntosh, Director of Community Development  
Laurie Jester, Planning Manager  
Eric Haaland, Associate Planner  
Angelica Ochoa, Associate Planner  
Jason Masters, Assistant Planner  
Erik Zandvliet, Traffic Engineer  
Michael Estrada, Assistant City Attorney  
Rosemary Lackow, Recording Secretary

**\*\*COMPLETE EXCERPTS FOR 900 CLUB ITEM\*\***

01/24/18-4. Proposed Amendments to the Use Permit for the 900 Club for a Change in Hours of Operation and Changes to the Entertainment Permit Requirements, for an Existing Restaurant/Bar at 900 Manhattan Avenue (900 Club and Downstairs Bar)

Chair Apostol announced the public hearing and invited staff to present the staff report.

Director McIntosh advised that the numbering of the Staff Report should be 1-26, not 1-268 pages and she noted late comments received and advised that the Commissioners disclose their receipt of materials and reading or viewing of such, including photos, emails, video clips, etc. All Commissioners disclosed their receipt of such and that they looked at or read all items.

Assistant Jason Masters gave the Staff Report with aid of slides. The topics covered included: the project site details, neighboring and nearby uses, use permit history and City Council approval (Res. 14-0063 and COA's), proposed amendments to the Use Permit, public notification and comments received and the Staff recommendation to: conduct the public hearing, review the proposed amendments and direct Staff to prepare a Resolution for review and approval at a future meeting.

Chair Apostol invited the Commission to ask questions of staff.

In response to Commission questions Assistant Planner Masters informed that: **1)** Staff is not clear on the number of Entertainment Events that have been held at the 900 Club since the last Use Permit (UP) approval because required notification has not occurred and recommends that the Commission ask the applicant to explain why an increase from 18-24 annually for such events should be granted (Morton); **2)** Staff recommends that notification be required to nearby residents and City departments including the MBPD Watch Commander. The PD recommendation is that there be no changes in the conditions and obligations

of the business but the planning staff advises that the PD input should be taken to mean not so much that it is recommending **against** the application, as much as they are not recommending **for** it. Staff advises that the Commission look at all aspects of the operation, Police safety as well as land use related issues, and then weigh all input (Morton); **3**) there are a few other restaurants in the downtown that are allowed to stay open till 2:00 a.m. (Arthur J's, Ercole's, Hennessey's, MB Pizzeria, Sharks Cove and Shellback) but the 900 Club has never had an explicit Use Permit allowed closing time as late as 2:00 a.m. (only as late as 1:30 a.m.) – rather in 2014 the Use Permit had a condition that established a time limit for a bar “last call”. The applicant is now asking that “last call” be allowed as late as 1:30 not 12:30 a.m. (Fournier); **4**) since land use rights “run with the land” all of the existing businesses mentioned with late closing hours are older. The Planning Commission has not approved any UPs in the last 5-10 years with a 2:00 a.m. closing and only one (Shark's Cove) in the last 20 years (Seville-Jones).

There being no further questions, Chair Apostol invited the applicant to address the Commission.

**Albro Lundy**, attorney representing the 900 Club owner, provided some background and emphasized that their request is to get back their full operating hours that were lost in the 2014 review, and their original entitlement dates back to 1995. They have operated with the assumption that if they installed all mitigation measures (which costed \$73,000) and addressed complaint issues - that longer hours would again be possible. He also emphasized that the business is a private club and its clientele is mainly local and many are families and at the 2015 One-Year Use Permit review there was no opposing public input. He acknowledged that noise can escape if windows or a door inadvertently is opened so this can be an issue but this has happened on very few occasions.

**Dave Rohrbacher**, business owner/operator, vows to try every day to make his business a good member of the community. He feels that he has made significant progress and his business provides “a little bit of heaven” for its 642 members fitting the demographics of 40 – 80 years old.

**Mr. Rohrbacher** fielded questions from the Commission.

**Mr. Rohrbacher** assumed responsibility for not communicating with the City as strictly required, explaining that he thought he only needed to notify the City when live entertainment was provided for groups with greater than 50 attending. The limit of 18 Entertainment Events imposed in 2014 was a decrease from 150 previously and so at this time they would like to increase to 24 Entertainment Events. He clarified that within the last 2 years, they have had about 18 Entertainment Events per year. He had misunderstood that if he had live entertainment typically for less than 40 people that that would be incidental to the “club” operation and typically the club operation has minimal music like on Friday's for a couple of hours. He has found that many neighbors do not want to have him knock on their door to notify of something so minimal. Previously, when 150 Events were allowed, they were actually having about 24 per year so this is what they want to get back as being permitted in the Use Permit. Where he may have become indifferent is when he had light entertainment such as acoustic music and with 40 or fewer persons, the event was more just like “a night at 900”.

At the Commission's request, Director McIntosh provided information as to the definition of an Entertainment Permit noting that there are 2 categories: “Special events” (gatherings of more than 50 persons with a contract for exclusive use of the second floor) and “Entertainment” where entertainment such as music, performers or amplified sound whether or not live or recorded (but not background recorded music) is provided and there could be more or less than 50 persons attending. Currently the 900 Club Use Permit allows 6 “Special Event” and 18 “Entertainment Events”. Both require the owner to notify the City as well as the neighbors. Assistant Planner Masters provided more detailed clarifications. An example of a Special Event would be where a party has rented the Club for a Bar Mitzvah or wedding where more than 50 are attending and they may or may not provide live or other entertainment and as stated, the 900 Club

currently can have 6 of these per year. However an Entertainment Event (18/year allowed) could have less than 50 people but with entertainment (broadly defined in the Muni Code) such as a comedian, a band, or a deejay, however 10 people present with a radio playing is NOT an Entertainment Event.

To further clarify, Mr. Masters explained that in a situation where there are 10 persons present, but the radio is cranked way up, this still would qualify as “Entertainment Event” subject to enforcement of the number of allowed Events.

There being no further questions of staff, Chair Apostol opened the public hearing and invited input noting that there is a 3-minute speaking limit.

## PUBLIC HEARING

The following testified **in favor** of granting the UP amendment:

**Chad Eppeneer**, 9<sup>th</sup> and Bayview, club member and living Downtown he expects noises and has two young kids, and he believes 900 should be able get more hours back. He is also the block captain.

**Denise Eppeneer (spelling?)**, same address, echoed Chad’s supportive comments.

**Brad Sherman**, neighbor of 900 Club and the previous speakers, states that the business has a “family atmosphere” and is an important part of the community.

**Tony Barberi**, resides at 729 33<sup>rd</sup> Street now, but for 12 years lived in the 400 block of 9<sup>th</sup> Street, are Club members, have five children and enjoy being able to get away to the club and enjoy a “date night”; noting it is not typically packed, nor loud.

**Holly Barberi**, who also resides at 729 33<sup>rd</sup> Street, added that they strongly support giving back 3 hours per week to the Club and noted that when they attend at a late hour, they always use the front door on Manhattan Avenue. It is quiet and there are always friends you know there.

**Michael Zislis**, business owner and resident, has known the owner for 27 years, and believes that sound mitigation can be effective, and this business has done all required mitigations and deserves the chance to regain their lost hours, which is really minimal (3 total) and the current “last call” condition is unusually stringent and difficult especially as it’s so difficult to operate a business.

**Chandra Shaw**, 512 4<sup>th</sup> Street, past president of Downtown Business and Professional Association when 900 Club went through the Use Permit Revocation process in 2014, and is also an owner of a downtown business. She believes the Club is a strong member of the community, they invested a lot in mitigation, have a clean record and urges that it be allowed to regain lost operating hours.

**Chris Page**, 900 Highland Ave. and the youngest 900 Club member, is also a local business owner, believes that the request is a minimal increase and the use is worth supporting. Crime is not an issue with this application.

**Rick Buckley**, 228 8<sup>th</sup> Street, believes there is a lot of confusion in understanding what is “Live Entertainment” vs. Special Events, and what needs to be regulated.

**David Bohnert**, 621 MB Boulevard, is in the entertainment business and is a Club member who brings clients to the Club and thinks the owner is doing a great job, it is a family place.

**Dawn Leffler**, employee for 12 years at 900 Club, and city resident is speaking for all of the 18 staff; stated that having to have such an early last call negatively impacts the staff as revenue is lost.

The following persons spoke regarding **specific issues or against** the application:

**Martha Andreani**, life-long downtown resident, believes some “clean up” is needed in the Use Permit, and it should be recognized that there are two businesses - the upstairs club which is private and the downstairs bar which is open to the public. She lives within 500 feet of the Club and has heard noise mainly coming from the downstairs bar. She opposes the extension of the regular operation hours and supports only extension in the number of special and entertainment events because this location is at the south edge of the downtown commercial district and very close to residential.

**Don McPherson**, 1014 1<sup>st</sup> Street, supports removing the “last call” provision and also believes that staff has erroneously classified this application under CEQA as a “Class I” categorical exemption in that this is a “non-negligible” project and therefore requires CEQA analysis. He also believes it a significant fact that the City has not approved a new bar since 1990 and he urges that the Commission not open up the bar operating hours as this may serve as an invitation to other new alcohol service uses.

**William Victor**, resident and owner of property within 500 feet of the Club, believes that the staff report contains errors and believes that even though noise buffers have been installed, the windows are still able to be opened which can cause noise to escape. The community does not want party houses or businesses, it is a bad noisy place and believes that the input from the Police should be interpreted as opposed to the application.

**Rosanna Libertucci**, 200 block of 9<sup>th</sup>, cited a neighbor’s comments that legitimate noise complaints from neighbors have been made and gone unresolved, and as of today she received information from the Police Department that it has responded to 11 noise complaints at the Club coming from the downstairs bar. She cited a neighbor’s video clip that has been submitted. She has a good relationship in working with the owner, but the downstairs remains a problem in that the door is often open and often people congregate there. The upstairs and back door has seen a big improvement.

**Mark Tuccinardi**, 55 year resident, has experience operating restaurant with nightclubs and entertainment and is not opposed to the owner making a profit but believes the Club is in violation of its CUP by not filing notifications; agrees that the downstairs bar is the main problem and cited 7 letters including from a full block away that oppose the application and video clip evidence. He indicated comments that as soon as the Police leave the front door on Manhattan Avenue is reopened. The downstairs is the main nuisance source at this time, the upstairs if OK.

Seeing no one wishing to speak, Chair Apostol closed the public hearing and invited the Commission to discuss the application.

#### COMMISSION DISCUSSION

**Commissioner Seville-Jones** led off, noting that one important issue is that the upstairs is very different from downstairs which seems to be the source of many problems.

Staff informed that the Use Permit can contain separate operational requirements for both areas but currently the operational conditions including hours pertain to the entire building and business.

**Commissioner Fournier** recalled the 2014 hearing which he attended and was saddened by its divisiveness and the lack of follow-up since. He believes the Police input is very important and feels the Watch



Commander is very experienced but doesn't want to fight civil battles. He is concerned about inaccuracies and that he feels residents seem afraid to lodge complaints and he questions whether conditions have really improved since 2014. Most disturbing is hearing that after lodging a complaint there is no response.

**Commissioner Seville-Jones** agrees that there has been significant testimony about the uses being different upstairs vs. downstairs and she has also heard that the owner has done a better job but she feels it is necessary to address the downstairs area issues (not sure what specific solutions are) and also is concerned that extending the operating hours simply to 2:00 a.m. would set a risky precedent. She advocates keeping the 1:00 a.m. closing but deleting the "last call" provision for upstairs.

**Commissioner Burkhalter** would like to see the "last call" provision eliminated and is struck by the vitriol expressed for the downstairs bar. He would like to explore having different requirements for the upstairs/downstairs and believes that mitigations would at this point more likely be operational not physical changes.

**Commissioner Morton** stated that Mr. Rohrbacher is a solid member of the community. There does not appear to be support for extending the hours, per se, but he would be in favor of clarifying and addressing the entertainment and obligations for the business more clearly, and he has concern regarding the input from the Police. The Club needs to notify all of entertainment and events. He would like to explore restoring some use but without extending the hours beyond what it has been historically – keep the hours the same as before but apply a more even standard with undue restrictions.

**Chair Apostol** thanked everyone who participated and can appreciation all the comments with sensitivity to the residents who have problems. He believes that the decision on this should strive to be fair and equal for all. He believes it a good point that the existing 2:00 a.m. closings for alcohol establishments were set 20 years ago; favors repealing the "last call" provision in that he believes such a limit is best left to the proprietor and because he believes that the owner had made a very positive effort there should be consideration for restoring the hours of operation to what it was in 2014.

Staff clarified: 1) if a site has significant problems, an Entertainment or Special Event Permit can be denied administratively – the Use Permit doesn't guarantee it will be approved; 2) Prior to 2014, like in 1994 they needed only approval for Special Events in accordance with the standard Municipal Code regulations that regulate entertainment. After 2014 special neighbor notification was required to the Police, Community Development Department and neighbors within a prescribed distance and a specific number events were allowed; 3) all restrictions in the 2014 Use Permit apply to the entire building, but the special entertainment provisions apply only upstairs (dancing, e.g. is not allowed downstairs).

**Commissioner Seville-Jones** feels strongly that the downstairs has not been addressed and she suggests that perhaps the residents and the owner could meet and discuss what can be done to improve the downstairs. She feels that this helped in the case of the Shade Hotel and can here too as long as folks meet in good faith to come up with solutions.

Director McIntosh advised that it would be reasonable to continue this item to allow the residents and owner to meet to discuss issues with the downstairs. After further discussion she suggested deleting the last sentence in condition one, Resolution 14-0063 pertaining to the "last call" provision.

Commissioner Morton stated he supports allowing up to 24 events and removing the "last call" provision.

#### COMMISSION ACTION

It was moved and seconded (Morton/Apostol) to direct Staff to prepare a revised Use Permit Resolution that

would revise the conditions in existing Resolution 14-0063 including deletion of the last sentence in condition one pertaining to “last call” and that would provide for an increase in the number of permitted events with entertainment from 18 to 24, as appropriate in the conditions.

Discussion followed on the motion.

Commissioner Seville-Jones stated she would vote “no” on the motion because it is missing an opportunity for neighbors and the owner to come up with an agreed on solution for controlling the downstairs. Commissioner Fournier would like to see the owner (who now owns the downstairs while he didn’t in 2014) come up with some way of addressing the downstairs and have the action of the Commission continued.

Director McIntosh pointed out that as long as the item is being continued, then further revisions to the resolution are possible both to the upstairs and downstairs. It is recommended however that if more information or testimony is needed then, it would be appropriate to reopen the public hearing to allow more testimony and additional noticing may be required. This would also not preclude more discussion and conditions for the upstairs.

There was a call for the question and a vote was taken on the pending motion as originally stated:

Roll Call:

AYES: Morton, Chairperson Apostol  
NOES: Burkhalter, Fournier, Seville-Jones  
ABSENT: None  
ABSTAIN: None

The motion having failed, a new motion was made and seconded (Seville-Jones/Fournier) to reopen and continue the public hearing to February 28<sup>th</sup> and with direction to Staff to work with the applicant who is to work with the neighbors, to explore possible solutions for addressing impacts emanating from the downstairs as well as upstairs and that Staff to bring back a draft Resolution that would delete the provision for “last call” as in condition one of Resolution 14-0063 and expand the number of events with entertainment from 18 to 24.

Roll Call:

AYES: Burkhalter, Fournier, Morton, Seville-Jones, Chairperson Apostol  
NOES: None  
ABSENT: None  
ABSTAIN: None

Director McIntosh announced that the motion has carried.

**CITY OF MANHATTAN BEACH  
DEPARTMENT OF COMMUNITY DEVELOPMENT  
MEMORANDUM**

**TO:** Planning Commission

**FROM:** Anne McIntosh, Director of Community Development

**THROUGH:** Laurie B Jester, Planning Manager

**BY:** Jason Masters, Assistant Planner

**DATE:** January 24, 2018

**SUBJECT:** Proposed amendments to the Use Permit for the 900 Club for a change in hours of operation and changes to the Entertainment Permit requirements, for an Existing Restaurant/Bar at 900 Manhattan Avenue (900 Club and Downstairs Bar)

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**RECOMMENDATION**

Staff recommends that the Planning Commission conduct the public hearing, review the existing use permit and provide direction to prepare a Resolution approving with modifications and conditions amendments to Resolution No. 14-0063 (Attachment A) as follows:

- 1- Reinstate previously approved hours of operation, by increasing business operations by one hour on Thursday nights from 12:00 am to 1:00 am, and Friday and Saturday nights from 1:00 am to 2:00 am, and
- 2- Increase the number of events that require an entertainment permit from 18 to 24 annually.

**PROJECT BACKGROUND**

City Council Resolution No. 14-0063 (Attachment A) provides a complete summary of the background of the project. In 1995 a Use Permit for a restaurant/bar for the current operator was approved. From 2011 thru 2014 there were numerous violations, Code Enforcement proceedings, and then the Planning Commission conducted two public hearings through the Use Permit revocation process and adopted a Resolution modifying the existing Use Permit. At the February 26, 2014 Planning Commission meeting the Commission received public input in support and against the subject business. Both of the business owners and their representatives provided testimony and indicated their willingness to cooperate. Representatives from the Police Department and the City Prosecutor were present at the meeting. Many of the public comments were in support of the current business, stressing the importance of the 900 Club as a community and family-oriented business. The comments in opposition included use of the back door, noise, after hours operations, and nuisance issues including loitering, unruliness, and boisterous activities outside of the business. After receiving public testimony, the Planning Commission felt that the conditions of the existing Use Permit should be modified to address the neighbors' concerns and be in compliance with the City's Noise Ordinance.

The Planning Commission decision was appealed to the City Council and after three public hearings and meetings, and having received significant public testimony, on October 7, 2014 the City Council adopted Resolution No. 14-0063 approving a modified and restated Use Permit that revised the conditions of approval for the site. The City Council included conditions limiting use of the back door, clarifying hours of operation, requiring security enforcement, regulating entertainment and special events, requiring noise mitigation measures, and specifying maximum occupancy numbers. Condition 20 requires a one-year review at a noticed public hearing.

On December 9, 2015, the Planning Commission held a Public Hearing for the one-year review of the subject Use Permit for the purpose of assessing whether there has been compliance with all conditions of approval as required under the approved Resolution. At that time, the Planning Commission felt that the applicant had complied with all conditions of approval, and no further annual review, or conditions were warranted.

Since that time, the applicant submitted a Use Permit Amendment to return to some of the hours which had been previously reduced by the City Council in 2014. Specifically, the applicant is requesting increasing operating hours by one hour on Thursday nights from 12:00 am to 1:00 am, and Friday and Saturday nights from 1:00 am to 2:00 am, in addition to proposed changes to the Entertainment Permit requirements including eliminating the neighbor notification requirements prior to all events, and increasing the number of events that require an Entertainment Permit from 18 to 24 annually. The applicant would notify the Police and Community Development Departments, as required but would like to remove the requirement to notify residents in the immediate area as required by the conditions of approval.

City Staff has worked with the applicant during the past two years to finalize the proposed amendments, and gather information regarding complaints or violations received.

## **LOCATION**

The subject property is located at 900 Manhattan Avenue, the northeast corner of 9<sup>th</sup> Street and Manhattan Avenue. 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 Downstairs Bar downstairs) with live entertainment and an ABC Type 47 Full Alcohol Restaurant license.

## **DISCUSSION**

### ***Proposed Conditions (Exhibit B)***

The following is a summary of the revised conditions that were previously adopted to address the ongoing violations and neighbors' concerns. The attached City Council Resolution No. 14-0063 provides the detailed language.

### **Condition No. 1**

#### **Proposed Hours of operation**

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

Monday - Wednesday	11:00am to midnight- (no change)
Thursday	11:00am to 1:00am- (one additional hour)
Friday	11:00am to 2:00am- (one additional hour)
Saturday	9:00am to 2:00am- (one additional hour)
Sunday	9:00am to midnight- (no change)

#### **Existing Hours of operation**

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

Currently, at closing time, all areas of the business must be vacated. All music turned off, and no sales, service or consumption of food or alcohol may occur. Staff may remain on the premises for one hour after closing time. "Last call" for food and drinks is 60 minutes prior to closing time and no sales or service of food or drinks, and all music is required to be off 30 minutes prior to closing time. The applicant is not requesting any change to this portion of the condition.

### **Condition No.'s. 9B and 10 Entertainment Permit and Special Events**

The 900 Club is required to submit an Entertainment Permit annually. The applicant is requesting that the number of Entertainment occurrences, which includes music, live entertainment, performers, and amplified sound, but not background music, be increased from 18 to 24 days per year. Additionally, a maximum of 6 Special Events are allowed annually. "Special Events" are events of more than 50 people for which there is a contract for exclusive use of the second floor of the venue. If entertainment is proposed for a Special Event, the day of the Special Event shall be included in the maximum allowable 18 days of Entertainment per year.

The Business Operator is required to provide written notification of each entertainment occurrence to the Director of Community Development, the Police Department and each residence located on 9<sup>th</sup> Street between Highland Avenue and Manhattan Avenue and Bayview Drive between 9<sup>th</sup> Street and 10<sup>th</sup> Street, a minimum of 7 days prior to the Entertainment or Special Event. The applicant is requesting that they no longer be required to notify the neighbors, but retain City notification.

***Compliance with Conditions***

Staff conducted a follow-up site visit on January 17, 2018 to verify compliance with the conditions of approval of the Resolution. During the site visit, it was determined that the property owner remained in compliance with all conditions related to improvements on the site.

The Business Owner has submitted the required Entertainment Permit over the past years, however, the Business Owner is also required to provide the City with written notification of “Entertainment” and “Special Events” respectively. The City has no record of being notified of any such events. Staff is not aware of receiving complaints related to any events if any did occur without prior notification. Staff has requested that the applicant provide a list of the past years entertainment and events, however the list had not been received as of the distribution of this report.

The Code Enforcement Officer has received two phone calls over the past two years from a neighbor who asserted that there have been several incidents of loud noise. The neighbor indicated that no one called the Police to complain and did not want to make any formal complaints, but wanted to inform the Code Enforcement Officer of the situation.

***Police Department Comments***

Since the Public Hearing for the one year review on December 9, 2015, the Police Department has responded to the 900 Club eight (8) times. One call was related to a verbal argument inside the club, and two were noise disturbances. The remaining five were unrelated to the club. The calls did not indicate if the incident reported was upstairs or downstairs. The Police are opposed to any changes on the site (Exhibit C).

While the goal of the City is to not receive any complaints, the calls do not appear to show a pattern of noncompliance, and the number and type of incidents were not atypical or egregious. None of the incidents indicated that the establishment was operating after hours, although in one noise disturbance call, the establishment left the back door open around 12:30 am in violation of Condition No. 4 that requires the door to remain closed after 10:30 PM..

***Public Comments***

A public notice for tonight’s hearing was published in the Beach Reporter on January 11<sup>th</sup>, and mailed to all property owners within a 500’ radius. As of the writing of this report, staff has received two phone calls expressing concerns regarding the subject Use Permit Amendment and one letter objecting to the revisions (Exhibit D).

**ENVIRONMENTAL DETERMINATION**

In accordance with the provisions of the California Environmental Quality Act (CEQA), the Community Development Department found that the subject project would not have a significant effect on the environment because there is no expansion of use and therefore exempt per Section 15301, Class 1.

## **CONCLUSION**

Staff recommends that the Planning Commission conduct the public hearing, review the proposed use permit amendments and direct staff to bring back a Resolution approving the proposed amendments to hours of operation, increased number of entertainment events per year, and uphold existing entertainment event notification requirements as provided for in the attached redline-strikeout document which provides a list of possible conditions of approval (Attachment B). The highlighted revisions are not recommended.

## **EXHIBITS:**

- A. City Council Resolution No. 14-0063
- B. Proposed redline strikeout conditions
- C. Police comments
- D. Neighbor comments

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RESOLUTION NO. 14-0063

**A RESOLUTION OF THE MANHATTAN BEACH CITY COUNCIL APPROVING, SUBJECT TO CONDITIONS, A MODIFIED AND RESTATED USE PERMIT FOR AN EXISTING RESTAURANT/BAR ("EATING AND DRINKING ESTABLISHMENT") AT THE PROPERTY LOCATED AT 900 MANHATTAN AVENUE (CEQA CATEGORICAL EXEMPTION)**

THE MANHATTAN BEACH CITY COUNCIL HEREBY RESOLVES, DETERMINES, AND FINDS AS FOLLOWS:

**Section 1.** On April 4, 1995, the 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 (the "premises"), subject to a number of conditions. The property is owned by Manhattan Highlands LTD ("Owner") and the business is owned by the 900 Club LLC ("Business Operator"). At the time of the public hearing before the City Council on August 19, 2014, the Business Operator referred to the upstairs portion of the property as the 900 Club and the downstairs portion of the property as the Red Room.

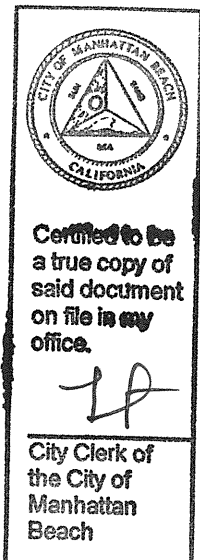
**Section 2.** In reliance on the entitlements conferred by Resolution No. 5155, the Business Operator established a private club ("900 Club") in the upstairs of the premises and a restaurant/bar, open to the public, downstairs on the premises.

**Section 3.** At various times during the period of 2011-2014, the Business Operator has violated Manhattan Beach Municipal Code ("MBMC" or "Municipal Code") provisions and Use Permit conditions. The City initiated code enforcement proceedings, described with more particularity in the City Prosecutor's Log entered into the record at the February 26, 2014 Planning Commission meeting.

**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.** On February 26, 2014, the Planning Commission held a duly noticed public hearing to consider the modification or revocation of the Use Permit. In addition to providing legally required notice, 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, City staff presented a staff report, testified and presented documentary evidence. The Planning Commission provided an opportunity to all interested parties, including the owners, operators, and agents of the 900 Club and the Red Room, and neighbors, residents and owners of properties in the vicinity, 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 Planning 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 6.** Based upon substantial evidence in the record, the Planning Commission found that on one or more occasions the 900 Club has:

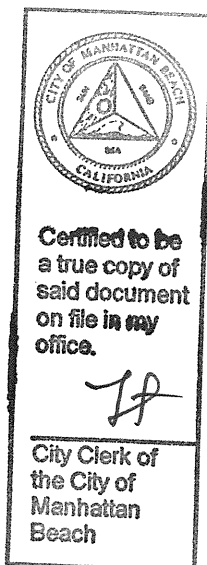


**EXHIBIT A  
PC MTG 01-24-18**

- 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.
- 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 7.** Based upon the foregoing, and substantial evidence in the record, the Planning Commission found:

- 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 Business Operator has violated the terms and conditions of Resolution No. 5155 by operating after closing hours.
- d. The Business Operator 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 and in the immediate area.
- e. The Business Operator has violated the terms and conditions of Resolution No. 5155 by holding special events without first obtaining a Class II Entertainment Permit.
- f. The Business Operator has violated the Municipal Code and the Use Permit conditions of approval.
- g. Due to such violations, 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. To ensure that the 900 Club, the Red Room, and subsequent operators 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, Resolution No. 5155's conditions of approval need to be modified and augmented.



**Section 8.** After closing the February 26, 2014 public hearing, the Planning Commission directed staff to prepare a draft resolution with recommended modifications to the Use Permit and its conditions to mitigate the adverse impacts arising from the use identified in Sections 6 and 7.

**Section 9.** 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. After providing that opportunity, the Planning Commission adopted Resolution No. PC 14-06, modifying the Use Permit subject to certain conditions.

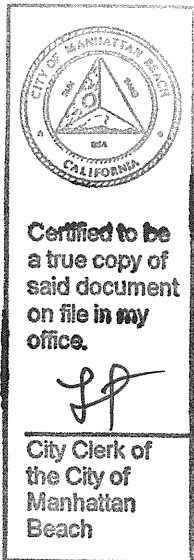
**Section 10.** On May 27, 2014, Don McPherson (the "Appellant") filed an appeal of the Planning Commission's decision to modify the Use Permit, requesting that the City Council consider additional conditions. The Appellant and his attorneys of record supplemented the appeal with additional written material.

**Section 11.** On August 19, 2014, the City Council held a public hearing to consider the appeal. Staff presented a staff report including a slide presentation. The City Council provided an opportunity for the Appellant and all interested parties, including the owners, operators, and agents of the 900 Club and the Red Room, neighbors and residents, to comment. The City provided to the Appellant and a lawyer supporting his position over half an hour to comment, testify, and present new evidence including a slide presentation. Attorneys representing the owner of the property and the operators were provided an equal opportunity to represent the interests of their respective clients. The operator of the 900 Club and others also provided comments to the City Council. The City Council asked questions of staff, the operator's and owner's representatives, and the Appellant. After the close of the public hearing, the City Council directed staff to prepare a draft resolution affirming the decision of the Planning Commission to modify the Use Permit subject to all of the conditions set forth in Resolution No. PC 14-06 and the following requirements: (a) the operator of the 900 Club shall obtain an Entertainment Permit; and (b) the security guard required by the Planning Commission shall stay on the premises until all staff members have left the premises.

**Section 12.** On September 2, 2014, the City Council provided an opportunity for all interested parties, including the owners, operators, and agents of the 900 Club and the Red Room, the Appellant and his representatives, neighbors, and residents, to comment on the draft resolution and conditions. On October 7, 2014, the City Council provided an additional opportunity for all interested parties, including the owners, operators, and agents of the 900 Club and the Red Room, the Appellant and his representatives, neighbors, and residents, to comment on the revised draft resolution and conditions.

**Section 13.** The modification of the existing Use Permit (the "Project") has been 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 14.** Based on the foregoing facts and findings and the substantial evidence entered into the record, and pursuant to State law and the City's Municipal Code, the City Council hereby exercises its independent judgment and affirms the Planning Commission's modification of the Use Permit, subject to the conditions stated below. The City Council's decision is based upon each of the foregoing totally independent and separate grounds, including those stated in Sections 6 and 7 herein, each of which stands alone as a sufficient basis for its decision. The City Council hereby incorporates by reference each of the findings



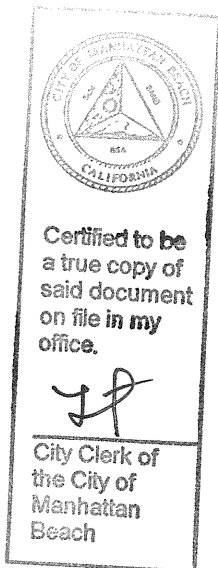
made by the Planning Commission in support of this modification.

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

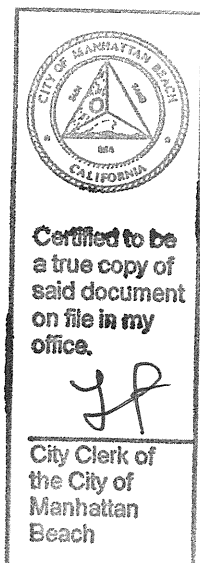
Monday - Thursday	11:00am – midnight
Friday	11:00am – 1:00am
Saturday	9:00am – 1:00am
Sunday	9:00am – midnight

At closing time, all areas (inside and outside) of the business must be vacated. All music (house system and bands) 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. "Last call" for food and drinks to patrons shall commence 60 minutes prior to closing time and no sales or service of food or drinks, and all music shall be off 30 minutes prior to closing time.

- 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.
- The Business Operator's representatives shall provide a state licensed, bonded and certified security guard from 9:30 pm on Thursday, Friday and Saturday and any day there is a Special Event or Amplified Sound until all staff members have left the premises. The security guard shall ensure that operations comply with all conditions of approval, including but not limited to the following: noise, use of the back door, litter, access, windows and doors being closed, and any other adverse impacts on the neighborhood.
- The back door and storage/utility room on Bayview Drive shall remain closed and not be used after 10:00 pm, except the back door may be used for trash removal or disabled or emergency access only. Additionally, bands shall be allowed to use the back door for the loading and unloading of amplified sound equipment and shall vacate the site by closing time. The back door keypad access shall be maintained and only be accessible from the outside by the owners/operators and employees, however, all outside areas shall be disabled after 10:00 pm. No patron shall be provided a key or access code for the back door or the storage/utility room. The Business Operator's representatives shall contact the Police Department the first of every month to advise of key access code changes and any other changes.
- Patrons must use Manhattan Avenue for access to the 900 Club after 10:00 pm except for the purpose of disabled or emergency access. The entrance on Bayview Drive for the 900 Club may be used by patrons before 10:00 pm and the door shall remain closed when not in use. Patrons shall use the 9<sup>th</sup> Street entrance for access to the first floor and the door shall remain closed when not in use.
- Background music through the house system, is allowed on both the first and second floors during all hours of operation, so long as the music cannot be heard with the unaided ear at the eastern-most edge of Bayview Drive and the southern edge of 9<sup>th</sup> Street.



7. Non-amplified sound (up to a total of three instrumental musicians and/or vocalists) shall be allowed on both the first and second floors during all operating hours, so long as the music cannot be heard with the unaided ear at the eastern-most edge of Bayview Drive and the southern edge of 9<sup>th</sup> Street. Musicians performing with non-amplified sound shall be allowed to use the back or side door for the loading and unloading of equipment during operating hours only.
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. The Business Operator (and its successors-in-interest, if applicable) shall submit a complete application for an entertainment permit, pursuant to the process set forth in MBMC Chapter 4.20 applicable to Class I Permits, within 30 days of the date of this Resolution, and annually thereafter on or before the anniversary date of the initial issuance date in the event such permit is issued.  
  
B. The City may issue, issue with conditions, or deny the entertainment permit. In addition to the conditions that may be imposed pursuant to MBMC Section 4.20.080, any entertainment permit issued pursuant to this condition shall contain the following additional conditions: entertainment is permitted only: (a) on the second floor of the premises; (b) on Thursday, Friday, Saturday, or on a day of a "Special Event" as defined in Condition 10; and (c) for no more than 18 days per year. The Business Operator shall provide written notification of the proposed entertainment to the Director of Community Development, the Police Department and each residence located on 9<sup>th</sup> Street between Highland Avenue and Manhattan Avenue and Bayview Drive between 9<sup>th</sup> Street and 10<sup>th</sup> Street a minimum of 7 days prior to such entertainment. For the purposes of this subsection B, "entertainment" shall mean any activity involving music, including but not limited to live bands, one or more performers of music, or amplified radio or pre-recorded music but shall not include background music allowed by Condition 6 or non-amplified sound allowed by Condition 7.
10. 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 second floor 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, use of back door, litter, access, windows and doors being closed, and any other adverse impact on the neighborhood. If entertainment (as defined in Condition 9) is proposed for a Special Event, the day of the Special Event shall be included in the maximum allowable 18 days per year for entertainment, as specified in any permit issued pursuant to Condition No. 9. The Business Operator shall provide written notification of each Special Event to the Director of Community Development, the Police Department and each residence located on 9<sup>th</sup> Street between Highland Avenue and Manhattan Avenue and Bayview Drive between 9<sup>th</sup> Street and 10<sup>th</sup> Street a minimum of 7 days prior to such entertainment.
11. Noise emanating from the site shall not exceed maximum noise standards established by the Municipal Code and any applicable State Code. Outdoor sound equipment and outdoor amplification systems are prohibited. All doorways and windows shall remain closed during entertainment (as defined in Condition 9) and any Special Event (as defined in Condition 10) except as required for ingress and egress.



12. Three parking spaces shall be maintained on-site at the rear of the building.
13. Required access and exits shall remain unobstructed at all times in compliance with Fire and Building requirements.
14. The occupancy limits stated below shall not be exceeded and are required to be posted on-site at all times:

Downstairs – 31

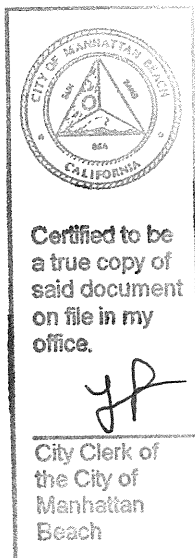
Upstairs – 92

15. All signs shall be in compliance with the City's Sign Code. Pole signs and internally illuminated awnings shall be prohibited.
16. The following noise mitigation measures shall be installed within 45 days 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 9<sup>th</sup> 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. Sound curtains shall be installed on the double pane windows adjacent to Manhattan Avenue and 9<sup>th</sup> Street on the second floor.
17. The Business Operator's representatives 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 to discourage patrons from entering residential areas. The Business Operator's representatives shall ensure all City and other governmental laws, rules, ordinances, regulations, codes, requirements, operating permits, and conditions are met, maintained and upheld. The Business Operator's representatives shall undertake and implement all reasonably necessary techniques to prevent loitering, unruliness, and boisterous activities of patrons and limit all activities to comply with the City's Municipal Noise Ordinance.

18. The Community Development Department staff shall be allowed to inspect the site at any time. The Business Operator's representatives shall provide the Police, Fire, County Health Departments and the Alcoholic Beverage Control (ABC) with the key pad code for access any time. The Business Operator's representatives shall contact the Police Department the first of every month to advise of any key access code changes.

**Procedural**

19. 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 activities on the premises 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.

20. 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.

**Section 15.** 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 16.** RECORDATION. The Owner and Business Operator 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 executed covenant shall be delivered to the Department of Community Development within 30 days of the date of this Resolution. At the time of delivery of the covenant, all fees necessary to record the document with the County Recorder shall be paid to the City.


**Section 17.** VIOLATION OF CONDITIONS. The Owner and Business Operator shall comply with all conditions herein within 45 days of the date of this Resolution. 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.

**Section 18.** Section 1094.6 of the California Code of Civil Procedure governs the time within which judicial review, if available, of the City Council's decision must be sought, unless a shorter time is provided by other applicable law. The City Clerk shall send a certified copy of this Resolution to the Appellant and the attorneys for the Owner and the Business Operator.

**Section 19.** The City Clerk shall certify to the adoption of this Resolution.


PASSED, APPROVED AND ADOPTED this 7<sup>th</sup> day of October , 2014

Ayes: Howorth, Lesser, D'Errico, Burton, and Mayor Powell  
Noes: None  
Absent: None  
Abstain: None



\_\_\_\_\_  
Mayor  
City of Manhattan Beach

Attest:

  
\_\_\_\_\_  
Liza Tamura, City Clerk

(SEAL)



Page 7

**Certified to be a true copy  
of the original of said  
document on file in my  
office.**

  
\_\_\_\_\_  
**City Clerk of the City of  
Manhattan Beach, California**

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EXHIBIT B

Proposed redline strikeout conditions- Planning Commission 1-24-18

900 Club

**Condition No. 1** - Hours

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

Monday - ~~Thursday-Wednesday~~ 11:00am to midnight

~~Thursday 11:00am to 1:00am~~

Friday 11:00am to ~~12:00am~~

Saturday 9:00am to ~~12:00am~~

Sunday 9:00am to midnight

**Condition No. 9** - Entertainment Permit

A. The Business Operator must submit an entertainment permit application within 30 days of the date of the Resolution, and annually thereafter.

B. The City may issue, issue with conditions, or deny the entertainment permit. In addition to the conditions that may be imposed, the entertainment permit shall contain the following additional conditions: entertainment is permitted only: (a) on the second floor; (b) on Thursday, Friday, Saturday, or on a day of a “Special Event” as defined in Condition 10; and (c) for no more than ~~18-24~~ days per year. The Business Operator shall provide written notification of the proposed Entertainment to the Director of Community Development, ~~and~~ the Police Department ~~and each residence located on 9<sup>th</sup> Street between Highland Avenue and Manhattan Avenue and Bayview Drive between 9<sup>th</sup> Street and 10<sup>th</sup> Street~~ a minimum of 7 days prior to such entertainment. “Entertainment” means any activity involving music, including but not limited to live bands, one or more performers of music, or amplified radio or pre-recorded music but not including background music allowed by Condition 6 or non-amplified sound allowed by Condition 7.

**Condition No. 10** - Special Events

A maximum of 6 Special Events are allowed annually. “Special Events” are events of more than 50 people for which there is a contract for exclusive use of the second floor of the venue. A security guard must be on-site at all times during Special Events. If entertainment is proposed for a Special Event, the day of the Special Event shall be included in the maximum allowable ~~1824~~ days per year for Entertainment, per Condition No. 9. The Business Operator shall provide written notification of each Special Event to the Director of Community Development, ~~and~~ the Police Department ~~and each residence located on 9<sup>th</sup> Street between Highland Avenue and Manhattan Avenue and Bayview Drive between 9<sup>th</sup> Street and 10<sup>th</sup> Street~~ a minimum of 7 days prior to such entertainment.

EXHIBIT B  
PC MTG 01-24-18

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**CITY OF MANHATTAN BEACH  
DEPARTMENT OF COMMUNITY DEVELOPMENT**

**TO:** See distribution below

**FROM:** Karen Arguelles, Administrative Clerk  
c/o **PLANNER Jason Masters**

**DATE:** August 25, 2017 (Submitted 8/17/17)

**SUBJECT:** Review Request for Proposed Project at:

**900 Manhattan Ave (900 Club)**

***Use Permit Amendment/ Environmental Assessment***

The subject application has been submitted to the Planning Division. Please review the attached material(s) and provide specific comments and/or conditions you recommend to be incorporated into the project and/or draft Resolution, if applicable. Conditions should be primarily those which are not otherwise addressed by a City Ordinance.

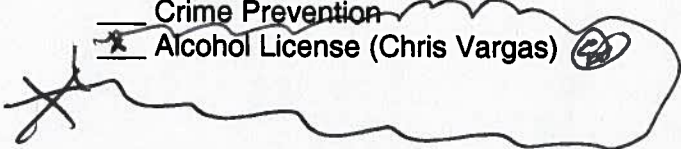
If no response is received by **THURSDAY, SEPTEMBER 7<sup>th</sup>, 2017** the Project Planner will conclude there are no conditions from your department.

Comments/Conditions (attach additional sheets as necessary):

*OPPOSED TO ANY CHANGES AT THIS TIME  
PD & CODE ENFORCEMENT (JACKIE HARRIS) HAVE  
RECENTLY RECEIVED COMPLAINTS ABOUT THE LOCATION.  
CV.*

**EXHIBIT C  
PC MTG 01-24-18**

Yes / ~~No~~ Building Division  
~~Yes~~ / No Fire Dept. (M. Simkins)  
~~Yes~~ / No Public Works (Mike G.)  
~~Yes~~ / No Engineering (Prem Kumar)  
~~Yes~~ / No Waste Mgmt (Anna Luke-Jones)  
~~Yes~~ / No Traffic Engr. (Erik Z)

Yes / ~~No~~ City Attorney  
~~Yes~~ / No **Police Dept.:**  
 \_\_\_ Traffic  
 \_\_\_ Detectives  
 \_\_\_ Crime Prevention  
 \* ~~\_\_\_~~ Alcohol License (Chris Vargas) 

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Dear Honorable Planning Commissioners -

I object on behalf, my potential and current tenants to ~~the~~ and every request in its letter from attorney Lundy III - dated August 10, 2017 and ~~any~~ <sup>any</sup> ~~of~~ <sup>of</sup> its ~~hours~~ <sup>hours</sup>, ~~its~~ <sup>its</sup> ~~entertainment events~~ <sup>entertainment events</sup> and ~~the~~ <sup>the</sup> ~~proposed~~ <sup>proposed</sup> modifications of its use permit.

I further propose a REDUCTION of the Entertainment events to two (2) events per annum including New Year's Eve & 17th Ave.

Its neighborhood including its undersigned does not need to be kept awake while listening to music that may not be their choice and very very loud voices and too often honking horns while the parties vomit with their cars or uber or whatever.

Please Deny the additional hours - the people in its community are normally not having hearing and deserve better considerations.

Fong is a successful restaurant and day 24 hour additional hours and has not a noisy destination.

Notes of the Grand Street event - ~~the~~ ~~entire~~ ~~of~~ ~~all~~ ~~residents~~ ~~and~~ ~~many~~ on 9th Street between Manhattan Avenue and Ocean Drive.

Continuing to the pages filed its proposal has a distinct, impact on aesthetics as its "character" of the area. Also

its "character" of the area. Also

RECEIVED  
JAN 17 2018  
BY: \_\_\_\_\_

Thank you for your considerations -

William Victor ALAW Operator  
39 W 17th St  
William Victor

EXHIBIT D  
PC MTG 01-24-18

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**From:** Anne McIntosh  
**Sent:** Wednesday, January 24, 2018 1:47 PM  
**To:** Jason Masters  
**Cc:** Laurie B. Jester  
**Subject:** FW: 2am closing hours for 900 Club

**LATE COMMENTS  
900 CLUB ITEM  
PC MTG 01-24-18**

**From:** Murphy/Perkins [<mailto:murphyperkins@gmail.com>]  
**Sent:** Tuesday, January 23, 2018 6:04 PM  
**To:** List - Planning Commission <[PlanningCommission@citymb.info](mailto:PlanningCommission@citymb.info)>; Anne McIntosh <[amcIntosh@citymb.info](mailto:amcIntosh@citymb.info)>  
**Subject:** 2am closing hours for 900 Club

The honky-tonking of Manhattan Beach continues. MB City staff seemed determined to turn our town into a late night party destination. The staff report says to ignore the MB Police recommendation that hours not be extended. Perhaps the police have a better understanding of the issues than city staff who are not called out at night to deal with the 900 Club.

Staff extols the Club for being in compliance and then admits that they did not comply with the requirement that the back door be closed. Doesn't seem like compliance to me. Nor do noise complaints seem like compliance. Nor does failing to notify the city as required about Special Events and Entertainment. Saying the 900 Club is in compliance seems like a falsehood that is in the staff report just so they can recommend giving the applicant what it wants.

Staff seldom sees mere residents. They deal with businesses who seek permission to make money in our city. Many of the applicants are very nice people I'm sure and staff probably bonds with them. They wish to give them what they are asking for. Neighbors whose sleep gets interrupted are hardly part of the equation when an applicant seeks a favor from the city.

The staff report suggests that "the goal of the City is to not receive any complaints..." Instead I would suggest that the goal of the city be to make our town a great place to live.

As planning commissioners you have the power and duty to help plan for the most livable town we can create. Please deny the request for longer hours and more "special" events that may impact the quiet enjoyment of our neighbors' homes.

Thanks,

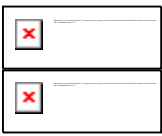
Michelle Murphy

**Anne McIntosh**  
**Community Development Director**  
P: 310-802-5503  
E: [amcIntosh@citymb.info](mailto:amcIntosh@citymb.info)



**Office Hours:** M - Th 7:30AM - 5:30 PM | Alternate Open Fridays 8:00AM - 5:00 PM | Closed Alternate Fridays | Not Applicable to Public Safety

Here for you 24/7, use our click and fix it app [Reach Manhattan Beach](#)  
Download the mobile app now





## Angela Soo

---

**From:** Anne McIntosh  
**Sent:** Wednesday, January 24, 2018 2:14 PM  
**To:** Jason Masters  
**Cc:** Laurie B. Jester  
**Subject:** FW: Oppose 900 Club Extended Hours and Expanded Events

Anne McIntosh  
Community Development Director  
310-802-5503  
[amcIntosh@citymb.info](mailto:amcIntosh@citymb.info)  
City of Manhattan Beach, CA

Office Hours: M - Th 7:30AM - 5:30 PM | Alternate Open Fridays 8:00AM - 5:00 PM | Closed Alternate Fridays  
| Not Applicable to Public Safety

Here for you 24/7, use our click and fix it app [www.citymb.info/reachmanhattanbeach](http://www.citymb.info/reachmanhattanbeach)

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

From: Neil Leventhal mt [<mailto:nl@lma-web.com>]  
Sent: Wednesday, January 24, 2018 2:03 PM  
To: List - Planning Commission <[PlanningCommission@citymb.info](mailto:PlanningCommission@citymb.info)>  
Subject: Oppose 900 Club Extended Hours and Expanded Events

I am writing to oppose extension of closing time for the 900 Club, as well as the expansion of any special activities or events.

The City should be highly resistant to any expansion, extension or intensification of use or activity downtown, particularly when that use or activity falls outside of general retail and restaurant business hours.

In the specific case, in addition to ample historical evidence of issues, and the location at the very perimeter of the downtown commercial zone, which magnifies the impact on residences, there appears to be a substantial issue of accuracy, if not misdirection, in the representation that the closing time has been reduced from that of the original CUP.

The idea of extending or expanding hours or events directly contradicts:

- The objectives and direction of the General Plan and the Downtown Specific Plan
- The recommendations of the MB Police Department
- The interest of city and downtown residents
- The 900 Club CUP

Extending the hours would reward a history of issues, as well as the misrepresentation of that history and the original CUP.

In short, it contradicts all logic and reason. I urge you to not only deny this request, but also to consider and implement any additional constraints possible.

Thank you.

Neil Leventhal  
128 13th St.  
Manhattan Beach, CA 90266

[NL@LMA-web.com](mailto:NL@LMA-web.com)  
Cell: 310.600.5834

## Angela Soo

---

**From:** Anne McIntosh  
**Sent:** Wednesday, January 24, 2018 1:48 PM  
**To:** Jason Masters  
**Cc:** Laurie B. Jester  
**Subject:** FW: OPPOSE : Agenda Item #7, 1//24/18 Extending Closing Hours, 900 Club

**From:** Carol Perrin [<mailto:cplaw28@gmail.com>]  
**Sent:** Tuesday, January 23, 2018 2:37 PM  
**To:** List - Planning Commission <[PlanningCommission@citymb.info](mailto:PlanningCommission@citymb.info)>  
**Cc:** Anne McIntosh <[amcIntosh@citymb.info](mailto:amcIntosh@citymb.info)>; Liza Tamura <[ltamura@citymb.info](mailto:ltamura@citymb.info)>; Derrick Abell <[dabell@citymb.info](mailto:dabell@citymb.info)>; Chris Vargas <[cvargas@citymb.info](mailto:cvargas@citymb.info)>  
**Subject:** OPPOSE : Agenda Item #7, 1//24/18 Extending Closing Hours, 900 Club

Dear Planning Commissioners,

I am writing to **vigorously oppose** extending the closing hours for the 900 Club, for all of the following reasons:

1. Having an operating bar open until 2 am **violates the principals of MB** as a small town residential community.
2. The **negative impact** the extension of hours will have on our MB services, particularly our **police force** and **trash management** is significant.
3. Studies by LA County have shown that allowing extension of these type of hours by bars/restaurants leads to **increased crime rates** (both serious offenses and increased loitering, drug use, littering, etc), as well as **excessive noise levels** that can never be fully mitigated,
4. MB is not Hermosa (actually this would be more like NYC). We are a small residential beach town and once the door is open to a 2 am bar, **a precedent will be set**, and the entire **dynamic of MB will be detrimentally altered**.
5. The **police department** and the **downtown residents** who will be most effected and victimized by this change, **OPPOSE** this change.
6. The **900 Club NEVER** had a **2 pm closing time**, contrary to the staff report.

I thank you for considering this information.

Best,  
Carol Perrin  
312 17th Street

1.

--

Carol Perrin  
[cplaw28@gmail.com](mailto:cplaw28@gmail.com)

**Anne McIntosh**  
**Community Development Director**

P: 310-802-5503

E: [amcIntosh@citymb.info](mailto:amcIntosh@citymb.info)



**Office Hours:** M - Th 7:30AM - 5:30 PM | Alternate Open Fridays 8:00AM - 5:00 PM | Closed Alternate Fridays | Not Applicable to Public Safety

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## Angela Soo

---

**From:** Anne McIntosh  
**Sent:** Wednesday, January 24, 2018 1:47 PM  
**To:** Jason Masters  
**Cc:** Laurie B. Jester  
**Subject:** FW: AGAINST - 900 Club 2am Closing Time

**Anne McIntosh**  
**Community Development Director**

P: 310-802-5503

E: [amcIntosh@citymb.info](mailto:amcIntosh@citymb.info)



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**From:** jacquelynemay@aol.com [mailto:jacquelynemay@aol.com]  
**Sent:** Tuesday, January 23, 2018 5:00 PM  
**To:** List - Planning Commission <PlanningCommission@citymb.info>  
**Cc:** Anne McIntosh <amcIntosh@citymb.info>; List - City Council <CityCouncil@citymb.info>  
**Subject:** AGAINST - 900 Club 2am Closing Time

Good afternoon,

As a longtime resident/owner of one of the homes bordering the Downtown area of Manhattan Beach, I'd would like to address the issue of the "reinstatement" of the CUP (addition of a 2am closing time) for the 900 Club.

My home is 2 blocks from this establishment. I have heard numerous serious complaints from my neighbors, but I just want to address noise and after hour issues. The one issue that affects us all, for blocks around, in a very stressful way, is ambient, though very, very loud, noise. The General Plan recognizes this.

One recent evening at about 12am, I heard very loud music coming from somewhere. Even though all of my neighbors are generally quiet.. it seemed like there was a party very close by. Turns out the music was coming from the 900 Club! I'm mostly deaf in one ear, can't hear that well out of the other ear, and recently had double paned windows installed. Typically only people walking by or hanging out under my bedroom window bother me. The music from 9th and Manhattan Avenue had to be outrageously loud to be able to hear it from here.

For those who do not live near this area, just imagine your neighbors hosting loud parties every Thursday, Friday and Saturday night (three to four hours past *their* noise cutoff time of 10 pm) then their visitors talking loudly while moving cars from next to your house, along with other related commotion I won't go into here. As you might imagine, people who need to get up early and go to work are especially adversely affected.

Please keep in mind that the downtown strip bisects a residentially zoned area, with no buffer zone. Many of us longtime homeowners have seen neighborhood businesses who have provided needed services, such as drug stores and variety stores, change to restaurants and drinking establishments. Predictably, this change in types of businesses so close to our homes brings with it unique issues and problems.

We all understand that people want to be by the beach and have a good time, but we trust that our City representatives will recognize that we live here 24/7 and can't escape some of the inevitable disruptions that come with consistent late hours and loud music, especially where there is excessive drinking. Please let us keep this a small town and not a party destination.

You are all public servants, volunteering your time, and I thank you for that. I hope you consider not only the inaccuracies in how this CUP was updated and written, but also how we are trying to preserve the integrity of our area as the wishes of other citizens in town who want to keep our downtown resident friendly as is specifically stated in the General Plan.

I hope the Planning Commission also respects the Police Department recommendation to deny any intensification and entertainment permits. Thank you!

Sincerely,  
Jackie May  
233 10th Street  
310 374-4341

MB General Plan, excerpts:

"Vision

The beach and vast expanse of the Pacific Ocean draw many residents and visitors to Manhattan Beach. The sound of the ocean is refreshing and soothing. We enjoy relaxing where noise does not invade our thoughts and activities on Sunday morning or other times when we expect relative quiet. Excessive noise from traffic, business and industrial operations, construction, and concentrated activities can be disruptive and erode the quality of our community. Manhattan Beach strives to substantially reduce noise and its impacts within the urban environment, with a focus on protecting residential neighborhoods, schools, and similar noise-sensitive uses. "

**Jacquelyne May (External)**

P:  
E: [jacquelynemay@aol.com](mailto:jacquelynemay@aol.com)



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### “Downtown Commercial

The Downtown Commercial category applies only to the Downtown, an area of 40+ blocks that radiates from the intersection of Manhattan Beach Boulevard and Highland Avenue. Downtown provides locations for a mix of commercial businesses, residential uses with discretionary review, and public uses, with a focus on pedestrian-oriented commercial businesses that serve Manhattan Beach residents. Visitor-oriented uses are limited to low-intensity businesses providing goods and services primarily to beachgoers..... “

### "Protecting Residential Neighborhoods

Manhattan Beach is primarily a residential community. Intrusion of incompatible uses and activities can threaten the quality and integrity of our neighborhoods. Commercial uses typically generate traffic and noise. Businesses such as service stations and restaurants also generate odors. Some businesses have extended hours of operation or require deliveries during late night and/or early morning hours. Schools and public gathering places, including parks, can create traffic and noise impacts during specific periods or special events. Such secondary effects can erode the quality of a residential neighborhood and thus must be avoided if possible, or mitigated to the maximum extent feasible. "

## Angela Soo

---

**From:** Anne McIntosh  
**Sent:** Wednesday, January 24, 2018 1:46 PM  
**To:** Jason Masters  
**Cc:** Laurie B. Jester  
**Subject:** FW: AGAINST - 900 Club 2am Closing Time

**Anne McIntosh**  
**Community Development Director**

P: 310-802-5503

E: [amcIntosh@citymb.info](mailto:amcIntosh@citymb.info)



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**From:** Kathy Clark [<mailto:kathymb2005@mac.com>]  
**Sent:** Wednesday, January 24, 2018 8:26 AM  
**To:** List - Planning Commission <[PlanningCommission@citymb.info](mailto:PlanningCommission@citymb.info)>  
**Subject:** AGAINST - 900 Club 2am Closing Time

Good Morning Commissioners,

I am writing to request that you follow the recommendation of the Manhattan Beach Police Department and vote against the 2 a.m. closing time for the 900 Club at your meeting this evening. A 2 p.m. closing time will only attract really serious drinkers and people who like to party all night long. Living near the Downtown should be a property value asset rather than a liability. What good does it do to be able to easily walk Downtown, to the beach or have a beautiful ocean view if it is not possible to sleep through the night due noise from commercial parties. Please support our Police Department and residential property owners by voting against the extension of the closing time for the 900 Club to 2 a.m.

Kathy Clark



## Angela Soo

---

**From:** Anne McIntosh  
**Sent:** Wednesday, January 24, 2018 1:46 PM  
**To:** Jason Masters  
**Cc:** Laurie B. Jester  
**Subject:** FW: AGAINST - 900 Club 2 a.m. closing time  
**Attachments:** 7E62AE19-4FC7-49FE-9752-62BD8B2BA45E.m4v

**Anne McIntosh**  
**Community Development Director**

P: 310-802-5503

E: [amcIntosh@citymb.info](mailto:amcIntosh@citymb.info)



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**From:** Rosanna Libertucci - outlook email [<mailto:househuntsobay@outlook.com>]  
**Sent:** Wednesday, January 24, 2018 8:49 AM  
**To:** List - Planning Commission <[PlanningCommission@citymb.info](mailto:PlanningCommission@citymb.info)>  
**Cc:** Derrick Abell <[dabell@citymb.info](mailto:dabell@citymb.info)>; Chris Vargas <[cvargas@citymb.info](mailto:cvargas@citymb.info)>  
**Subject:** FW: AGAINST - 900 Club 2 a.m. closing time

Was asked to forward this to the appropriate city officials prior to the meeting tonight - from Kelly and Tim King, residents at 800 Manhattan Ave.

---

**From:** Kelly King [<mailto:thekingpad@aol.com>]  
**Sent:** Wednesday, January 24, 2018 8:12 AM  
**To:** Rosanna Libertucci - outlook email <[househuntsobay@outlook.com](mailto:househuntsobay@outlook.com)>  
**Subject:** AGAINST - 900 Club 2 a.m. closing time

Hello,

We understand that the CUP has allowed for a 'reinstatement' of the closing time for the 900 Club to 2 a.m.. We are OPPOSED to this action.

We live on the corner of 8th and Manhattan Ave, 1 block from the 900 Club. The late night amplified music from the 900 club sounds like it's coming from inside our house and is a terrible nuisance each weekend.

We have made many calls to the MBPD to complain about the noise. In fact, we have them on speed dial it happens so often The 900 Club does not abide by any of the rules - the windows and doors are always open, no management or security at the doors, rowdy crowds congregate outside, and cars race down Manhattan Ave. when they leave the club. The police instruct them to 'shut it down' when we call. On one such occasion we witnessed the police arriving

after midnight, the club manager complied with the officers and closed the doors and windows, only to open all of them the minute the officer left! We had to call a second time that night. It is clear the 900 Club has no wish to follow any rules of permits, yet the PC continues to allow this to happen.

The Police department is against this reinstatement. I'm sure they wish they had no permit at all. I would hope that the PC would hear our first hand experiences and complaints with the noise from the 900 club. The Police have better things to do than deal with the noise that the city allows at this establishment.

We have video proof of the noise as it reverberates off every concrete structure on the block we live on, echoing loudly way past any normal noise restriction for Manhattan Beach (10 pm).

Please do not allow a reinstatement. It is only going to get worse.

Thank you,

Kelly and Tim King

## Angela Soo

---

**From:** Anne McIntosh  
**Sent:** Wednesday, January 24, 2018 1:42 PM  
**To:** Jason Masters  
**Cc:** Laurie B. Jester  
**Subject:** FW: Against 900 Club "Increase" of Hours (not "reinstatement" as incorrectly stated in City Staff Report)

**Anne McIntosh**  
**Community Development Director**

P: 310-802-5503

E: [amcIntosh@citymb.info](mailto:amcIntosh@citymb.info)



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**From:** Mark Tuccinardi [<mailto:00tucci@gmail.com>]  
**Sent:** Wednesday, January 24, 2018 1:32 PM  
**To:** List - Planning Commission <[PlanningCommission@citymb.info](mailto:PlanningCommission@citymb.info)>; Derrick Abell <[dabell@citymb.info](mailto:dabell@citymb.info)>; Chris Vargas <[cvargas@citymb.info](mailto:cvargas@citymb.info)>  
**Cc:** Mark Tuccinardi <[00tucci@gmail.com](mailto:00tucci@gmail.com)>  
**Subject:** Fwd: Against 900 Club "Increase" of Hours (not "reinstatement" as incorrectly stated in City Staff Report)

To The Planning Commission,

The 900 Club continually violates their CUP. This goes on every weekend.

**Attached please find 3 short video clips from late Saturday night turning into Sunday morning, on this past January 13<sup>th</sup> - 14<sup>th</sup> 2018. (taken from 12:20am to 12:45am plus there are many more weekend clips if desired)**

**They have turned the lower small club into a dance club. There is no food being served. The door is wide open. Patrons hooting and hollering. The doorman is standing outside chatting with patrons and not enforcing or mitigating patron noise and congregation on the sidewalk. Also they are required to have a professional, licensed and bonded security guard when there is music and obviously that is not being done.**

**Violations of Resolution 14-0063 (Most current CUP) include:**

**Item # 1 CUP - Music not off 30 minutes prior to closing. (typical behavior have many more clips just like for the past year)**

**Item #2 CUP – Not a bona fide eating place. The lower club on weekend nights is crammed packed and made into a dance club and no food is served to lower level later in the evening. (Unable to video this but viewed)**

**Item #3 CUP – No licensed, certified, security guard after 9:30pm with sound to ensure noise and doors closed and no loitering. (typical, they never have a security guard as required)**

**Item # 6 CUP – Music heard one long block in every direction. (Have all streets videoed and more clips)**

**Item #8 CUP – Dancing not permitted downstairs although they do each weekend as they turn into a dance club.**

**Item #9 CUP – Entertainment allowed on 2<sup>nd</sup> floor only. (entertainment is an activity that involves music) Special event notice not filed or notification of neighbors. (actually they never have filed although they occur multiple times each week)**

**Item #11 CUP – Noise emanating exceeds maximum noise standards per code.**

Also, it seemed as if they were exceeding their occupancy limit downstairs.

[Download Attachment](#)

[Available until Feb 22, 2018](#)

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B153D815-A129-4FAB-9375-7DCA1707E8DD.MOV

0 bytes

Mark Tuccinardi

800 block Bayview Drive

\*Since 2001

## Angela Soo

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**Sent:** Friday, February 23, 2018 10:51 AM  
**Subject:** FW: Against 900 Club - Violations & Attached photos with alcohol served outside this past Sunday

---

**From:** Anne McIntosh  
**Sent:** Wednesday, January 24, 2018 3:07 PM  
**To:** Jason Masters  
**Cc:** Laurie B. Jester  
**Subject:** FW: Against 900 Club - Violations & Attached photos with alcohol served outside this past Sunday

**Anne McIntosh**  
**Community Development Director**

P: 310-802-5503  
E: [amcIntosh@citymb.info](mailto:amcIntosh@citymb.info)



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**From:** Mark Tuccinardi [<mailto:00tucci@gmail.com>]  
**Sent:** Wednesday, January 24, 2018 3:05 PM  
**To:** List - Planning Commission <[PlanningCommission@citymb.info](mailto:PlanningCommission@citymb.info)>; Derrick Abell <[dabell@citymb.info](mailto:dabell@citymb.info)>; Chris Vargas <[cvargas@citymb.info](mailto:cvargas@citymb.info)>  
**Cc:** Mark Tuccinardi <[00tucci@gmail.com](mailto:00tucci@gmail.com)>  
**Subject:** Against 900 Club - Violations & Attached photos with alcohol served outside this past Sunday

**To The Planning Commission,**

Wanted to let you know why none of the neighbors file complaints to the Police Department and Community Development.

Over the years my neighbors and myself have been harassed, intimidated, threatened, some told to "F off" and move if they don't like it," by the manager & members of the 900 Club! The most vocal neighbor in the past even had the

property damaged multiple times. I personally have been threatened and cussed out in front of my house. Neighbors truly do not feel safe and are afraid of retribution for speaking out. Most neighbors will not call the police anymore as they do not enforce the CUP and residents are made to feel like this is a waste of their time and it is an imposition. Sad state of affairs when a city does not "Protect and Serve" its residents, yet caters to bar/nightclub patrons that do not live in the immediate radius affected. What's wrong with this picture!? Community Development starting with Richard Thompson and Laurie Jester blocked critical information from the impacted neighbors from being shared at the 2014 PC Revocation hearing. How they operated was unethical and deeply disturbing. There is no safe zone for the impacted neighbors to obtain any remedy.

Why is the Community Development staff even considering, ANY, proposal to modify and loosen the 900 Club CUP restrictions??? Again, the city is *seemingly* going out its way to reward illegal, nuisance, bad behavior by the 900 Club and adjoining Down Stairs Bar.

Why on earth would the Community Development Staff go against the recommendations of the Police Department, Code Enforcement Officer (Jackie Harris) and impacted neighbors?? These parties have first-hand experience in the field face to face with these issues for many years!!!!

There is overwhelming evidence on record showing a blatant, intentional, consistent, pattern of excessive CUP violations since 2004, shortly after opening. It appears the records history is not being well researched. See the video from PC Revocation hearing 2/26/2014 where one commissioner with a sharp awareness, understanding of the issues states that the 900 Club seems to have 2 main problems and one is it operates as a different type of establishment after closing hours, the second is you (directing his comments to Dave Rohrbacher).

The city PC would be the wiser to not fall for the picture painted by the 900 Club management; full of lies and deception. The 900 Club does not need to extend its hours to make their business viable, it's not open to the public, it's a private club and they can charge members what they want. To extend any hours for the Down Stairs Bar is simply going to continue the same bad - nuisance behavior further into the wee-morning hours.

To the point, the 900 Club/Down Stairs Bar is "currently; exceeding the City noise ordinance, leaving the windows and doors open with live entertainment, DJ's and amplified music. Throughout the year they have outdoor BBQ's and other food events on rear parking lot on Bayview Drive where members are drinking alcohol outside. All of which are violations of their existing CUP, Health Department and ABC.

See photos below of beer bottles on table outside from this past Sunday and BBQ trailer serving food. Clear violations of ABC license and Health Department rules.









Mark Tuccinardi

800 block Bayview Drive

\*55 year resident of MB

**From:** Bradley Sherman <bradsherman@hotmail.com>  
**Sent:** Tuesday, February 20, 2018 8:25 PM  
**To:** Jason Masters  
**Subject:** Re: 900 Club Meeting Tuesday 3:30 pm at Downstairs Bar

Jason,

Thank you very much taking the time out of your busy schedule to mediate a meeting between neighbors and the issues that surround the 900 Club/Downstairs bar. I feel that some valid points were made however it appears to be difficult moving forward with the personal vendetta some have against the establishment in question. I find it strange that some neighbors present have such grievance over noise considering that:

- 1) One gentleman way into his 70's complains about noise when he should have more complaints about the waves crashing from his 9th and Ocean residence (358 ft)\*
- 2) An elderly lady off of 10th Place and Ocean who should probably be more concerned about Shellbacks and the Pier (541 ft)\*
- 3) Lastly, another lady who lives on 10th and Highland claim to be upset after telling us multiple times that she is hard of hearing/deaf in one ear throughout our meeting. (679 ft)\*

\*Measurements taken from Google maps.

It's a shame that Mark Tuccinardi (331 ft) had to be so vulgar and aggressive to Dave with his profanity in front of the ladies. No reason to curse with the F -word multiple times at a meeting that was supposed to create resolution. There appears to be some grudge he has for Dave. It's embarrassing that a grown man had to stoop down to such immature levels. I had to stand in the middle in fear that he would swing on Dave. With all that being said, the lack of credibility the above mentioned neighbors should be accounted for. If it were of importance to other neighbors that are affected by the noise, then they should've attended.

Due to proximity, the ones with any direct impact by noise is Chad, Denise, Roseanna, and myself; with Roseanna having the only issue with any noise.(all who live directly across the street). In my eyes, Dave has made attempts to mitigate the noise issues.

Please forward this to Ann who had to leave due to the unforeseen circumstances. If you have any questions, please feel free to contact me.

Brad Sherman  
817 Bayview Drive  
Manhattan Beach, CA 90266  
310-619-4772

---

**From:** Jason Masters <[jmasters@citymb.info](mailto:jmasters@citymb.info)>  
**Sent:** Thursday, February 15, 2018 5:47 PM  
**To:** [bradsherman@hotmail.com](mailto:bradsherman@hotmail.com)  
**Subject:** 900 Club Meeting Tuesday 3:30 pm at Downstairs Bar

Brad,

I am not sure if Dave contacted you, but we are planning on meeting at the 900 Club on Tuesday at 3:30pm as we are closed tomorrow, and Monday is a holiday.

Please let me know if you are able to attend. Thank you,  
Jason

**Jason Masters**  
**Assistant Planner**

P: (310) 802-5515

E: [jmasters@citymb.info](mailto:jmasters@citymb.info)



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