



# Staff Report

## City of Manhattan Beach

**TO:** Honorable Mayor Montgomery and Members of the City Council

**THROUGH:** David N. Carmany, City Manager

**FROM:** Richard Thompson, Director of Community Development  
Angelica Ochoa, Assistant Planner

**DATE:** July 5, 2011

**SUBJECT:** Consideration of a Resolution to Approve a Use Permit for an Existing Restaurant with an Addition and New Beer and Wine License at 1605 North Sepulveda Boulevard (Hotdoggers) as Directed by City Council

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**RECOMMENDATION:**

Staff recommends that the City Council adopt attached Resolution No. 6322 approving the subject Use Permit with conditions.

**FISCAL IMPLICATION:**

There are no fiscal implications associated with the recommended action.

**BACKGROUND:**

The applicant, Hotdoggers, Inc. applied for a Use Permit on December 6, 2010 to allow outdoor dining and to request a new alcohol license for on-site sale and consumption of beer and wine (Type 41 On-Sale Beer and Wine for Public Premises) at an existing restaurant at 1605 N. Sepulveda Boulevard. The Planning Commission held public hearings on March 23 and April 27, 2011, discussed and approved the project with conditions included in Resolution No. PC 11-06. On April 29, 2011, the applicant appealed to the City Council the Planning Commission's decision and requested changes such as hours of operation for the restaurant, patio, and beer and wine service, take-out restaurant operation, noise mitigation measures, outside waiting/seating areas and music on patio.

The City Council held a public hearing at their regular meeting on June 7, 2011. Substantial public testimony was heard and letters were received both in support and opposition to the project. Those in opposition had concerns, specifically with the 24 hour operation, noise and traffic from the outdoor patio, more businesses serving alcohol impacting surrounding area and close proximity to residential. The applicant, at the meeting, agreed to revise the project to enclose the patio and walkway, and limit beer and wine service hours to address the neighbors concerns regarding noise and other impacts. The City Council conceptually approved the project with conditions, directed staff to work with the applicant on the design to fully enclose the patio and walkway and return with a resolution with conditions.

**DISCUSSION:**

The City Council heard public testimony at the meeting of June 7, 2011, discussed and conceptually approved the project with revisions and conditions. Resolution No. 6322 is attached as Exhibit A and states the City Council findings and conditions.

*Hours of Operation*

The Planning Commission approved the hours of operation for the subject project as follows: 8am to 9pm daily for the outdoor patio and 7am to midnight for the restaurant with beer and wine service allowed during the same hours of operation for the patio and restaurant. The applicant appealed these hours to the City Council to be 24 hours for the restaurant and 7am to 10pm Sunday to Thursday and 7am to Midnight Friday to Saturday for the outdoor patio. After discussion and public testimony, the City Council approved the hours of operation to be 7:00 a.m. to 10:00 p.m. Sunday through Thursday and 7:00 a.m. to 12:00 a.m. Friday and Saturday.

*Outdoor Patio*

The applicant, at the meeting, submitted a noise study (Exhibit B) regarding the noise levels of the proposed outdoor patio and the applicant's noise consultant presented the results of his analysis. According to the noise consultant, the noise levels of the proposed outdoor patio would exceed the noise levels established in the City's noise ordinance. The noise levels of the proposed outdoor patio would range from 51.2 to 57.1 dBA, which exceeds the City's noise ordinance of 45 dBA for residential areas between the hours of 10pm to 7am. The noise consultant recommended enclosing the patio to mitigate any noise impacts, and the applicant agreed. The City Council supported totally enclosing the patio and directed staff to work with the applicant on the details of the design. The design also includes the enclosing of the walkway, which leads to the patio to meet Building Safety and other requirements.

*Enclosed Patio – Rear “Atrium” Addition*

Per the direction of the City Council, staff met with the applicant, architect, Building and Safety, and the Fire Department to review in detail the design of the enclosed patio. Staff explained in detail the requirements from each department to enclose the patio. Some of the requirements include, adding fire sprinklers to the entire building, since the total would be over 2,000 square feet, and that the area must be conditioned space per the Fire and Building Safety codes. The applicant would like some flexibility in slightly reducing the square footage of the addition to keep it under 2,000 square feet, which is acceptable to staff. Staff is in support of the architect's plans (Exhibit C) that show the entire patio being enclosed with fixed glass and no openings. As part of the addition, the existing Ficus tree along 17<sup>th</sup> Street, adjacent to the addition, may be disturbed and will need to be evaluated by an arborist. Staff will work with the applicant and the City arborist on options, if it is determined that this one tree may need to be trimmed or removed to accommodate the new addition.

*Options*

In meeting with the applicant, he expressed concerns about enclosing the patio and is therefore still looking at options. The options he is considering are:

1. Open existing restaurant with no beer/wine service or addition and operate 24 hours a day, no use permit required,
2. Open restaurant with beer and wine but no addition, with hour limitations and other conditions,
3. Implement use permit within 2 years, in phases, or
4. Apply for a use permit amendment

Options one through three are feasible and may be implemented with this City Council use permit approval. The fourth option would require a noticed public hearing before the Planning Commission.

**CONCLUSION:**

Staff is recommending that the City Council approve and adopt the attached resolution with conditions, per the City Council's direction. The applicant has complied and made revisions to the subject project, per the City Council's direction, to enclose the patio and walkway, as shown on the submitted plans (Exhibit C). Any changes to the use permit or conditions would require a Planning Commission noticed public hearing and amendment to the Use Permit.

**EXHIBITS:**

- A. Resolution No. 6322
- B. Noise Consultant Study, Davy and Associates dated June 7, 2011
- C. Plans dated June 22, 2011

cc: Louis Skelton, Project Architect  
Sandy Saemann, Applicant

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RESOLUTION NO. 6322

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH APPROVING, SUBJECT TO CONDITIONS, A USE PERMIT TO ALLOW A REAR ADDITION AND ON-SITE BEER AND WINE CONSUMPTION AT AN EXISTING RESTAURANT LOCATED AT 1605 NORTH SEPULVEDA BOULEVARD (HOTDOGGERS)

THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, DOES HEREBY FIND, ORDER AND RESOLVE AS FOLLOWS:

SECTION 1. The City Council of the City of Manhattan Beach, California, hereby makes the following findings:

- A. This appeal is from a decision of the Planning Commission decision on an application for a Use Permit. The subject property is legally described as Tract No. 1638 (ex of sts) Lot 1 Block 58 and (ex of st) Lots 23 and Lot 24 located at 1605 North Sepulveda Boulevard in the City of Manhattan Beach.
- B. The applicant/property and business owner is Debbi Saunders as agent for RRSS Properties, LLC.
- C. The property is located within Area District II and is zoned General Commercial (CG) (Lots 23 and 24) and Residential Single Family Design Review Oak Avenue (RS D-5) (Lot 1). The properties to the North are zoned Commercial General and Single Family Residential, to the South (Commercial General, Mixed-Use Commercial and Single Family Residential with Oak Avenue Design Review), to the East, (Commercial General) and to the West, (Single Family Residential)
- D. The General Plan designation for the property is General Commercial (front on Sepulveda Boulevard) and Mixed-Use Commercial (rear on Oak Avenue).
- E. The existing subject property includes a building of 1612 square feet. There are a total of 18 parking spaces. The existing restaurant is non-conforming as it does not currently have a use permit.

EXHIBIT A  
CC MTG 7-5-11

- F. The applicant sought a use permit for a project that consisted of the following: 1) a 24-hour restaurant in an existing structure to be remodeled; 2) a new outdoor rear patio of 336 square feet for outdoor dining to operate between the hours of 7:00 am and 10:00 p.m. Sunday to Thursday and 7:00 a.m. and Midnight Friday and Saturday; 3) beer and wine service for on-site consumption between the hours of 11am and Midnight daily.
- G. The Planning Commission of the City of Manhattan Beach conducted public hearings on March 23, 2011 and April 27, 2011 to consider the application for a Use Permit on the subject property as described in paragraph F. The hearings were publicly noticed, testimony was invited and received. Those testifying expressed a variety of viewpoints, including support for the project as proposed and concern over the proposal due to the potential for noise to emanate from the patio, traffic on Oak to increase beyond a residential-neighborhood level, and secondary impacts from a drinking-establishment introduced or intensified in the neighborhood. After consideration of the whole record, the Planning Commission conditionally approved the application on April 27, 2011 and adopted Resolution No. PC 11-06 memorializing the Commission's decision and setting forth the conditions of approval.
- H. The project approved by the Planning Commission provided a fast casual family style restaurant with menu items such as hot dogs, specialty sausages, hamburgers, salads and Hawaiian style meals for breakfast, lunch and dinner. The operation of the restaurant will function as a take-out restaurant with counter order service only. No table service will be provided, except food only (not drinks) may be served to customers at tables after having been ordered at the counter.
- I. The project will not individually nor cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.
- J. The Resolution approved by the Planning Commission conditionally allowed, among other things, the following: 1) Operating hours for the restaurant to be 7am to Midnight daily; 2) Operating hours for the outdoor rear patio to be 8am to 9pm daily; 3) Alcohol service to be allowed per hours of operation for restaurant and outdoor patio; and 4) Outdoor patio not to exceed 336 square feet.
- K. On April 29, 2011, the applicant submitted an appeal of the Planning Commission's decision memorialized in Resolution No. PC 11-06. The appeal request letter and strike-out resolution submitted with the appeal addressed a number of issues including restaurant hours, patio hours, music on the patio,

noise mitigation measures, beer and wine service hours, “take-out” restaurant operation, and outside waiting/seating areas. Appellant also requested a waiver of the appeal fee. The applicant proposed to operate the restaurant 24 hours, with the patio open and alcohol service from 7am to 10pm Monday through Thursday and 7 am to midnight on Friday and Saturday. During the public hearing, the applicant offered various alternatives and compromises with respect to the operation of the restaurant, including enclosing the patio and further limiting the alcohol service hours.

- L. The City Council of the City of Manhattan Beach conducted a duly noticed public hearing on June 7, 2011, received public testimony, and considered an appeal of the conditions imposed on the proposed project and an application for a use permit to allow 24 operating hours and service of beer and wine and an outdoor patio with limited hours at an existing restaurant located at 1605 N. Sepulveda Boulevard in the City of Manhattan Beach.
- M. The City Council heard testimony on behalf of the applicant from the business owner, his architect, his sound engineer and his chef. A number of business owners and business associates of the business owner and a representative from the Manhattan Beach Chamber of Commerce also testified in support of the application. The City Council also heard testimony from a number of residents, particularly those living on or in the vicinity of Oak Avenue who expressed concern about noise from the outdoor patio, traffic circulation, ingress and egress via Oak Avenue, late night congregation in the parking lot and the secondary effects to the neighborhood of alcohol service.
- N. Among other evidence submitted in the record, Bruce Davy, Davy and Associates, Acoustic consultant hired by the applicant submitted a sound study dated June 7, 2011 and testified that the only way that he believed that the business could meet the standards in the City’s noise ordinance was to enclose the patio. During the hearing, the business owner indicated a willingness to accept the conclusion and recommendation of his sound expert.
- O. Based upon State law, and MBLCP Section A.84.060, relating to the Use Permit application for the proposed restaurant, the City Council hereby further finds as follows:
  - 1. The proposed location of the use as conditioned is in accord with the objectives of this title and the purposes of the district in which the site is located, is consistent with the Commercial Districts Chapter, Section A.16.010-Specific

Purposes, since the subject proposal: a) is adding to and creating a vibrant mixture of uses in the area which provides a full range of office, retail commercial, and service commercial uses needed by residents of, b) strengthens the City's economic base, but also protect small businesses that serve city residents, c) creates a suitable environment for various types of commercial and compatible residential uses, and protects them from the adverse effects of inharmonious uses and minimizes the impact of commercial development on adjacent residential districts through the conditions of approval, d) ensures that the appearance and effects of commercial buildings and uses are harmonious with the character of the area in which they are located and ensures the provision of adequate off-street parking and loading facilities, through the conditions of approval, e) encourages commercial buildings that are oriented to the pedestrian, by providing windows as well as doors that are accessible from city sidewalks at sidewalk level, protecting pedestrian access along sidewalks and alleys and maintaining pedestrian links to parks, open space, and the beach, and f) carries out the policies and programs of the certified Land Use Plan In addition the project is consistent with the purpose of the CG General Commercial District which states the purpose is to provide opportunities for the full range of retail and service business deemed suitable for location in Manhattan Beach, Additionally, although the project is located within the D-6 Design Overlay District there are limited sections that apply to the project. The purpose of the D-6 Design Overlay District, Section A.44.010-Specific purpose and applicability, is to provide a mechanism to establish specific design standards, landscaping and buffering requirements to allow commercial and use of property in a residential area adjacent to Sepulveda Boulevard. Also, existing development with non-conforming access on Oak Avenue, when developed for commercial parking purposes used in conjunction with business fronting upon and having vehicular access to Sepulveda Boulevard shall not utilize vehicular access to Oak Avenue between the hours of 10pm to 6am daily. As conditioned by this Use Permit, the project conforms with this restriction.

2. The proposed location of the use and the proposed conditions under which it would be operated or maintained will be consistent with the General Plan; will not be detrimental to the public health, safety or welfare of persons residing or working on the proposed project site or in or adjacent to the neighborhood of such use; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the city, since the project is designed as a fast casual family style restaurant with a limited menu and complete meals, no dancing, no entertainment, no exterior music or exterior dining, waiting or



seating areas, no bar type items, not a sports bar, no alcohol without a meal, no screens, videos, music or amplified sound outside, no counter bar seats, and the extensive conditions of approval will ensure that there are not detrimental impacts to the neighborhood or City.

3. The proposed use will comply with the provisions of this title, including any specific condition required for the proposed use in the district in which it would be located, since the required notice and public hearing requirements have been met, all of the required findings have been addressed and conditions will be required to be met prior to the issuance of a certificate of occupancy and start of business operations. Letters were received from neighbors in objection of the subject proposal for 24 hour operation of the restaurant, noise from outdoor patio, parking impacts to neighborhood, increase in traffic from business, beer and wine service at outdoor patio and close proximity to residential. The closest residential uses area 30 feet to the southwest and 90 feet to the northwest away, the prior uses on the site, fast food and ice cream store, closed prior to midnight for over 35 years, and Sepulveda Boulevard traffic is relatively quite at nighttime.

4. The proposed use will not adversely impact nor be adversely impacted by nearby properties. Potential impacts are related but not necessarily limited to: traffic, parking, noise, vibration, odors, resident security and personal safety, and aesthetics, or create demands exceeding the capacity of public services and facilities which cannot be mitigated, since the project is designed as a small family style take-out use and is consistent with the surrounding businesses, no entertainment, or amplified sound will be allowed outside, and the extensive conditions of approval will ensure that there are not detrimental impacts to the neighborhood or City.

- P. A determination of public convenience and necessity is made for the proposed Type 41 alcohol license to allow on-site beer and wine (as conditioned below), which shall be forwarded to the California Department of Alcohol Beverage Control.

SECTION 2. The City Council of the City of Manhattan Beach hereby **DENIES** the appeal of the conditions imposed by the Planning Commission without prejudice (in accordance with Section 10.100.070 of the MBMC), **DENIES** the request for a fee waiver, and **APPROVES** the subject Use Permit, subject to the following revisions and conditions:

*General Conditions*

1. The proposed project shall be in substantial conformance with the plans submitted and the project description, as approved and conditioned by the City Council on July 5, 2011. Any substantial deviation from the approved plans and description must be reviewed and approved by the Planning Commission. The applicant may reduce the size of the new rear addition.
2. In the event that the business known as the Hotdoggers should vacate the premises, the tenant space at 1605 North Sepulveda Boulevard, may be occupied by another similar use, if upon its review, the Department of Community Development determined that the replacement use has the same use characteristics as the subject fast casual family-style sit-down restaurant. The intent of this condition is to ensure that any replacement restaurant tenant, would be a use similar to Hotdoggers.
3. The property owner shall obtain approval from the State Department of Alcoholic Beverage Control for a Type-41 on-site beer and wine license and shall comply with all related conditions of approval.
4. This permit and rights conferred in this approval shall not be effective until the property owner signs and returns an affidavit accepting the conditions of approval. The property owner shall file this affidavit with the Community Development Department within 10 days of this approval and prior to issuance of any development or building permits pursuant to this approval.

*Operational*

5. Operations shall comply with all South Coast Air Quality Management District Regulations and shall not transmit excessive emissions or odors across property lines.
6. The management of the property shall police the property and all areas adjacent to the business during the hours of operation to keep it free of litter.
7. The operators of the facility shall provide adequate management and supervisory techniques to prevent loitering and other security concerns outside the subject business.

8. The rear addition and walkway shall be totally enclosed and limited to a maximum of 336 square feet in dining area and 30 seats, to comply with the required total parking spaces shown on the plans. No loitering or outside tables, seating or waiting areas shall be allowed along any outdoor area
9. All proposed rooftop mechanical equipment shall be screened from the public right-of-way and any abandoned rooftop equipment shall be removed prior to building final.
10. The hours of operation including delivery/catering of food shall be permitted as follows:  
7:00 am to 10:00 pm Sunday to Thursday  
7:00 am to Midnight Friday and Saturday
11. The business shall provide complete meals so as to not become a sports bar, no bar type food items, no outdoor waiting or gathering areas, no beer and wine served without a meal, no screens, videos, music or amplified sound allowed outside and no counter bar seats.

*Noise*

12. The rear addition shall be designed, constructed and operated to comply with the Manhattan Beach Municipal Code noise standards, in accordance with a noise mitigation study.
13. No dancing or entertainment shall be permitted on the premises or outside at any time.
14. All interior music shall be limited to background music and/or television/videos only. The restaurant management shall control the volume of the music or any amplified sound. Exterior music or amplified sound systems or equipment is prohibited.
15. Noise emanating from the site shall be in compliance with the Manhattan Beach Municipal Code Noise Ordinance, Chapter 5.48.

*Signage*

16. A-frame or sidewalk signs in the public right-of-way shall be prohibited.

17. No temporary signs (banners) shall be erected on the site without City permit and approval.
18. The applicant shall submit a complete sign program including new signage and pole sign for review and approval of the Director of Community Development.

*Design*

19. Outdoor lighting on the rear parking lot, building, and entire site shall be minimized and shielded to minimize impacts to nearby residential.
20. The restaurant shall install, maintain in good working condition, and use a garbage disposal, a trash compactor, and a mop sink.
21. A landscape and irrigation plan must be submitted for review and approval and installed per the approved plan before issuance of a certificate of occupancy. Every effort shall be made to preserve the existing ficus tree next to the proposed rear addition along 17<sup>th</sup> Street. The applicant shall submit an arborist report for review and approval of the City arborist, and all recommendations shall be complied with prior to issuance of a building permit.

*Parking and Access*

22. The applicant shall provide parking spaces on-site as shown on the approved plans.
23. Applicant shall provide a chain and a sign at the Oak Avenue parking lot driveway. The sign shall state no vehicle access between 10pm and 6am daily and the chain shall be closed across the driveway during these hours. The chain and sign are subject to review and approval by the Community Development and the Fire Departments.
24. All employees must park on-site.

*Procedural*

25. All provisions of the Use Permit are subject to review by the Community Development Department 6 months after occupancy and yearly thereafter.
26. Unless appealed by the City Council, the subject Use Permit shall become effective after expiration of the time limits established by the Manhattan Beach Municipal Code.
27. Pursuant to Public Resources Code Section 21089 (b) and Fish and Game Code Section 711.4 (c), the project is not operative, vested, or final until the required filing fees are paid.
28. The applicant agrees, as a condition of approval of this project, to pay all reasonable legal and expert fees and expenses of the City of Manhattan Beach, in defending any legal action associated with the approval of this project brought against the City. In the event such a legal action is filed against the project, the City shall estimate its expenses for the litigation. Applicant shall deposit said amount with the City or enter into an agreement with the City to pay such expenses as they become due.

SECTION 3. Pursuant to Government Code Section 65009 and Code of Civil Procedure Section 1094.6, any action or proceeding to attack, review, set aside, void or annul this decision, or concerning any of the proceedings, acts, or determinations taken, done or made prior to such decision or to determine the reasonableness, legality or validity of any condition attached to this decision shall not be maintained by any person unless the action or proceeding is commenced within 90 days of the date of this resolution and the City Council is served within 120 days of the date of this resolution. The City Clerk shall send a certified copy of this resolution to the applicant, and if any, the appellant at the address of said person set forth in the record of the proceedings and such mailing shall constitute the notice required by Code of Civil Procedure Section 1094.6.

SECTION 4. This resolution shall take effect immediately. The City Clerk shall make this resolution readily available for public inspection.

SECTION 5. The City Clerk shall certify to the adoption of this resolution and thenceforth and thereafter the same shall be in full force an effect.

PASSED, APPROVED AND ADOPTED this 5<sup>th</sup> day of July, 2011

AYES:  
NOES: \_\_\_\_\_  
ABSENT: \_\_\_\_\_  
ABSTAIN:

\_\_\_\_\_  
Mayor, City of Manhattan Beach, California

ATTEST:

\_\_\_\_\_  
City Clerk

Davy  
& Associates, Inc.

*Consultants in Acoustics*

2100 North Sepulveda Blvd., Suite 42 • Manhattan Beach, CA 90266 • Tel: 310-802-8900 • Fax: 310-802-8002 • e-mail: davyassoc@aol.com

JN2011-19

June 7, 2011

Mr. Sandy Saemann  
HotDogger's Inc.  
1605 N. Sepulveda Blvd  
Manhattan Beach, CA 90266

SUBJECT: ACOUSTICAL ANALYSIS  
Proposed Patio, 1605 N. Sepulveda Blvd, Manhattan Beach, California

Dear Sandy:

Enclosed are copies of our completed Acoustical Analysis for the Proposed Patio at 1605 N. Sepulveda Blvd in Manhattan Beach, California.

The results of the analysis indicate that the Proposed Patio will comply with the requirements of the City of Manhattan Beach Noise Ordinance with the mitigation described in this report.

If you have any questions concerning the enclosed report, please call me. It has been a pleasure working with you on this project.

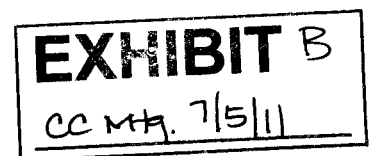
Sincerely,

**DAVY & ASSOCIATES, INC.**

*Bruce A. Davy*

Bruce A. Davy, P.E.  
President

BD/kbd



Davy  
& Associates, Inc.  
*Consultants in Acoustics*

2100 North Sepulveda Blvd., Suite 42 • Manhattan Beach, CA 90266 • Tel: 310-802-8900 • Fax: 310-802-8002 • e-mail: davyassoc@aol.com

JN2011-19

**ACOUSTICAL ANALYSIS**

Proposed Patio at 1605 N. Sepulveda Blvd  
Manhattan Beach, California

*FOR*

HotDogger's Inc.  
Manhattan Beach, California

June, 2011



## **1.0 Introduction**

At the direction of HotDoggers, Davy & Associates, Inc. has completed an acoustical analysis to determine potential noise impacts from the Proposed Patio at 1605 N. Sepulveda Blvd in Manhattan Beach, California.

Ambient noise levels were measured at the three closest residences to the Patio. Interior crowd noise levels were used to calculate received noise levels at the same three residences. These calculated noise levels were compared with the requirements of the City of Manhattan Beach Noise Ordinance.

## **2.0 Ambient Noise Measurements**

Ambient noise levels were measured at the three closest residences on Friday, June 3, 2011 between the hours of 11:00 p.m. and 12:00 p.m.. These noise levels are summarized in Table

Table 1

### **Measured Ambient Noise Levels Between 11:00 p.m. and 12:00 p.m.**

<b><u>Address</u></b>	<b><u>Direction</u></b>	<b><u>L50</u></b>
1604 Oak	South	57.1 dBA
1700 Oak	North	53.9
1609 Oak	West	51.2

All measurements were made with a Larson Davis Model 820 precision integrating sound level meter. The meter was calibrated with a B&K Model 4230 acoustical calibrator prior to the measurements and following the measurements. The 820 meter displays the statistical noise level, L50 which is the noise level for 30 minutes out of any measurement hour.

At all three locations, traffic noise from vehicles on N. Sepulveda Blvd were the dominant noise sources. No other sources of ambient noise were noticed during the The results of the measurements are summarized in Table 1.

## **3.0 Manhattan Beach Noise Ordinance Requirements**

Section 5.48.169 Exterior Noise Standards of the Manhattan Beach Code sets allowable noise level standards for various land use classifications. In residential areas, noise between the hours of 10:00 p.m. and 7:00 a.m. is not allowed to exceed an L50 of 45 dBA. The L50 is the noise level for 30 minutes out of any hour. This is the standard that would apply to the Proposed Patio. Higher noise levels are allowed for shorted periods of time.

If the L50 ambient noise level exceeds the allowable L50 standard then the ambient L50 becomes the exterior noise standard.

## **5.0 Noise Level Analysis**

Noise levels at the three residences listed in Table 1 were analyzed. It was assumed that the Patio would be fully occupied and customers at the tables would be talking in raised voices. There will be no amplified sound or TV's in the Patio. The only sources of noise will be the conversation of the customers. Distances to the three residences were measured with a measuring wheel.

The original design called for a light plastic roof and open lattice areas between the top of 6' 6" block walls and the roof. It was recommended that the roof be 1/8" steel deck and the open lattice areas be closed with 1/4" laminated glass. This will eliminate natural ventilation so a mechanical ventilation system will be installed.

The roof and the triangular areas between the top of the block walls and the roof will be the only significant construction elements that will transmit noise to the community. Based on these assumptions, the calculated noise levels for the three residences are listed in Table 2. Noise levels from both the roof and the areas between the block walls and the roof were calculated separately. The total is also shown.

Table 2

### **Calculated Noise Levels**

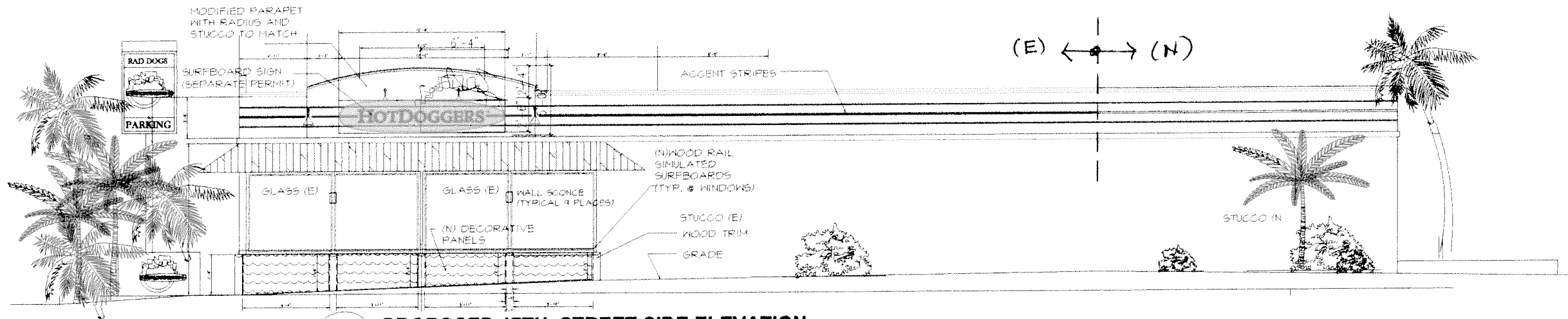
<b><u>Address</u></b>	<b><u>Roof</u></b>	<b><u>Triangular Areas</u></b>	<b><u>Total Noise</u></b>
1604 Oak	24 dBA	20 dBA	25 dBA
1700 Oak	21	16	22
1609 Oak	14	10	15

## **4.0 Summary of Results**

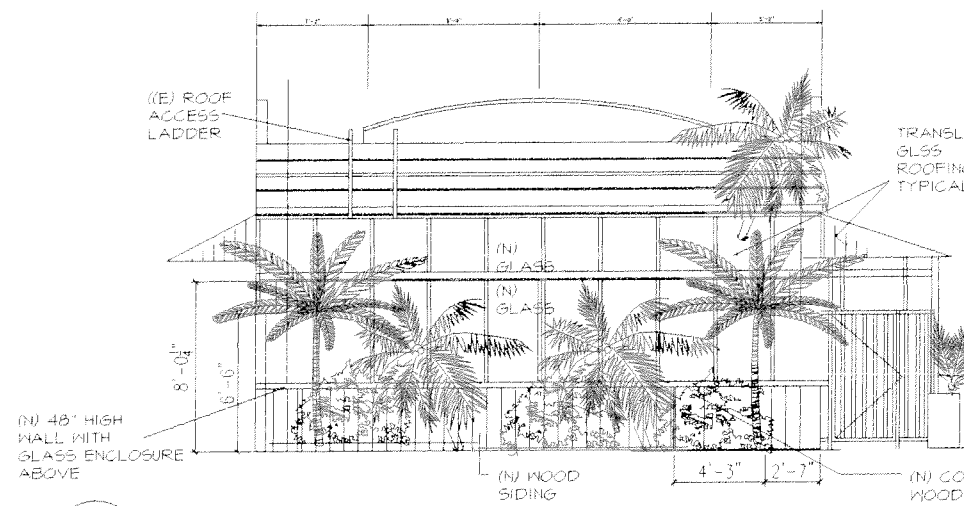
Based on this analysis, noise levels from the Proposed Patio will be in compliance with the Manhattan Beach Noise Ordinance. These noise levels will also be much less than existing ambient noise levels in the surrounding neighborhoods during late evening hours.

Bruce A. Davy

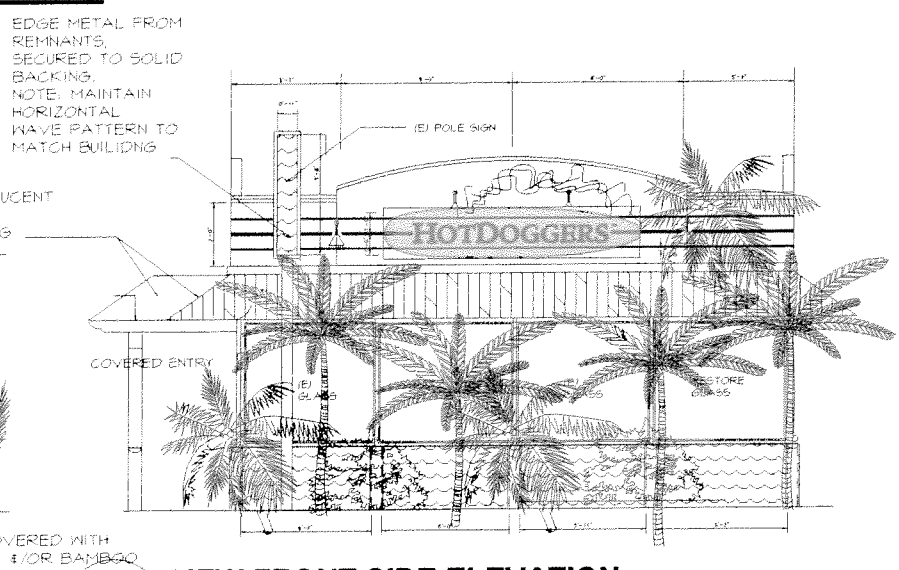
Bruce A. Davy, P.E.  
Davy & Associates, Inc.



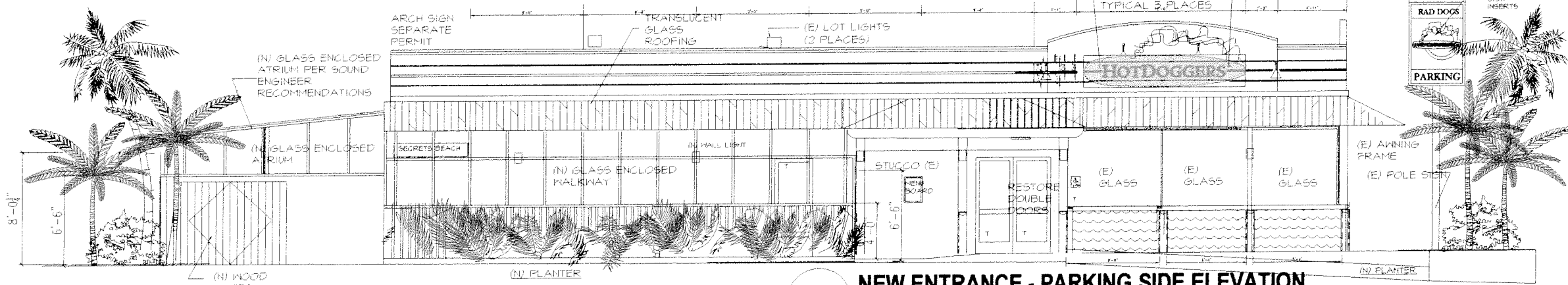
**01 PROPOSED 17TH STREET SIDE ELEVATION**  
Scale: 1/4" = 1'-0"



**02 PROPOSED REAR SIDE ELEVATION**  
Scale: 1/4" = 1'-0"



**03 NEW FRONT SIDE ELEVATION**  
Scale: 1/4" = 1'-0"



**04 NEW ENTRANCE - PARKING SIDE ELEVATION**  
Scale: 1/4" = 1'-0"

REVISIONS	BY
01-03-11	LES
03-04-11	LES
03-23-11	LES
04-05-11	LES
04-19-11	LES
05-10-11	LES
05-12-11	LES
06-22-11	LES

PROPOSED  
EXTERIOR  
ELEVATIONS

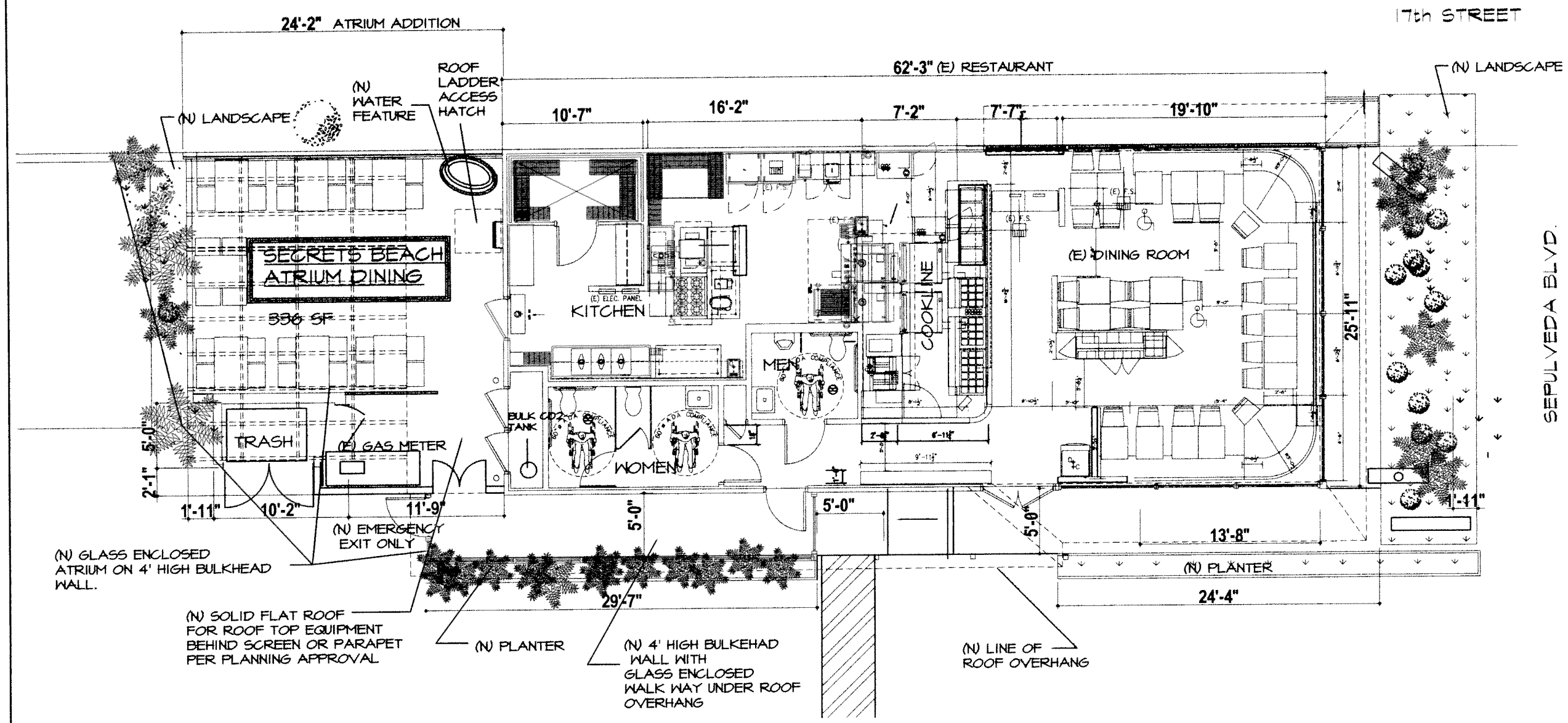
A REMODEL  
HOTDOGGERS  
1605 SEPULVEDA BLVD.  
MANHATTAN BEACH, CA 90265

LOUIS SKELTON, ARCHITECT  
2551 D PACIFIC COAST HIGHWAY - # 169  
TORRANCE, CALIFORNIA 90505  
e-MAIL: admin@louis-skelton.com  
(310) 315-8892 FAX (310) 315-7888

DRAWN	LES
CHECKED	LES
DATE	JULY 31, 2010
SCALE	AS NOTED
JOB NO.	NE-HOT-D
SHEET	A-2.0

**EXHIBIT C**  
CC Page 24 of 25/111

REVISION	BY
HEALTH	LES
PC 031211	LES
PC HEALTH	
041311	
OWNER REV.	
041411	
ENCLOSURE	
DINING	
ADDITION	
PER CITY	
COUNCIL	
06-22-11	



**FLOOR PLAN**  
1/4" = 1'-0"

**PROPOSED EQUIPMENT PLAN**

A REMODEL  
**HOT DOGGERS**  
1605 SEPULVEDA BLVD.  
MANHATTAN BEACH, CA 90265

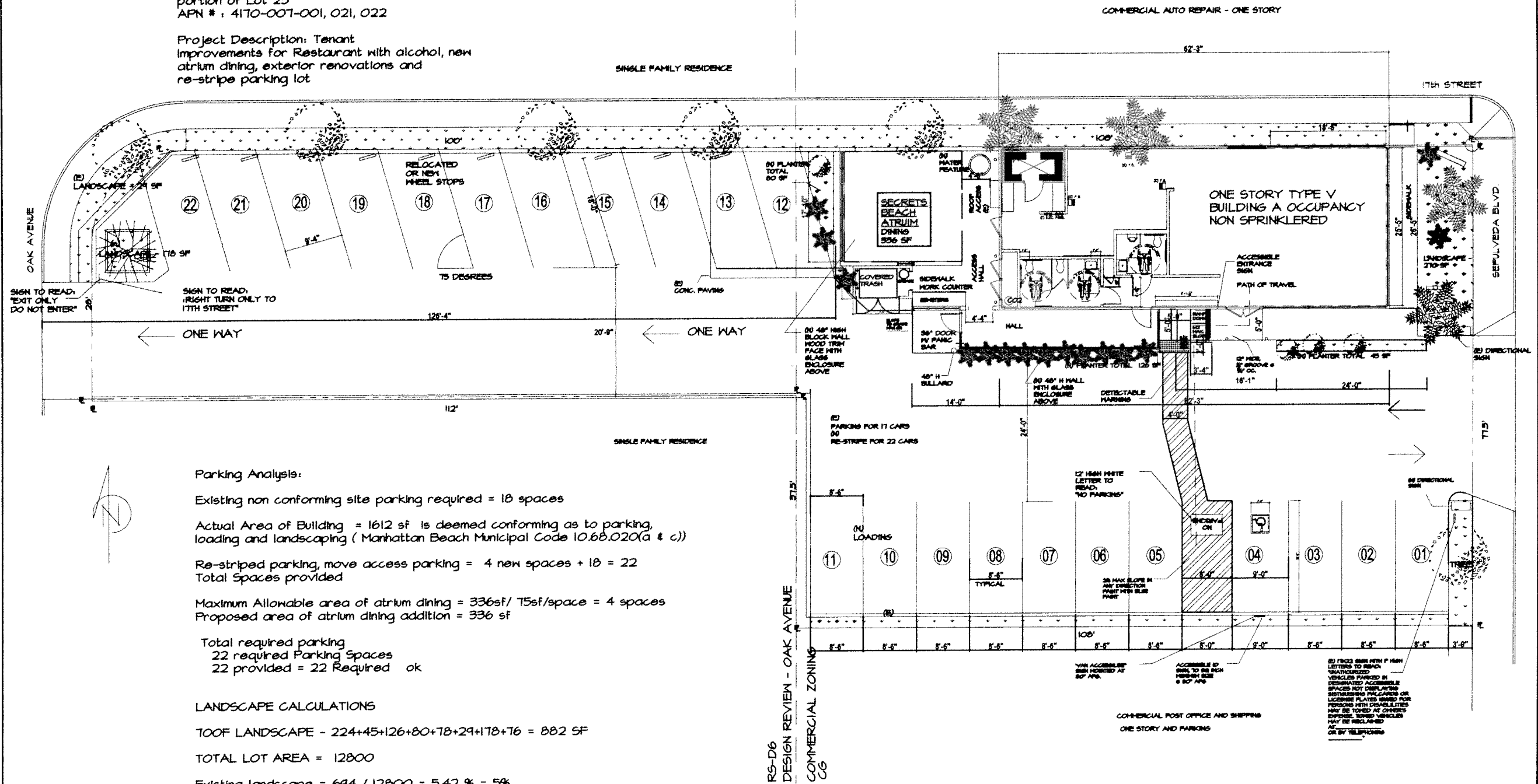
**LOUIS SKELTON, ARCHITECT**  
2557 D PACIFIC COAST HIGHWAY - # 165  
TORRANCE, CALIFORNIA 90505  
E-MAIL: admin@louiskelton.com  
(310) 462-4017

DRAWN	LES
CHECKED	LES
DATE	MARCH 12 2011
SCALE	
ASSEMBLED	
SHEET	<b>FFE-1</b>

**Project Data:**

Address: 1605 N. Sepulveda Blvd.  
 Manhattan Beach, CA 90266  
 Legal: Lots Tract 1638 Lots 1, 26 and  
 portion of Lot 25  
 APN #: 4170-007-001, 021, 022

**Project Description:** Tenant  
 Improvements for Restaurant with alcohol, new  
 atrium dining, exterior renovations and  
 re-stripe parking lot



**Parking Analysis:**

Existing non conforming site parking required = 18 spaces  
 Actual Area of Building = 1612 sf is deemed conforming as to parking,  
 loading and landscaping ( Manhattan Beach Municipal Code 10.68.020(a & c))  
 Re-striped parking, move access parking = 4 new spaces + 18 = 22  
 Total Spaces provided  
 Maximum Allowable area of atrium dining = 336sf/ 75sf/space = 4 spaces  
 Proposed area of atrium dining addition = 336 sf

Total required parking  
 22 required Parking Spaces  
 22 provided = 22 Required ok

**LANDSCAPE CALCULATIONS**

TOOF LANDSCAPE - 224+45+126+80+78+29+178+76 = 882 SF

TOTAL LOT AREA = 12800

Existing landscape = 694 / 12800 = 5.42 % = 5%  
 Proposed landscaping = 882 / 12800 = 6.89% = 7%  
 TOTAL PARKING LOT = 9400SF  
 612 / 9400 = 6.51% = 7%

REVISION	BY
021711	LES
022511	LES
030411	LES
031011	LES
041311	LES
041911	LES

PC CORRECT  
 DESIGN  
 CITY COUNCIL  
 REQ 062211

PROPOSED  
 SITE PLAN

A REMODEL  
 HOT DOGGERS  
 1605 SEPULVEDA BLVD.  
 MANHATTAN BEACH, CA 90265

LOUIS SKELTON ARCHITECT  
 2857 D PACIFIC COAST HIGHWAY - # 169  
 TORRANCE CALIFORNIA 90505  
 e-MAIL: admin@louis-skelton.com  
 (310) 375-4442 FAX (310) 375-7435

DRAWN	LES
CHECKED	LES
DATE	JULY 31, 2010
SCALE	AS NOTED
JOB NO.	MB-HOT-D
SHEET	

T-1.0