

May 14, 2003

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

**Regular Meeting of
May 20, 2003**

SUBJECT: INTERPRETATION OF CONDITION OF APPROVAL REGARDING THE SOUND
BARRIER AROUND THE PERIMETER OF THE UPPER DECK

LOCATION: 1301 MANHATTAN AVENUE – UNION CATTLE COMPANY

Recommendation

To direct staff as deemed appropriate.

Background

The alterations to the subject restaurant are completed, and the restaurant is operating under a temporary occupancy permit. One of the outstanding issues for completion is compliance with Condition No. 7, which reads:

A sound attenuation wall varying in height between 7 and 8 feet shall be installed around the perimeter of the outdoor seating areas. The type of glass or other barrier shall be specified by a qualified acoustical engineer to attenuate noise.

The walls and barriers have been completed for the lower deck (patio 1) and middle level deck (patio 2), and for the west side of the upper level deck (patio 3) pursuant to the condition and approved plans. However, along the south side of patio 3, at the top of the stair that connects it with patio 2, the wall is only 4-feet high rather than 7-8 feet high, and does not contain a glass barrier extension as identified on the approved plans. Staff has withheld final approval until this glass barrier extension above the subject wall is completed. The applicant claims that this extension will require complete reconstruction of the wall, and does not believe it is necessary to comply with the condition.

The applicant has submitted an addendum to their acoustical study to show that sound attenuation requirements are still satisfied with this 4-foot high wall, making the construction of a higher wall unnecessary. The applicant argues that the lower wall is consistent with the intent and spirit of Condition No. 7 since the south wall of the patio 3 abuts the stairway that accesses patio 2, which on its south perimeter contains an 8-foot block wall, meaning that the outside perimeter of the combination of the two patios is provided with a 7-8 foot sound barrier. Although the acoustical study addresses the issue of lowering the wall, the condition as written does not provide for staff discretion and the Commission must confirm that the proposed change is consistent with Condition No. 7.

CONCUR:

Ken Robertson,
Senior Planner

Sol Blumenfeld, Director
Community Development Department

Attachments

1. Sound Analysis
2. Photo
3. Excerpt from approved plan

1301 Manhattan Avenue – Upper Deck (Patio 3)



Looking up at Patio 3 from Patio 2