



MASTER APPLICATION FORM

CITY OF MANHATTAN BEACH
COMMUNITY DEVELOPMENT DEPARTMENT

Office Use Only

Date Submitted:

Received By:

F&G Check Submitted:

900 Manhattan Ave, Manhattan Beach CA 90266

Project Address

900 Club, Legal description not provided in draft Resolution PC No. 18-

Legal Description

CD Downtown Commercial District

General Plan Designation

CD III
Zoning Designation Area District

For projects requiring a Coastal Development Permit, select one of the following determinations¹:

Project located in Appeal Jurisdiction

☐ Major Development (Public Hearing required)☐ Minor Development (Public Hearing, if requested)Project not located in Appeal Jurisdiction☒ Public Hearing Required (due to UP, Var, ME, etc)☐ No Public Hearing Required

Submitted Application (check all that apply)

<input checked="" type="checkbox"/> Appeal to PC/PPIC/BBA/CC	4225	\$500	<input type="checkbox"/> Use Permit (Residential)	4330
<input type="checkbox"/> Coastal Development Permit	4341		<input type="checkbox"/> Use Permit (Commercial)	4330
<input type="checkbox"/> Continuance	4343		<input type="checkbox"/> Use Permit Amendment	4332
<input type="checkbox"/> Cultural Landmark	4336		<input type="checkbox"/> Variance	4331
<input type="checkbox"/> Environmental Assessment	4225		<input type="checkbox"/> Park/Rec Quimby Fee	4425
<input type="checkbox"/> Minor Exception	4333		<input type="checkbox"/> Pre-application meeting	4425
<input type="checkbox"/> Subdivision (Map Deposit)	4300		<input type="checkbox"/> Public Hearing Notice	4339
<input type="checkbox"/> Subdivision (Tentative Map)	4334		<input type="checkbox"/> Lot Merger/Adjust./\$15 rec. fee	4225
<input type="checkbox"/> Subdivision (Final)	4334		<input type="checkbox"/> Zoning Business Review	4337
<input type="checkbox"/> Subdivision (Lot Line Adjust.)	4335		<input type="checkbox"/> Zoning Report	4340
<input type="checkbox"/> Telecom (New or Renewed)	4338		<input type="checkbox"/> Other	

Fee Summary: (See fees on reverse side)

Total Amount: \$ _____ (less Pre-Application Fee if applied within past 3 months)

Receipt Number: _____ Date Paid: _____ Cashier: _____

Applicant(s)/Appellant(s) Information

Donald McPherson

Name

1014 1st St, Manhattan Beach, CA 90266

Mailing Address

Nearby resident

Applicant(s)/Appellant(s) Relationship to Property

Donald McPherson

Cell: 310 487 0383, dmcphersonla@gmail.com

Contact Person (include relation to applicant/appellant)

Phone number / email

1014 1st St, Manhattan Beach, CA 90266

Address

Applicant(s)/Appellant(s) Signature

Cell: 310 487 0383, dmcphersonla@gmail.com

Phone number / email

Complete Project Description- including any demolition (attach additional pages as necessary)

1) Appeal of 900 Club Use Permit Amendment, Reso. No. PC 18-XX, 14 March 2018

2) Please see the attached summary for a description of the appeal.

¹ An Application for a Coastal Development Permit shall be made prior to, or concurrent with, an application for any other permit or approvals required for the project by the City of Manhattan Beach Municipal Code. (Continued on reverse)

2018 MAR 26 AM 11:34

CITY CLERK'S OFFICE
MANHATTAN BEACH, CA


RECEIVED

APPELLANT AFFIDAVIT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

I, Donald McPherson, being duly sworn, depose and say that I am the appellant involved in this application and that the foregoing statements and answers herein contained and the information herewith submitted are in all respects true and correct to the best of my/our knowledge and belief(s).



Signature of appellant

Donald McPherson
Print Name

1014 1st St, Manhattan Beach, CA 90266
Mailing Address

Cell: 310 487 0383, dmcphersonla@gmail.com
Telephone/email

Subscribed and sworn to (or affirmed) before me this 26th day of March, 2018 by Donald McPherson, proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Signature 
Notary Public

SEAL

see attached.

Fee Schedule Summary

Below are the fees typically associated with the corresponding applications. Additional fees not shown on this sheet may apply – refer to current City Fee Resolution (contact the Planning Division for assistance.) Fees are subject to annual adjustment.

Submitted Application (circle applicable fees, apply total to Fee Summary on application)

Coastal Development Permit

Public hearing – no other discretionary approval required:	\$ 4,727	✉
Public hearing – other discretionary approvals required:	2,083	✉
No public hearing required – administrative:	1,287	✉

Use Permit

Use Permit:	\$ 6,207	✉
Master Use Permit:	9,578	✉
Master Use Permit Amendment:	4,972	✉
Master Use Permit Conversion:	4,564	✉

Variance

Filing Fee:	\$ 6,001	✉
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Minor Exception

Without notice:	\$ 1,434	
With notice:	1,929	✉

Subdivision

Certificate of Compliance:	\$ 1,604	
Final Parcel Map + mapping deposit:	520	
Final Tract Map + mapping deposit:	720	
Mapping Deposit (paid with Final Map application):	500	
Merger of Parcels or Lot Line Adjustment:	1,119	
Quimby (Parks & Recreation) fee (per unit/lot):	1,817	
Tentative Parcel Map (4 or less lots / units) No Public Hearing:	1,291	
Tentative Parcel Map (4 or less lots / units) Public Hearing:	3,511	✉
Tentative Tract Map (5 or more lots / units):	4,007	✉

Environmental Review (contact Planning Division for applicable fee)

Environmental Assessment (no Initial Study prepared):	\$ 215	
Environmental Assessment (if Initial Study is prepared):	3,040	
Fish and Game/CEQA Exemption County Clerk Posting Fee ² :	75	

✉ Public Hearing Notice applies to all projects with public hearings and covers the City's costs of envelopes, postage and handling the mailing of public notices. Add this to filing fees above, as applicable: \$ 70

²Make a separate \$75 check payable to LA County Clerk, (DO NOT PUT DATE ON CHECK)

CALIFORNIA JURAT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA }

COUNTY OF Los Angeles }

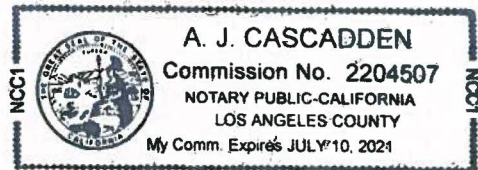
Subscribed and sworn to (or affirmed) before me on this 26th day of March, 2018
Date Month Year

by Donald McPherson

Name of Signers

proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Signature: [Signature]
Signature of Notary Public



Seal
Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent attachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Appellant Affidavit.

Document Date: _____

Number of Pages: _____

Signer(s) Other Than Named Above: _____

26 March 2018

Mayor Amy Howorth
City Council
City of Manhattan Beach
Via: Personal Delivery

Subject: Appeal of 900 Club CUP Amendment, Reso. No. PC 18-XX, 14 March. 2018

Mayor Howorth and Councilmembers,

My appeal addresses regulation violations in the subject resolution that will:

- 1) Violate Manhattan Beach Municipal Code ["MBMC"] §10.104.030(A)
- 2) Violate the California Environmental Quality Act ["CEQA"]; and,
- 2) Violate the California Fire Code.

The city council cannot make the required findings for the Use Permit amendment, Resolution No. PC 18-XX ["Resolution"], pursuant to MBMC 10.84.060(A).

MBMC 10.104.030(A): PUBLIC HEARING TO MODIFY USE PERMIT REQUIRED .

The February 28 staff report states on p.2, last ¶:

"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..."

This statement establishes that reasonable grounds exist to modify the 900 Club use permit. In that case, MBMC 10.104.030(A) **mandates** that the Community Development Director and the Planning Commission **shall** set a hearing to modify the 900 Club use permit. These entities have violated the municipal code, by not setting said hearing.

CEQA VIOLATION: INVALID CLASS 1 CATEGORICAL EXEMPTION.

Resolution Section 1(P) states that the project qualifies for a Class 1 Categorical Exemption, because *"It has been determined that the Project has no potential to result in a significant environmental impact..."*

This statement directly conflicts with the expert opinion of staff cited above that the downstairs bar requires mitigation of noise impacts. As result of the staff expert opinion that substantial evidence exists of causing significant effects in the environment, the city must abandon the Class 1 exemption and conduct an environmental review pursuant to CEQA.

POTENTIAL VIOLATION OF THE FIRE CODE.

According to the public record of the 2014 use-permit revocation hearing, the city has only two sets of plans for the 900 Club property: 1) A 1978 version prepared by an architect; and, 2) A 1993 hand-drawn version prepared anonymously.

The city bases its fire-code compliance on the latter, which conflicts with the former, regarding compliance with egress requirements.

Since 1993, the 900 Club interior has undergone major modifications, without building permits, some involving the egresses required by the fire code. The city has no plans of these modifications.

The potential exists that the city permits overcrowding on the 2nd floor, thereby endangering public safety. At the March 14 approval of the resolution and its potential fire-code violations, staff observed they would consider the noncompliance issues.

I look forward to bringing this appeal before the city council.

Thanks for your careful consideration of the facts,

A handwritten signature in black ink, appearing to read 'Don McPherson', with a stylized, flowing script.

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