



Memorandum Planning

April 2, 2013

To: Planning Commission
From: Sean Nicholas, Associate Planner *SN*
Subject: CUP 12-362/CHP 12-363/DSP 13-082/MEP 13-084/ODP 13-085, North Beach
Rooftop Grill and Bar Outdoor Sound Supplemental
Copies: Jim Pechous, City Planner

The applicant submitted an acoustic study on April 2, 2013 in an effort to allow amplified sound outdoors until 10:00 p.m. The standard approval has been for non-amplified sound to be permitted outdoors until 10:00 p.m. Staff discussed this issue with the acoustic engineer the applicant hired, Yanchar Design and Consulting Group. The acoustic engineer stated that the issue is not amplified versus non-amplified it is the decibels that are created. For example, an acoustical drum set is going to potentially be louder than an amplified electric drum set that you can control the volume.

Staff discussed the proposed change to allow amplified sound outdoors, including with members of Code Compliance and Orange County Sheriff, and all of staff agreed that the limiting factor can be decibels. Another benefit of this is that decibel readings are something Code Compliance and Sheriff's can take measurements at the sound source, and if there is a violation, can be addressed quickly. In response to this added information, staff is recommending additional conditions of approval to Resolution PC13-016. See attachment 2 for new conditions. Staff will provide at the dais an updated Resolution which incorporates these conditions of approval. Additionally, attachment 1 to this memo is the sound study provided by the applicant.

ATTACHMENTS:

- 1) Sound study submitted 4/2/2013 by Yanchar Design & Consulting Group
- 2) Additional conditions of approval

ACOUSTICAL ENGINEERING ANALYSIS

Rooftop Grill & Bar
1509 N. El Camino Real
San Clemente, CA 92673

Prepared by:

Yanchar Design & Consulting Group
26741 Portola Parkway, Suite 1E
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April 2, 2013

Project No: 130329

At the request of Cottage Development, Yanchar Design & Consulting Group has completed an acoustical analysis of the proposed restaurant and bar at 1509 N. El Camino Real, San Clemente, CA.

The building is currently a vacant restaurant of Type V construction with primarily stucco exterior and several existing and proposed glass openings. Adjacent properties are essentially commercial and industrial with the exception of a mixed use commercial/residential development to the northwest.

The interior of the restaurant is approximately 42 inches below grade. The entire south wall is covered with stone veneer which is a sound diffusing surface

The Elks Club building directly to the south is two stories in height with no exterior openings on its north side. Adjacent to the north is a Type V building in use as an animal hospital.

The closest residential use is the second floor of a mixed use property 157 feet to the northwest. The nearest solely residential property is approximately 260 feet to the west. The east side of El Camino Real to the 5 freeway is within the 65 dB noise contour region and the east side to the ocean is within the 60 dB noise contour.

The San Clemente Municipal Code addresses the maximum permissible "ambient" noise levels in various zones, as follows:

Table 1

Land Use	Allowable Exterior Noise Level	
	7:00 a.m. -- 10:00 p.m.	10:00 p.m. -- 7:00 a.m.
Residential	55 dBA	50 dBA
Residential portion of mixed use	60 dBA	50 dBA
Commercial	65 dBA	60 dBA
Industrial	70 dBA	70 dBA

The San Clemente General Plan section 14.6.G presents as an objective that noise levels emanating from entertainment and restaurant/bar establishments "not be discernible" from ambient noise levels at a distance of 50' from the establishment. Although "not discernible" is a subjective criterion, for purposes of this report we will assume that it can be interpreted as not contributing to the measured ambient noise level, essentially 10 dBA below that level.

There are several scenarios to evaluate; the enclosed portion of the proposed restaurant with and without the windows closed and the proposed roof top area. In addition, there are two possible sources to consider; the sound generated by the restaurant clientele at the maximum occupancy and the sound generated by the potential of acoustic or amplified music.

The maximum allowable levels from sources on the restaurant property for the most sensitive receptors are summarized in the following tables:

Table 2

Noise Level from Interior Sources in dBA		General Plan Recommendation	Maximum Allowable Source Level
50' from property line	Restaurant Windows Open	62	105
		Municipal Code Limit	
Mixed use residential 7A-10P	Restaurant Windows Open	60	106
Closest residential 7A-10P	Restaurant Windows Open	55	106
Mixed use residential 10P-7A	Restaurant Windows Open	50	96
Closest residential 10P-7A	Restaurant Windows Open	50	101

Table 3

Noise Level from Interior Sources in dBA		General Plan Recommendation	Maximum Allowable Source Level
50' from property line	Restaurant Windows Closed	62	117
		Municipal Code Limit	
Mixed use residential 7A-10P	Restaurant Windows Closed	60	118
Closest residential 7A-10P	Restaurant Windows Closed	55	117
Mixed use residential 10P-7A	Restaurant Windows Closed	50	108
Closest residential 10P-7A	Restaurant Windows Closed	50	113

Table 4

Noise Level from Exterior Sources in dBA		General Plan Recommendation	Maximum Allowable Source Level
50' from property line		62	93
		Municipal Code Limit	
Mixed use residential 7A-10P		60	94
Closest residential 7A-10P		55	94
Mixed use residential 10P-7A		50	84.5
Closest residential 10P-7A		50	89.5

Noise generated by restaurant clientele can vary over a wide range. The maximum level to be encountered can be 90 dBA when the patrons are essentially shouting to be heard. Average levels are in the range of 78-82 dBA.

Estimated noise levels generated by the clientele within the restaurant will be below the requirements whether the windows are open or closed. After 10 PM, activities on the rooftop will also meet the requirements under typical circumstances. An exceptionally boisterous crowd could exceed the requirements at the closest point on the mixed use property.

There are no plans at this time for regularly scheduled music. Because of the limited space available, the most likely sources would be an occasional trio or DJ.

In the event that music is incorporated in the future, any source within the interior space could produce a level up to 106 dBA with the windows open during the hours of 7AM to 10 PM and 96 dBA during the hours of 10 PM to 7 AM and satisfy the requirements of the Municipal Code. With the windows closed, levels up 118 dBA from 7 AM to 10 PM and 108 dBA from 10 PM to 7 AM would be attenuated to permissible levels.

As currently proposed, the rooftop area could accommodate levels of up to 93 dBA from 7 AM to 10 PM and 84.5 dBA from 10 PM to 7 AM. Table 5, which follows, presents a comparison of some typical noise and music sources. With prudent administrative controls, the types of sources anticipated could be accommodated.

Respectfully submitted,



Yanchar Design & Consulting Group
Carl J. Yanchar
President

Table 5
A Weighted Sound Levels of Common Sounds

Typical Sounds	Typical Music	SPL, dB	PERCEPTION OF SOUND
		150	
Chest wall vibrates, choking, giddiness			
Jet taking off, 25 meters		140	
Threshold of pain			
Artillery. 100 yards	Cannon (peaks)	130	
Pneumatic chipper			DEAFENING
Riveter, nearby		120	
Loud car horn, nearby	Very loud rock (peaks)		
	Very loud classical (peaks)	110	
Printing Press	Very loud rock (avg.)		VERY LOUD
Inside N.Y. subway	Very loud classical (avg.)	100	
Police Whistle	Loud popular music		
Heavy truck	Loud classical music	90	
Vacuum Cleaner (10')	Moderately loud popular music		LOUD
Noisy traffic, corner	Moderately loud classical	80	
Noisy office	Soft popular music		
		70	
Business office	Soft classical music		MODERATE
Conversational speech		60	
Private office	Very soft music	50	
Background noise, city home			
		40	FAINT
Background noise, suburb			
Library		30	
Background, country night			
Whisper, leaves rustling		20	VERY FAINT
Good recording studio			
		10	
Threshold of hearing		0	THRESHOLD OF AUDIBILITY

Additional Conditions of Approval for Resolution PC 13-016

- 35. Live indoor entertainment and/or amplified sound shall end by 2:00 a.m.
■■ (PIng.)_____

- 36. All outdoor noise generation, whether amplified or not, shall end by 10:00 p.m.
■■ (PIng.)_____

- 37. All outdoor noise shall be maintained at or below 93 dBa at the source of noise generation. To ensure compliance with this requirement a sound meter shall be installed on-site with a sound alert and alarm. This device shall also have a memory capability for a length of time to be determined by Code Compliance and OCSD to enable inspections as well as complaint verifications. If an inspection occurs, and the machine is found to be off or the history data can not be provided, this will constitute an automatic non-compliance and citation.
■■ (PIng.)_____