

March 12, 2003

**Honorable Chairman and Members of the  
Hermosa Beach Planning Commission**

**Regular Meeting of  
March 18, 2003**

SUBJECT: APPEAL OF DIRECTOR'S DECISION TO ALLOW A GLASS BARRIER AT THE  
UPPER DECK TO EXCEED THE HEIGHT LIMIT PER SECTION 17.46.010

LOCATION: 1301 MANHATTAN AVENUE

APPLICANT: ALLEN STANFORD (PHILIA 5 GROUP, LLC)  
1710 ESPLANADE, #C  
REDONDO BEACH, CA 90277  
UNION CATTLE COMPANY (CUP RESOLUTION NO. 03-6246)

**Recommendation**

To direct staff as deemed appropriate.

**Background**

**PROJECT INFORMATION:**

ZONING:	C-2, Restricted Commercial
GENERAL PLAN:	General Commercial
TOTAL AREA OF ESTABLISHMENT:	6,400 square feet (Interior) 1,700 square feet (exterior)
ENVIRONMENTAL DETERMINATION:	Categorically Exempt

This project is Categorically Exempt pursuant to 15323, Class 23 of the California Environmental Quality Act Guidelines, which allows for normal operations of existing facilities for public gatherings for which the facilities were designed where there is a past history of the facility being used for the same kind of purpose.

A Precise Development Plan was granted by the Planning Commission in February, 1996, for the construction of the multi-use commercial building with office, restaurant, and retail uses above a two-level parking structure. The CUP for on-sale beer and wine, live entertainment, and outdoor dining for the restaurant was granted concurrently with the PDP by the Planning Commission in February, 1996. A CUP amendment was granted for the restaurant for full service on-sale alcohol in May, 2000.

**Analysis**

The applicant is requesting that glass partitions used for noise attenuation purposes be considered a "similar use" under Section 17.46.010 of the Zone Code in order to exceed the height limit of the zone. Resolution 03-6246 includes a requirement that a sound attenuation wall varying between 7 and 8 feet in height shall be installed around the perimeter of the outdoor seating areas of a material as specified by a qualified acoustical engineer to attenuate noise. Laminated glass partitions were determined by an acoustical engineer to be adequate for meeting the noise attenuation requirements for the outdoor seating areas. However, if a wall 7 to 8 feet in height is placed on the west side of the third level deck, it will be approximately 4 to 5 feet over the height limit. Pursuant to Section 17.46.010 of the Zone Code, certain elements may be constructed above the height limit in commercial and industrial zones, provided they do not exceed the height limit by more than eight feet and cover no more than five percent of the total roof area. The list of these elements includes

such structures as parapet fire walls, towers, elevator housing, stairways and similar structures as determined by the Planning Commission.

In summary, the applicant is compelled per CUP Resolution No. 03-6246 to provide screening to adequately mitigate noise impacts for the restaurant. The screening was prescribed by an acoustical engineer to be 7 feet to 8 feet to adequately attenuate noise. A partition of only 4 feet to 5 feet is permitted. Unless the screening is determined by the Commission to fall under the provisions of 17.46.010 as a “similar structure”, a Variance to construct the building over-height must be processed for Planning Commission approval. Alternately, the owner can modify the Conditional Use Permit and occupy the outdoor area during limited hours as originally considered by the Commission. The project tenant improvements are under construction with the exception of the subject outdoor dining area. Modification to the existing CUP or processing a Variance are not desirable options for the applicant due to time constraints in opening the business and the need to use the outdoor dining deck during late evening hours.

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Scott Lunceford,  
Planning Assistant

CONCUR:

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Sol Blumenfeld, Director  
Community Development Department

Attachments

1. Resolution No. 03-6246