



Legislation Details (With Text)

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On agenda: 9/3/2019 **Final action:**

Title: Consider Adopting a Resolution Revising Conditions of Approval Imposed on the 900 Club (Interim Community Development Director Gibson).
ADOPT RESOLUTION NO. 19-0075

Sponsors:

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Code sections:

Attachments: 1. Resolution No. 19-0075

Date	Ver.	Action By	Action	Result
9/3/2019	1	City Council Regular Meeting		

TO:
Honorable Mayor and Members of the City Council

THROUGH:
Bruce Moe, City Manager

FROM:
Jeff Gibson, Interim Community Development Director
Laurie B. Jester, Planning Manager
Angelica Ochoa, Associate Planner

SUBJECT:
Consider Adopting a Resolution Revising Conditions of Approval Imposed on the 900 Club (Interim Community Development Director Gibson).
ADOPT RESOLUTION NO. 19-0075

RECOMMENDATION:
Staff recommends that the City Council adopt Resolution No. 19-0075 revising conditions of approval for the use permit granted to the 900 Club located at 900 Manhattan Avenue.

FISCAL IMPLICATIONS:
There are no fiscal implications associated with the recommended action.

BACKGROUND/DISCUSSION:
On July 5 and August 6, 2019, the City Council conducted a duly noticed public hearing to review compliance with conditions imposed on the 900 Club in June 2018 in connection with the Council's adoption of Resolution 18-0075. At that time, the Council approved:

(1) An additional one hour of operation for the 900 Club (upstairs only) on Thursday nights from 12:00

midnight to 1:00 AM; and

(2) An increase in the number of yearly special events from 16 to 24.

Resolution No. 18-0075 required, among other conditions, certain physical improvements to the building and Council review so that the operator could demonstrate that the Club has complied with the conditions of approval. In connection with this review, the operator has requested additional entitlements and modifications to certain conditions regarding notification and the qualifications of the required security guard.

The operator presented evidence of substantial compliance with all of the conditions imposed on the Use Permit. Many members of the public spoke in favor of the use, and one neighbor spoke in opposition, complaining about noise and music she heard coming from the business. In addition, Donald McPherson, who filed a lawsuit challenging the approvals granted in Resolution 18-0075, and his attorney of record, submitted written material opposed to the Club. After the close of the public hearing, the City Council discussed and considered the evidence regarding compliance with conditions and the operator's requested modifications to conditions. After deliberations, the Council directed staff to prepare a resolution to modify conditions to allow the operator to:

1. Employ a security guard who is not licensed, bonded, and certified.
2. Notify the Police Department as least seven days prior to code changes to the security lock (instead of on a monthly basis).
3. Notify City staff, Police Department and neighbors at least three days prior to entertainment or special events (instead of seven days' notice).

The Council retained jurisdiction to consider, at any time after six months, the Operator's request to extend operating hours by one hour, to 1:00 AM on Thursdays in the lower-level of the business.

PUBLIC OUTREACH:

All of the public hearings were duly noticed and the public was notified that the City Council would consider on September 3, 2019 the draft resolution approving modifications to the conditions.

ENVIRONMENTAL REVIEW:

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

LEGAL REVIEW:

The City Attorney has reviewed this report and determined that no additional legal analysis is necessary.

ATTACHMENT

1. Resolution No. 19-0075