



CITY OF PALM SPRINGS
DEPARTMENT OF PLANNING SERVICES

MEMORANDUM

Date: January 27, 2016
To: Planning Commission
From: Flinn Fagg, AICP, Director of Planning Services (F)
Project Planner: David A. Newell, Associate Planner DN
Subject: Item ^{2A}~~3A~~ – Case No. 5.1320 CUP "Chill Bar"

On June 10, 2015, the Planning Commission approved an amendment to the subject Conditional Use Permit (CUP), allowing amplified entertainment, a dance floor and modified operation hours for an existing cocktail lounge located at 212 and 216 South Indian Canyon Drive. At this meeting the Commission requested that staff return with a report on the business operation three months from the date of approval.

On September 24, 2015, the Planning Commission received a status report on the project and requested the item return for another status review in three months (November, 2015). At the request of the applicant, this review has been delayed to allow additional time for completing sound mitigation improvements to the interior wall between the subject business and adjacent cocktail lounge.

The applicant submitted construction details which were approved by the Building and Planning Departments on November 17, 2015. These improvements were completed and the Building Department completed a final inspection on the work on January 20, 2016.

The applicant has provided the attached details on the sound wall and photographs of the completed interior work. The applicant states sound tests will be completed to determine compliance with Project Specific Condition PSP 2, which required sound construction meeting 60 STC (Sound Transmission Class) rating. Staff will provide the additional information to the Planning Commission upon receipt.

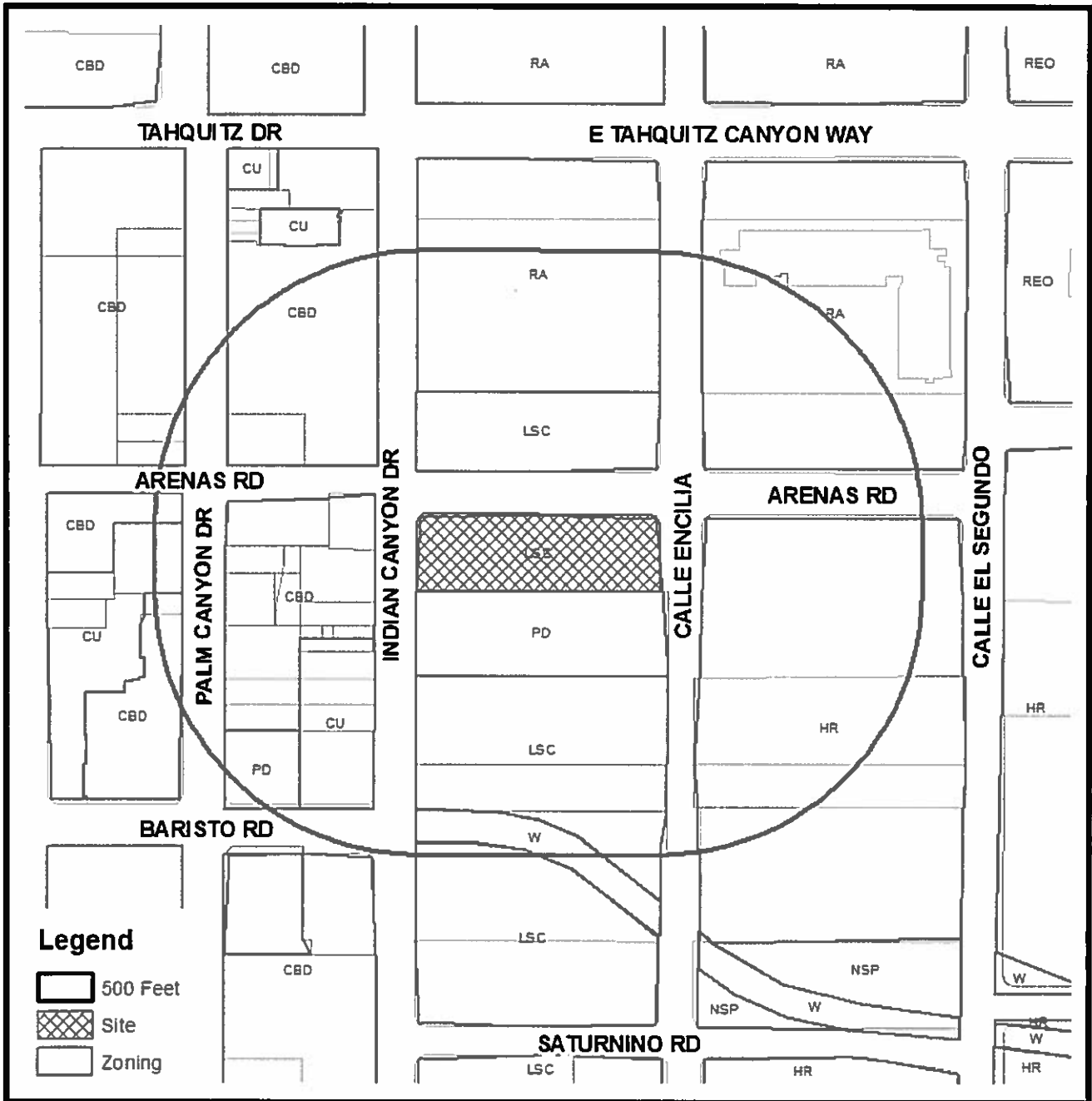
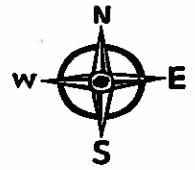
Staff requested a report from the Police Department and the records indicate that there have been no calls for service related to noise / music levels. However, since the Planning Commission's review in September, staff has spoken with the adjacent tenant and they still note noise concerns prior to completion of the sound mitigation described above.

Attachments:

- 1) 500' Radius Map
- 2) Planning Commission Resolution 6505
- 3) Planning Commission Minutes of June 10, 2015 (excerpt)
- 4) Planning Commission Minutes of September 24, 2015 (excerpt)
- 5) Applicant's Supplemental Materials
- 6) Email Complaint, December 14, 2015



Department of Planning Services Vicinity Map



CITY OF PALM SPRINGS

RESOLUTION NO. 6505

file

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING AN AMENDMENT TO CASE 5.1320, A CONDITIONAL USE PERMIT (CUP) TO MODIFY THE OPERATIONS OF A COCKTAIL LOUNGE LOCATED AT 212 AND 216 SOUTH INDIAN CANYON DRIVE.

THE PLANNING COMMISSION FINDS AND DETERMINES AS FOLLOWS:

- A. JayDubya Entertainment, LLC. on behalf of Plaza Indian Ave, Inc. ("Applicant") has filed a Conditional Use Permit Amendment application with the City pursuant to Section 94.02.00 of the Zoning Code to allow amplified entertainment, dance floor and modified operation hours (10:00AM – 2:00AM daily) for an existing cocktail lounge within a multi-tenanted commercial complex located at 212 and 216 South Indian Canyon Drive, Zone LSC by Section 14 Specific Plan, APN: 508-085-002.
- B. Cocktail lounges, bars and nightclubs may be permitted in the LSC (Local Serving Commercial) designation of the Section 14 Specific Plan with the approval of a Conditional Use Permit, pursuant to Table 6-1 of the Land Use Regulations (Chapter 6) contained within the Section 14 Specific Plan.
- C. Notice of public hearing of the Planning Commission of the City of Palm Springs to consider Case No. 5.1320 CUP Amendment was given in accordance with applicable law.
- D. On May 27, 2015, a public hearing on the application was continued by the Planning Commission to a date certain of June 10, 2015, in accordance with applicable law.
- E. On June 10, 2015, a public hearing on the application was held by the Planning Commission in accordance with applicable law.
- F. The proposed CUP Amendment is considered a "project" pursuant to the terms of the California Environmental Quality Act ("CEQA"), and has been determined to be Categorically Exempt as a Class I exemption (Existing Facilities) pursuant to Section 15301 of the CEQA Guidelines; and
- F. The Planning Commission has carefully reviewed and considered all of the evidence presented in connection with the hearing on the project, including, but not limited to, the staff report, and all written and oral testimony presented.
- G. Pursuant to Section 94.02.00(B)(6) of the Zoning Code the Planning Commission finds as follows:
 - 1. *That the use applied for at the location set forth in the application is properly one for which a conditional use permit is authorized by this Zoning Code.*

The subject property is zoned LSC (Local Serving Commercial) by the Section 14 Specific Plan. Pursuant to Table 6-1 of the Specific Plan, nightclubs, bars and cocktail lounges are permitted with the approval of a Conditional Use Permit. Such uses often include amplified entertainment. Therefore, the use applied for at the site is one for which a conditional use permit is authorized by the Section 14 Master Plan and Zoning Code.

- 2. That the use is necessary or desirable for the development of the community, is in harmony with the various elements or objectives of the general plan, and is not detrimental to existing uses or to future uses specifically permitted in the zone in which the proposed use is to be located.*

The use will provide entertainment and gathering space within the Central Business District of downtown Palm Springs. The proposed use will aid in creating a vibrant downtown for both residents and visitors, consistent with General Plan Policies 7.1 and 10.4. Therefore, the use, including proposed amendments, is desirable for the development of the community and in harmony with the various elements of the General Plan.

The business is conditionally permitted and it is not anticipated to be detrimental to existing uses or future uses specifically permitted in the LSC zone, provided compliance with the noise ordinance, reduced or limited noise transmission to adjacent businesses and other imposed conditions.

- 3. That the site for the intended use is adequate in size and shape to accommodate such use, including yards, setbacks, walls or fences, landscaping, and other features required in order to adjust such use to those existing or permitted future uses of land in the neighborhood.*

The multi-tenant commercial property includes existing retail and entertainment uses. The subject tenant space has been operating as a cocktail lounge, but will offer additional entertainment options. The property has 83 off-street parking spaces, which is more than the minimum of 72 required, pursuant to Section 92.26.00 of the Zoning Code. No additional square footage is necessary to accommodate the proposed use. Therefore, the site is adequate in size and shape.

- 4. That the site for the proposed use relates to streets and highways properly designed and improved to carry the type and quantity of traffic to be generated by the proposed use.*

The project site is located at the corner of Indian Canyon Drive and Arenas Road, which are identified by the General Plan Circulation Element as Major and Secondary Thoroughfares, respectively. Vehicular access to the site is provided from both streets. The tenant space has been operating as a cocktail lounge and the amendment includes minor changes to the business operation and floor plans. Thus, the traffic generated by the proposed use is similar and any additional traffic as a result of the changes will be insignificant to the streets and highways.

5. *That the conditions to be imposed and shown on the approved site plan are deemed necessary to protect the public health, safety and general welfare and may include minor modification of the zone's property development standards. Such conditions may include:*
- a. *Regulation of use*
 - b. *Special yards, space and buffers*
 - c. *Fences and walls*
 - d. *Surfacing of parking areas subject to city specifications*
 - e. *Requiring street, service road, or alley dedications and improvements or appropriate bonds*
 - f. *Regulation of points of vehicular ingress and egress*
 - g. *Regulation of signs*
 - h. *Requiring landscaping and maintenance thereof*
 - i. *Requiring maintenance of grounds*
 - j. *Regulation of noise, vibrations, odors, etc.*
 - k. *Regulation of time for certain activities*
 - l. *Time period within which the proposed use shall be developed*
 - m. *Duration of use*
 - n. *Dedication of property for public use*
 - o. *Any such other conditions as will make possible the development of the city in an orderly and efficient manner and in conformity with the intent and purposes set forth in this Zoning Code, including but not limited to mitigation measures outlined in an environmental assessment.*

The proposal is to operate a cocktail lounge with amplified music, dancing and entertainment space. Conditions of Approval have been included in the attached Exhibit A to ensure that the use operates in a manner which protects the public health, safety and general welfare. These conditions include compliance with the City's noise ordinance, physical improvements to reduce noise and other necessary requirements.

THE PLANNING COMMISSION RESOLVES:

Based upon the foregoing, the Planning Commission hereby approves an amendment to Case No. 5.1320 – CUP, allowing amplified entertainment and modified operational hours and floor plan for an existing cocktail lounge located within a mixed use complex at 212 and 216 South Indian Canyon Drive, subject to the conditions set forth in the attached Exhibit A.

ADOPTED this 10th day of June 2015.

AYES: 6, Commissioner Weremiuk, Commissioner Lowe, Commissioner
Calerdine, Commissioner Middleton, Commissioner Roberts and
Vice-Chair Klatchko

NOES: None

ABSENT: None

ABSTAIN: None

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

A handwritten signature in black ink, appearing to read 'Flinn Fagg', is written over a horizontal line.

Flinn Fagg, AICP
Director of Planning Services

RESOLUTION NO. 6505

EXHIBIT A

Case 5.1320 CUP Amendment
Chill Bar

212 & 216 South Indian Canyon Drive

June 10, 2015

CONDITIONS OF APPROVAL

Before final acceptance of the project, all conditions listed below shall be completed to the satisfaction of the City Engineer, the Director of Planning Services, the Director of Building and Safety, the Chief of Police, the Fire Chief or their designee, depending on which department recommended the condition.

Any agreements, easements or covenants required to be entered into shall be in a form approved by the City Attorney.

PROJECT SPECIFIC CONDITIONS

- PSP 1. Entertainment. Entertainment shall be indoors only. Bass levels shall be at a reasonable level.
- PSP 2. Noise Attenuated Walls. The applicant shall provide sound barrier wall construction between the subject business and abutting tenant spaces. To comply with this requirement, the applicant shall submit construction plans showing wall location and construction details which meet a minimum of 60 STC (Sound Transmission Class) rating within 30-days of the CUP approval.
- PSP 3. Doors and Windows Ajar. Whenever amplified music / entertainment is playing, the business operator shall ensure all doors and operable windows remain closed.
- PSP 4. Planning Commission Review. The Planning Commission shall review the CUP three months from the approval date. (Added by Planning Commission.)

ADMINISTRATIVE CONDITIONS

- ADM 1. Project Description. This approval is for the project described per Case 5.1320 CUP Amendment, except as modified these conditions.

- ADM 2. Reference Documents. The site shall be developed and maintained in accordance with the approved plans on file in the Planning Division except as modified by the conditions below.
- ADM 3. Conform to all Codes and Regulations. The project shall conform to the conditions contained herein, all applicable regulations of the Palm Springs Zoning Ordinance, Municipal Code, and any other City County, State and Federal Codes, ordinances, resolutions and laws that may apply.
- ADM 4. Minor Deviations. The Director of Planning or designee may approve minor deviations to the project description and approved plans in accordance with the provisions of the Palm Springs Zoning Code.
- ADM 5. Indemnification. The owner shall defend, indemnify, and hold harmless the City of Palm Springs, its agents, officers, and employees from any claim, action, or proceeding against the City of Palm Springs or its agents, officers or employees to attach, set aside, void or annul, an approval of the City of Palm Springs, its legislative body, advisory agencies, or administrative officers concerning Case 5.1320 CUP Amendment. The City of Palm Springs will promptly notify the applicant of any such claim, action, or proceeding against the City of Palm Springs and the applicant will either undertake defense of the matter and pay the City's associated legal costs or will advance funds to pay for defense of the matter by the City Attorney. If the City of Palm Springs fails to promptly notify the applicant of any such claim, action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify, or hold harmless the City of Palm Springs. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the applicant's consent but should it do so, the City shall waive the indemnification herein, except, the City's decision to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein.
- ADM 6. Maintenance and Repair. The property owner(s) and successors and assignees in interest shall maintain and repair the improvements including and without limitation all structures, sidewalks, bikeways, parking areas, landscape, irrigation, lighting, signs, walls, and fences between the curb and property line, including sidewalk or bikeway easement areas that extend onto private property, in a first class condition, free from waste and debris, and in accordance with all applicable law, rules, ordinances and regulations of all federal, state, and local bodies and agencies having jurisdiction at the property owner's sole expense. This condition shall be included in the recorded covenant agreement for the property if required by the City.
- ADM 7. Time Limit on Commencement of Use. The time limit for commencement of the use authorized by this conditional use permit shall be two (2) years from the effective date of approval. A conditional use permit shall become effective

after an elapsed period of fifteen (15) days from the date of the decision by the commission authorizing the permit.

- ADM 8. Right to Appeal. Decisions of an administrative officer or agency of the City of Palm Springs may be appealed in accordance with Municipal Code Chapter 2.05. Permits will not be issued until the appeal period has concluded.
- ADM 9. Cause No Disturbance. The owner shall monitor outdoor parking areas, walkways, and adjoining properties and shall take all necessary measures to ensure that customers do not loiter, create noise, litter, or cause any disturbances while on-site. The owner and operator shall ensure that at closing time, all customers leave the property promptly and that the property is clean and secure before the owner/operator leaves the premises. The Police Chief, based upon complaints and/or other cause, may require on-site security officers to ensure compliance with all City, State, and Federal laws and conditions of approval. Failure to comply with these conditions may result in revocation of this permit, temporary business closure or criminal prosecution.
- ADM 10. Grounds for Revocation. Non-compliance with any of the conditions of this approval or with City codes and ordinances, State laws; any valid citizen complaints or policing and safety problems (not limited to excessive alcohol consumption, noise, disturbances, signs, etc) regarding the operation of the establishment; as determined by the Chief of Police or the Director of Building and Safety, may result in proceedings to revoke the Conditional Use Permit. In addition, violations of the City Codes and Ordinances will result in enforcement actions which may include citations, arrest, temporary business closure, or revocation of this permit in accordance with the law.
- ADM 11. Comply with City Noise Ordinance. This use and property shall comply with the provisions of Section 11.74 Noise Ordinance of the Palm Springs Municipal Code. Violations may result in revocation of this Conditional Use Permit.
- ADM 12. Conditional Use Permit Availability. The applicant shall provide a copy of this Conditional Use Permit to all buyers and potential buyers.

PLANNING DEPARTMENT CONDITIONS

- PLN 1. Alcohol Sales. The Conditional Use Permit authorizes the sale of beer, wine, and distilled spirits from 212 and 216 S. Indian Canyon Drive.
- PLN 2. Hours of Operation. The operating hours shall be 10:00 A.M. to 2:00 A.M. daily. Any future modifications to the hours of operation shall require an amendment to this Conditional Use Permit.

- PLN 3. Sign Applications Required. No signs are approved by this action. Separate approval and permits shall be required for any new sign in accordance with Zoning Ordinance Section 93.20.00.
- PLN 4. Exterior Alarms & Audio Systems. No sirens, outside paging or any type of signalization will be permitted, except approved alarm systems.
- PLN 5. Outside Storage Prohibited. No outside storage of any kind shall be permitted except as approved as a part of the proposed plan.
- PLN 6. Food. Snack foods shall be available at all times.

POLICE DEPARTMENT CONDITIONS

- POL 1. Security Plan. Within thirty (30) days of approval of the Conditional Use Permit, the applicant and property owner shall agree, in writing, to comply with a security plan that has been approved by the Chief of Police. The business operator or his / her designee shall ensure compliance with the approved security plan at all times. If the Chief of Police has determined that there are continual violations of the security plan, the Conditional Use Permit may be revoked by the City Council, pursuant to Section 94.02.00 of the Zoning Code.

BUILDING DEPARTMENT CONDITIONS

- BLD 1. Construction Permits. Prior to any construction on-site, all appropriate permits must be secured.

FIRE DEPARTMENT CONDITIONS

These Fire Department conditions may not provide all requirements. Detailed plans are still required for review.

- FID 1 These preliminary conditions are subject to final plan check and review. Initial fire department conditions have been determined from the amended CUP application dated April 23, 2015. Additional requirements may be required at the time of the Exit Analysis plan submittal.
- FID 2 Fire Department Conditions were based on the *2013 California Fire Code* as adopted by City of Palm Springs, Palm Springs Municipal Code and latest adopted NFPA Standards.

FID 3 Plans and Permits (CFC 105.1):

Permits and scaled drawings are required for this project. Plan reviews can take up to 20 working days. Submit a minimum of four (4) sets of drawings for review. Upon approval, the Fire Prevention Bureau will retain one set.

Plans shall be submitted to:

City of Palm Springs
Building and Safety Department
3200 E. Tahquitz Canyon Way
Palm Springs, CA 92262

Counter Hours: 8:00 AM – 6:00 PM, Monday – Thursday

A deposit for Plan Check and Inspection Fees is required at the time of Plan Submittal. These fees are established by Resolution of the Palm Springs City Council.

Complete listings and manufacturer's technical data sheets for all system materials shall be included with plan submittals (four sets). All system materials shall be UL listed or FM approved for fire protection service and approved by the Fire Prevention Bureau prior to installation.

FID 4 "Exit Analysis Plan" required (CFC 104.7.2): Prepared, stamped and signed by a state licensed architect in ¼" = 1' scale. The floor plan shall address the following for a Group A-2 occupancy:

- Provide *net* occupant load calculations for interior (restaurant & bar) and outdoor patios. The occupant load determination shall be made by the Fire Marshal
 - Seating/table diagram with compliant aisle widths
 - Minimum required egress width to accommodate occupant load
 - Exit access travel distance
 - Egress paths to public way
 - Means of egress illumination locations
 - Illuminated EXIT sign locations
 - Compliant exit doors/gates and door/gate hardware (panic hardware)
 - Note any elevation changes in the exit discharge
 - Locations of fire extinguishers (minimum rating 2A-10BC).
-
- Project Note – New exit analysis plan required to reflect proposed changes.

FID 5 Posting of Occupant Load (CFC 1004.3): Every room or space *which is*

used for assembly, classroom, dining, drinking, or similar purposes having an occupant load of 50 or more shall have the occupant load of the room or space posted in a conspicuous place, near the main exit or exit access doorway from the room or space. Posted signs shall be of an approved legible permanent design and shall be maintained by the owner or authorized agent.

- Occupant load numbers will be determined by the Fire Marshal after the receipt and approval of the Exit Analysis Plan

END OF CONDITIONS

Motion: Commissioner Roberts, seconded by Commissioner Lowe and unanimously carried on a roll call vote.

AYES: Commissioner Calderine, Commissioner Lowe, Commissioner Middleton, Commissioner Roberts, Commissioner Weremiuk, Vice-Chair Klatchko

2C. CONT'D - NEW CHURCH II, LLC FOR A GENERAL PLAN AMENDMENT, PLANNED DEVELOPMENT DISTRICT, CONDITIONAL USE PERMIT AND ARCHITECTURAL REVIEW APPLICATIONS TO RENOVATE EXISTING HISTORIC STRUCTURES AND CONSTRUCT A BANQUET SPACE AND THREE-STORY HOTEL TO OPERATE A 93-ROOM HOTEL WITH RESTAURANT AND ACCESSORY COMMERCIAL USES ON 3.1-ACRES LOCATED AT THE NORTHWEST CORNER OF BARISTO ROAD AND BELARDO ROAD, ZONE R-3 (CASE 5.1345 GPA, PD-372, CUP AND 3.0678 MAJ). (DN)

ACTION: Table the project indefinitely with direction to prepare an Environmental Impact Report (EIR).

Motion: Commissioner Weremiuk, seconded by Commissioner Middleton and unanimously carried on a roll call vote.

AYES: Commissioner Calderine, Commissioner Lowe, Commissioner Middleton, Commissioner Roberts, Commissioner Weremiuk, Vice Chair Klatchko

2D. CONT'D - JONATHAN WASSER ON BEHALF OF PLAZA INDIAN AVENUE INC. FOR A CONDITIONAL USE PERMIT AMENDMENT TO ALLOW AMPLIFIED ENTERTAINMENT, ADD A DANCE FLOOR AND MODIFY THE HOURS OF OPERATION FOR AN EXISTING COCKTAIL LOUNGE (CHILL BAR) LOCATED AT 212 AND 216 SOUTH INDIAN CANYON DRIVE, ZONED LSC BY SECTION 14 SPECIFIC PLAN (CASE 5.1320 CUP). (DN)

City Attorney Michael Daudt addressed legal correspondence received regarding the incorrect applicant name and noted the correct name as: JayDubya Entertainment, LLC.

Associate Planner Newell summarized the proposed changes to a Conditional Use Permit as outlined in the staff memorandum.

The Commission had the following technical questions:

- Condition relating to "bass levels at reasonable levels";
- Monitor sound level and impose a required review;

- Differentiating noise readings from the adjacent property.

Vice-Chair Klatchko opened the public hearing:

RON BOWDON, applicant, asked that the same opportunity be given as neighbor to the west to have amplified music and requested the doors on Arenas to remain open for certain hours.

TODD DAVIDSON, building contractor, explained the details of the proposed soundboard to mitigate the noise levels (seal top and bottom).

MICHAEL MCCOURTNEY and JIM OSTERBERGER, Spurline, expressed concern with the bass sound causing vibration from the adjacent bar.

MELVIN FRANZ, adjacent bar owner, Score, spoke in favor of the proposed project.

There being no further speakers the public hearing was closed.

Commissioner Lowe noted the difficulty of obtaining decibel readings because of the 3 bars and traffic in this location.

Commissioner Calderine suggested taking a decibel reading early in the morning (low level of noises) to see the measurement.

MICHAEL MCCOURTNEY is requesting an uncoupled soundproof wall placed on the two sides that adjoin Chill Bar with a minimum STC of 70.

TODD DAVIDSON, building contractor, addressed the significant costs associated with building another wall from floor to ceiling including insulation and dry-wall.

RON BOWDON, applicant, said they are not willing to add another wall and explained the building layout; noting there is a buffer space between the bars.

Commissioner Calderine noted that professional firms specialize in noise studies.

ACTION: Approve, subject to conditions, as amended:

- Planning Commission review in 3 months;
- The applicant (Chill Bar) and adjacent bar (Spurline) work together to mitigate noise;
- Dance floor hours limited to Friday - Saturday from 10 pm to 2 am;
- Doors on Arenas Road will be allowed to remain open until 10 pm.

Motion: Commissioner Weremiuk, seconded by Commissioner Lowe and unanimously carried on a roll call vote.

AYES: Commissioner Calerdine, Commissioner Lowe, Commissioner Middleton, Commissioner Roberts, Commissioner Weremiuk, Vice-Chair Klatchko

2E. CONT'D - CITY OF PALM SPRINGS FOR A REQUEST TO AMEND THE PALM SPRINGS ZONING CODE (PSZC) 92.09.01 AND 92.09.02 TO ALLOW TATTOO PARLORS AND BODY PIERCING STUDIOS IN THE C-B-D (CENTRAL BUSINESS DISTRICT) ZONE UPON APPROVAL OF A CONDITIONAL USE PERMIT (CASE 5.1373 ZTA). (FF)

Planning Director Fagg provided a summary of the Planning Commission subcommittee recommendations.

Vice-Chair Klatchko opened the public hearing:

SEAN WOOD, suggested permitting the use in the "Uptown Art District" or within a retail frontage with tattooing in the rear.

JOY BROWN-MEREDITH, MainStreet Palm Springs, president, commented that downtown is in a fragile state with all the construction going on.

CHRIS BERKSHIRE, said he owns a tattoo business in Los Angeles and gets lots of business from Palm Springs and requested allowing tattoo parlors in downtown.

There being no further speakers the public hearing was closed.

Commissioner Middleton, as a part of the subcommittee, said they were very sensitive to the need to expand the number of permitted tattoo parlors; however, they wanted to do so in a measured manner before allowing it in the C-B-D area.

Commissioner Weremiuk thanked the subcommittee for their work and supports it. She pointed out that the Backstreet Art District is a significant expansion that would allow the use at the busiest shopping center in the city (Ramon Road and Gene Autry Trail). She would like to see how this works out and revisit it in a couple of years.

Commissioners Roberts and Calerdine expressed sensitivity towards the major construction in downtown and suggested different locations that could be very successful such as: the Sunny Dunes corridor and Section 14 area.

ACTION: Approval of the recommendations of the Planning Commission subcommittee.
Motion

3B. A REPORT ON THE CONDITIONAL USE PERMIT ISSUED TO JAYDUBYA ENTERTAINMENT, LLC FOR A COCKTAIL LOUNGE WITH INDOOR AMPLIFIED MUSIC AT 212 AND 216 S. INDIAN CANYON DRIVE, ZONE LSC BY SECTION 14 SPECIFIC PLAN (CASE 5.1320 CUP). (DN)

Associate Planner Newell provided an update as outlined in the staff report.

The Commission requested clarification and/or commented on:

- The Apparent STC (Sound Transmission Class): the higher number means less sound permeating the wall (a better number).
- DL Acoustic was hired by the applicant for assessment.
- Status of standards for measuring bass levels.
- Has Spurline (adjacent neighbor) contacted staff?

TODD DAVIDSON, Mirage Developers, contract developer, stated that supplemental report was submitted to staff consisting of the materials used for the sound attenuated wall and the acoustic engineer found that their wall was greater than the required criteria.

DAVID LUBMAN, DL Acoustics, Certified Acoustical Consultant, stated that the rating was STC 50 rating and the required is 60. He stated that the weakness is not in the bass and the real problem is in higher frequencies. He indicated that it could be a path going through the ducts which could be fixed inexpensively and bring it very close to compliance.

JIM OSTERBERGER, Spurline, said the situation has gotten somewhat better but there is still some bass coming through; he requested another review in 3 months.

RON BOWDOIN, requested to come back in less than 3 months for review to allow them continue to operate and make the investment decisions they need to make.

ACTION: To continue to a date certain of November 12, 2015, to allow the sound engineer to file the report and the applicant to continue the work to mitigate the noise issue.

Motion: Commissioner Weremiuk, seconded by Commissioner Calerdine and unanimously carried on a roll call vote.

AYES: Commissioner Calerdine, Commissioner Donenfeld, Commissioner Lowe, Commissioner Middleton, Commissioner Weremiuk, Vice-Chair Roberts, Chair Klatchko

Applicant's Supplemental Materials

Case 5.1320 CUP

Received January 20, 2016



Architecture
Planning
Interior Design

November 2, 2015

To City of Palm Springs Building Official

3200 E. Tahquitz Canyon Way
Palm Springs, California 92263-2743

RE: Chill Bar sound wall

After doing research for an appropriate retro fit to the existing party wall between Chill Bar and Spur line Bar I submit this design for your approval.

Tiger Foam is an open cell, low density polyurethane spray foam. This can be sprayed into the cavity of the existing 2x6 wood stud wall.

The manufactures data and testing was preformed on a 2x4 wood stud wall with OSB board on the "exterior" and type X gypsum board in the "interior". This provides a STC rating of 35. The tested 3 inches of foam would calculate to be 11.6 STC per inch. In this situation we have a 2x6 wood stud wall so I believe it is reasonable to calculate that 5 inches will provide a 58 STC. If the cavity if completely filled it will provide a 64 STC.

I propose that the Tiger Foam product with the existing gypsum board on the Spur Line side and 5/8" type X gypsum board on the Chill Bar side will provide an appropriate sound transfer barrier.

In my research I found several different wall system designs for sound barrier walls but most require work to be installed on both sides of the wall. This system can be installed from the Chill Bar side with out the need to enter and disrupt the adjoining suite.

See attached product and testing material provided by Tiger Foam Insulation.

Sincerely,
Chris Sahlin Architects



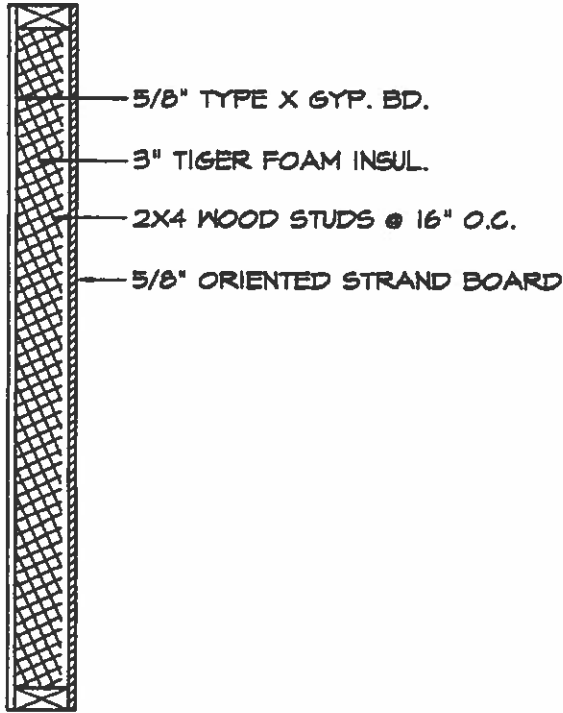
Chris Sahlin, A.I.A.

cc: File

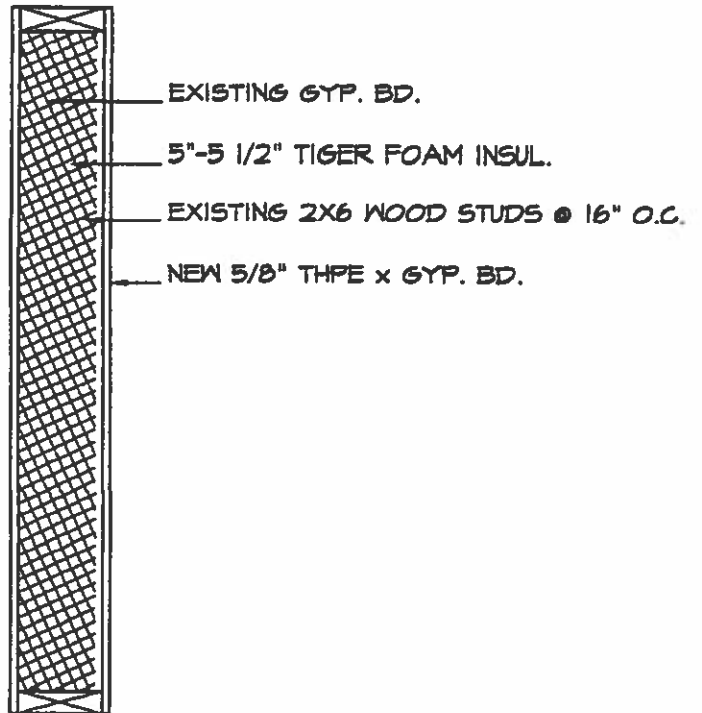
RECEIVED

JAN 19 2016

PLANNING SERVICES
DEPARTMENT



Tiger Foam
Sound Wall Design
Tested STC 35



Proposed Retrofit
Sound Wall Design
Assumed STC 58-64

CLS
 6-30-2017

CSA

Chris Sehlín Architects
 121 S. Palm Canyon Dr. Ste. 229
 Palm Springs, California 92262
 Tel. 760 325 5227
 Fax. 760 325 5229

PROJECT

Chill Bar Sound Wall

216 S. Indian Canyon Drive
 Palm Springs, CA 92262

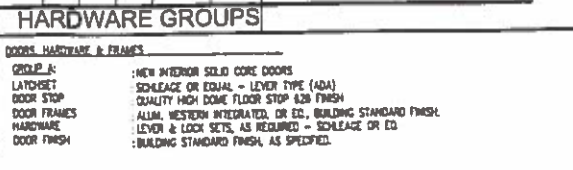
FOR

Mirage Developers, Inc.

DRAWN BY CLS
 DATE 11-2-15
 JOB NO. 15-108
 SHEET NO. ©

SW-1

ROOM NAME & NUMBER		DOOR SCHEDULE										DOOR TYPES			WINDOW SCHEDULE			
		DOORS		FRAMES				REMARKS										
ROOM NAME & NUMBER	DOOR TYPE	TYPE	WIDTH	HT.	MAT.	FRONT PANEL	GLASS	MAT.	FRONT PANEL	GLASS	DOOR TYPE	WINDOW TYPE	WIDTH	HT.	MAT.	FRAME	SPECIFICATIONS/REMARKS	
NORTH ENTRANCE	110	STAFF LOCKERS & LOUNGE	(C)	3'-0"	6'-8"	WOOD	A	ALUM.	5/8"	NON-PLATE	NEW RATED SOLID CORE DOOR - FRONT PANEL OF DOOR - NO GLASS							
101	WOOD BAR	111	JANITORIAL								NEW RATED SOLID CORE DOOR W/FRONT PANEL							
102	WOOD BAR PATIO	112	STORAGE	1.4.2	B	3'-0"	6'-8"	WOOD	A	NON-PLATE	NEW RATED SOLID CORE DOOR W/FRONT PANEL							
103	EAST ENTRANCE	113	STORAGE	2.4.5.0	A	3'-0"	6'-8"	WOOD	A	NON-PLATE	NEW RATED SOLID CORE DOOR W/DOOR SET							
104	HALLWAY	114	LOUNGE ENTRANCE															
105	WOOD BAR LOUNGE	115	LOUNGE PATIO															
106	HALLWAY	116	OFFICE															
107	WOMEN'S RESTROOM	117	LOUNGE BAR															
108	MOY'S RESTROOM	118	LOUNGE															
109	RECEIVING & STORAGE																	

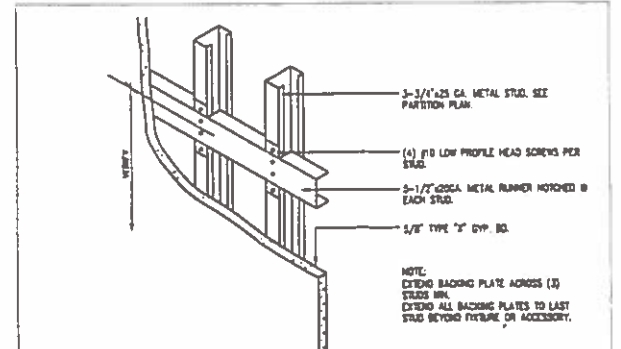
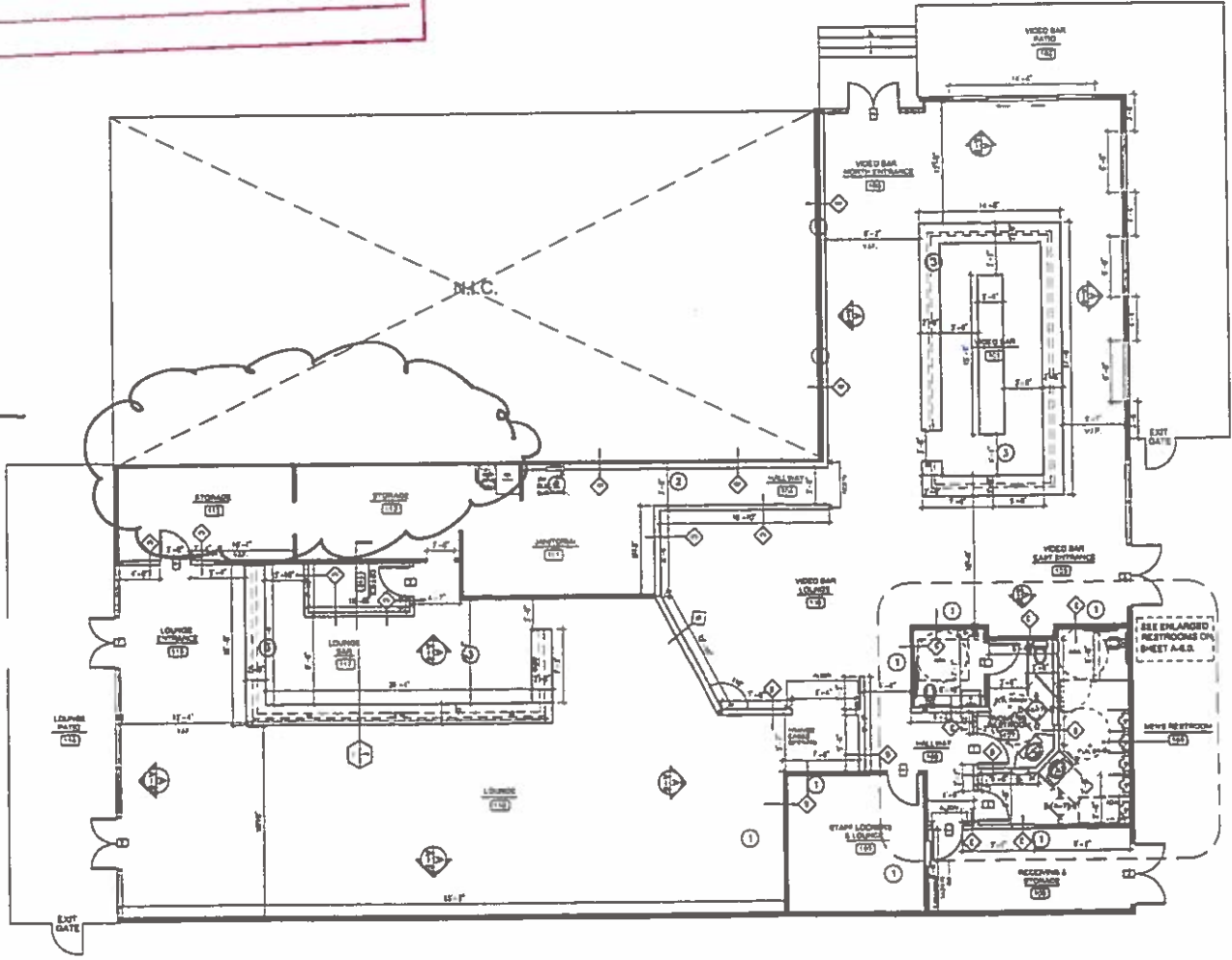


SYMBOLS	
	EXISTING PARTITION TO REMAIN. REPAIR, PATCH AND SAND/PREP. FOR NEW PAINTED SM.
	NEW NON-RATED PARTITION TO 6' ABOVE SUSPENDED CEILING ABOVE. WITH INSULATION.
	NEW NON-RATED PARTITION TO SUSPENDED CEILING ABOVE. WITHOUT INSULATION.
	NEW FULL HEIGHT DEICING PARTITION. 1 HOUR RATED. W/ R-13 INSULATION. SOUND BDR AND A DOUBLE LAYER OF TYPE "X" GYP. BD. ONE SIDE TO DECK/STRUCTURE ABOVE.
	NEW NON RATED PARTITION FROM FLOOR TO 6' ABOVE SUSPENDED CEILING. 3-5/8" METAL STUDS 25 GA @ 24" O.C W/ 5/8" TYPE "X" GYP. BD. REFER TO DETAIL 13/D-1
	NEW NON RATED PARTITION FROM FLOOR TO SUSPENDED CEILING. 3-5/8" METAL STUDS 25 GA @ 24" O.C W/ 5/8" TYPE "X" GYP. BD. REFER TO DETAIL 13/D-1.0.
	NEW FULL HEIGHT PARTITION FROM SLAB TO DECK STRUCTURE ABOVE. C. C. SHALL USE 6" 20 GA. METAL STRUCTURAL STUDS @ 16" O.C W/ 5/8" TYPE "X" GYP. BD. BOTH SR PROVIDE SOUND BATT INSULATION BETWEEN STUDS. REFER TO DETAIL 8/D-1.0.
	DEICING WALL PARTITIONS. USE EXISTING 2" WOOD STUDS (WHERE APPLICABLE). @ 24" O.C W/ INSULATION BETWEEN STUDS. ADD A LAYER OF "SOUND BOARD" AND TWO LAYERS OF 5/8" THICK TYPE "X" GYP. BD., ON SAME SIDE OF DEICING WALL. SAND & PREP FOR FINE WALL SURFACE. REFER TO DETAIL 13/SH. D-1.0.

CITY OF PALM SPRINGS, CALIFORNIA PLANNING DEPARTMENT
STAFF APPROVAL
Staff Signature: DN Date: 11/17/2015
Case # _____ With Conditions as follows:
Additional Sound Barrier

APPROVED
NOV 17 2015
CITY OF PALM SPRINGS
DEPARTMENT OF PLANNING

SW-1



2 PARTITION METAL BACKING DETAIL NTS

- GENERAL NOTES**
- ALL FINISHED PARTITIONS SHALL BE PLUMB, STRAIGHT AND TRUE AND SHALL HAVE TAPED JOINTS, FLI AND SMOOTH.
 - PROVIDE BACKING IN WALLS FOR WALL HUNG FIXTURES AND CABINETS. COORDINATE EXACT REQUIREMENT WITH FIXTURE AND/OR CABINET MFR.
 - STANDARD DRYWALL STUDS SHOULD BE ELECTRICALIZED STEEL WITH PUNCHED UTILITY OPENINGS AND HORIZONTAL FLANGE AT LEAST 1-1/4" WIDE FLANGE RETURNS. FURNISH 25 GA. STUDS EXCEPT WHERE GAUGE OR HEAVIER IS SHOWN OR REQUIRED.
 - GAUGE SPECIFIED ABOVE ARE A MINIMUM. WHERE REQUIRED STUD HEIGHT EXCESS CODES APPROVALS. PROVIDE HEAVIER GAUGE STUDS OF DECREASE STUD SPACING AS NECESSARY TO CONFORM TO CODE.
 - CONTRACTOR TO SUBMIT SUBMITTALS OF ALL (FINISHES, PLUMBING FIXTURES, ELECTRICAL COMPONENTS, DOOR HARDWARE AND LIGHT FIXTURES) TO ARCHITECT FOR WRITTEN APPROVAL PRIOR TO ORDERING MATERIAL. IF SUBMITTALS ARE NOT SUBMITTED AND APPROVED BY WRITING THE CONTRACTOR WILL BE RESPONSIBLE FOR ALL COST ASSOCIATED WITH REPLACEMENT.
 - FEC** FIRE EXTINGUISHER IN SEMI-RECESS CABINET (2A) OR RATED FIRE EXTINGUISHER (2A) OR BUILDING STANDARD EQUAL, 75' APART.
 - SUBMIT CUT-SHEET OR ACTUAL DOOR SAMPLE AND HARDWARE SCHEDULE (COMPLETE WITH CATALOG) FOR APPROVAL PRIOR TO PURCHASE OR FABRICATION OF DOORS.
 - MAXIMUM DOOR OPERATION PRESSURE FOR INTERIOR DOORS SHALL BE SLBS.
 - MAXIMUM THRESHOLD HEIGHT AT DOORS SHALL BE 1/2" WITH 1/4" BEVEL.
 - DOOR HARDWARE SHALL BE PUSH-PULL OR OTHER TYPE WHICH DOES NOT REQUIRE GRASPING AND IS CONTRACTOR SHALL FURNISH AND INSTALL ALL DOORS, HARDWARE AND FRAMES REQUIRED FOR A COB AND PROPER INSTALLATION.
 - ALL DOORS SHALL HAVE DOOR OR FLOOR STOPS TO PREVENT DAMAGE TO DOOR, HARDWARE OR ADJ. WALL SURFACES.
 - CONTRACTOR TO VERIFY ALL KEY REQUIREMENTS WITH LANDLORD AND SHALL COORDINATE BUILDING STANDARD CYLINDERS AND KEYS AS REQUIRED.
 - ALL DOORS SPECIFIED SHALL BE FINISHED ON BOTH FACES AND ON THE HINGED AND STRIKE EDGES AND BOTTOM EDGES UNFINISHED.
 - CORRIDOR DOOR OPENINGS SHALL BE PROTECTED BY A TIGHT FITTING SMOKE AND DRAFT CONTROL ASSEMBLY HAVING A FIRE RATING OF NOT LESS THAN 20 MINUTES (715.4.3, TABLE 107.1) DOOR SHD SELF CONTROL OR AUTOMATIC CLOSING BY ACTUATION OF SMOKE DETECTOR.

- KEY NOTES**
- INSULATION RATING R-13 IN ALL INTERIOR PARTITIONS, AS REQUIRED. PER TITLE 24 REPORTS AND ENERGY CALCULATIONS. SEE TITLE 24 SHEET M-3.
 - C. C. TO PROVIDE METAL STUD BACKING IN PARTITION CONSTRUCTION, AS REQUIRED. AT WALL MOUNTED EQUIPMENT, COMPONENTS, JAKE BOXES, GAMES AND BUILT-IN CABINETS. SEE DETAIL ON THIS SHEET AND DETAIL 8/D-1.0.

- CONSTRUCTION NOTES**
- C. C. SHALL EXTEND EXISTING PARTITIONS FROM 6'-0" UP TO THE DECK/STRUCTURE ABOVE.
 - C. C. SHALL KEEP THE EXISTING 2" x 6" WOOD STUDS AT EXISTING DEICING WALL AND PROVIDE TYPE "D" PARTITION CONSTRUCTION, AS SPECIFIED.
 - PREFABRICATED/MODULAR BARS SHALL BE CONSTRUCTED AND INSTALLED BY OTHERS. THE E. ELECTRICAL CONTRACTOR SHALL COORDINATE ALL J-BOX LOCATIONS AND HEIGHTS. CONDUITS CIRCUITRY BACK TO THE BREAKER SUB-PANEL, AS REQUIRED.

David Newell

From: Flinn Fagg
Sent: Tuesday, December 15, 2015 7:02 AM
To: David Newell
Subject: FW: Followup on Chill Bar noise complaint

From: spurline@spurline.com [<mailto:spurline@spurline.com>]
Sent: Monday, December 14, 2015 7:53 PM
To: Flinn Fagg
Subject: Followup on Chill Bar noise complaint

Flinn:

Thank you for meeting with us today along with David Ready.

This is the followup email you requested to document the continuing noise issues we are experiencing with Chill Bar.

We thought these issues, which were addressed at the previous Planning Commission meeting in September would be resolved by November. It was right before that scheduled meeting that we were informed by the owners of Chill that they requested until December 9th to finish their work. We called planning before the December 9th meeting when we noticed Chill was not on the agenda. David Newell informed us that Chill asked for a continuance to February of 2016.

Flinn, we have been patient with this situation, but this is going on 9 months since we initially lodged our complaint to the city about the noise emanating from Chill Bar which still continues unabated today, and is severely negatively impacting our business.

We respectfully ask that Chill be required to lower their sound and bass levels until this sound wall is completed and sound measurements are conducted to make sure the noise/vibration is abated.

We appreciate your attention to this matter and look forward to hearing from you about this being on the Planning Commission agenda in early January.

Regards,
Michael McCartney & Jim Osterberger
Owners - SpurLine



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PLANNING SERVICES
DEPARTMENT

MARCH 2012

TECHNICAL DATA SHEET

Tiger Foam™ Open Cell Spray Foam

Applies to Product ID# TF450 and TF1350. Portable Spray Foam Insulation Systems by Commercial Thermal Solutions, Inc.

Product Description

Tiger Foam™ Spray Foam is a multiple purpose open cell, low density polyurethane spray foam that utilizes a non-flammable blowing agent.

Tiger Foam™ Spray Foam is excellent for sound deadening and reducing noise levels.

Approvals and Standards

Tiger Foam™ Open Cell Spray Foam conforms to the requirements of ASTM E84 as a "Class 2" material, tested at 4" thickness.

Flame Spread: 50

Smoke Developed: 450

The **STC rating** indicates how well a wall assembly blocks airborne sound. Our wall assembly was comprised of 5/8" OSB (exterior), one layer of type X gypsum wallboard (interior), 2" x 4" studs with 3 inches of Tiger Foam™ Open Cell Spray Foam.

The **NRC** is a single number index for rating how absorptive a material is. Tiger Foam™ Open Cell Spray Foam has an NRC of .70 at 3 inches in thickness. It will absorb 70% of the sound that comes into contact with it and will reflect 30% of the sound back into space.

Applications

Spray foam onto any dry, clean surface in any direction; even to the underside of a floor or roof deck, to insulate, fill and seal various size voids, deaden sound or reduce vibration. This product will adhere to practically any substrate except Teflon®, oily surfaces, greases, polypropylene, polyethylene, silicone, seals, mold release agents & similar materials. Protect surfaces not to be foamed. Always read all safety data sheets and operating instructions including use of proper personal protective equipment prior to use. Tiger Foam™ Open Cell Spray Foam has a free-rise density of 0.75 lbs/ft³ (See page 2 of this document for complete technical data). This product is not recommended for "flash and batt" applications (ex: "Hybrid").

Properties

Two-part, low density, open cell foam systems will begin to expand immediately upon chemical reaction of the "A" component (a polymeric isocyanate) and "B" component (a polyol blend with proprietary additive ratios) chemicals. The foam will cure to a semi-rigid open cell foam. Optimum application temperature is 90°F (32.2°C) but may be sprayed onto colder or warmer substrates, with slight effects on the foam characteristics. Cured foam is resistant to heat and cold, -200 to +240°F (-129 to +115°C), and to aging, but not UV rays (i.e. sunlight) unless painted, covered or coated. Cured PU foam is chemically inert and non-reactive in approved applications, and will not harm electrical wire insulations, Romex®, rubber, PVC, polyethylene (i.e. PEX), CPVC or other plastic. It is approved for use around wires, plumbing penetrations, etc., and contains no added formaldehyde.

Tiger Foam™ Open Cell Spray Foam fully expands and dries tack-free within 30-45 seconds, and fully cures within 1 hour.

Tiger Foam™ Open Cell Spray Foam systems are available in three non-refillable sizes to meet specific job applications requirements. When sprayed, the foam will create a seamless, continuous seal to insulate and protect against dust, air infiltration and pests.

Preparation for Use

Substrate must be clean, dry, firm and free of loose particles and free of dust, grease and mold release agents. Protect surfaces not to be foamed.

Shake kits well *before* using.

Read the enclosed operating instructions available in every kit or they can be found on our website www.tigerfoam.com. Carefully read all cautions and warnings before use. Always refer to the local building codes before application of product.

Use

Warm tanks to 85°F-95°F (29°C-35°C). After following instructions for setup, attach appropriate hose to tanks A and B if needed (II-1350 size). Shake kits well before using. Open tank valves as directed. Materials are dispensed through the hoses. Attach the static cone nozzle to the end of the dispensing unit. The A-component and the B-component meet and mix in the disposable nozzle. With a nozzle attached to the two-component froth dispensing unit, dispense foam by squeezing the trigger of the unit. To interrupt or stop foaming process, release the trigger. Once foaming process has stopped, the dispensing unit must be reactivated within 30 seconds or a new nozzle must be installed. Fresh foam may be applied in several stages to reduce overfilling of void or damage to non-rigid, confined cavities. Cured foam can only be removed manually.

* For best results, warm kit for a minimum of 1 day at 85-95°F (29-35°C)

Technical Data (Metric data shown in parentheses)

FIRE RATING: ASTM E-84 (Tested according to ASTM E-84 at a maximum thickness of 4 inches)

Tested @ 4"

Flame Spread = 50

Smoke Developed = 450

R-Value (Metric RSI in parentheses):
Aged 28 days @ 70°F

3.7 per inch (RSI=1.05/inch)

Density:

ASTM D-1622 (Free Rise)

0.75 lbs/ft³ (12 kg/m³)

K-Factor (per inch):

ASTM C-518 - aged 90 days @ 140° F

0.270 BTU-inch / ft²-h-°F (0.0 W/m-K)

Air Barrier Properties: ASTM E-283

@1.57 psf (75 Pa)

<0.0025 cfm/ft² (<0.0125 L/s/m²)

@6.24 psf (300 Pa)

<0.01 cfm/ft² (<0.05 L/s/m²)

Perm Rating: ASTM E-96 method A

1" (2.54 cm)

31 perms

3" (7.62 cm)

16 perms

Dimensional Stability: ASTM D2126

Heat Age: +158°F (70°C)

Humid Age: +158°F (70°C), 100% RH

Cold Age: -4°F (-20°C)

<5% change for all conditions

Sound Transmission Class

STC 35

Noise Reduction Coefficient

NRC .70

Tack Free/Expansion Time:

30-45 seconds

Cutable:

3-5 minutes

Fully Cured:

1 hour

Theoretical Yield:

TF450 = 450 board feet = 37.5 cu. ft. (1.06 m³)

TF1350 = 1350 board feet = 112.5 cu. ft. (3.18 m³)

*Yields are based on theoretical calculations, for comparative purposes, and will vary depending on ambient conditions and particular application. For calculating actual yield, it is recommended to reduce this theoretical yield by 10-12% to allow for these variations.

Tank Specifications: DOT—39 Approved Cylinder

TF1350: 58 lbs per tank, 116 lbs per kit

Box Dimensions:

H: 18" (45.7 cm)

W: 13" (33 cm)

L: 13" (33 cm)

TF450: 21 lbs per tank, 42 lbs per kit

Box Dimensions:

H: 16" (40.6 cm)

W: 9" (22.9 cm)

L: 16" (40.6 cm)

*Filled tank weights are approximate for estimation purposes only. Actual gross weight is formulation specific and may be slightly higher or lower.

Product Storage: Store in dry area below 120° F (49°). Do not expose to open flame or temperatures above 120° F (49° C). Excessive heat or cold can cause premature aging of components resulting in a shorter shelf life. Tiger Foam™ is reusable as long as it is stored in a warm place, nozzle tip is changed, and product is shaken before using.

Cold Weather: For best results, the foam chemical temperature must be between 85°F-95°F (29°-35°C). Warm kits for a minimum of 1 day at room temperature. In extreme cold conditions during shipment or storage are encountered, warm tanks for several days at room temperature and shake well, prior to warming chemical for spray application.

Disposal Procedures

1. DO NOT INCINERATE TANKS.

2. After tanks are empty, the hose must be removed and the tanks must be vented. **CAUTION:** Tanks will still be under pressure. Turn valves to the off position before removing hoses. Protective glasses with side shields or goggles, nitrile gloves, clothing that protects against dermal exposure and a certified respirator must be worn during this procedure. With tank inverted, slowly open tank valve, point tank away from face and allow pressure to completely vent. **CAUTION:** Empty tank could contain potential vapor toxicity hazard. Dispose cylinders in a well ventilated area with certified respiratory protection. (Consult MSDS).

3. DISPOSE OF EMPTY CYLINDERS ACCORDING TO APPLICABLE FEDERAL, STATE, LOCAL AND PROVINCIAL REGULATIONS. CHECK WITH YOUR LOCAL WASTE DISPOSAL SERVICE FOR GUIDANCE.

Important Note

Warning: Use only in well-ventilated area with certified respiratory protection. Wear protective glasses with side shields or goggles, nitrile gloves, and clothing that protects against dermal exposure. Read all instructions and safety information (MSDS) prior to use, which can be found on www.tigerfoam.com or inside the box. The urethane foam produced from these ingredients will support combustion and may present a fire hazard if exposed to a fire or excessive heat about 240°F (116°C). The product contains NO FORMALDEHYDE. Cured foam is non-toxic.

KEEP OUT OF REACH OF CHILDREN

Always read all operating, application, and safety instructions before using any products from Tiger Foam. Use in conformance with all local, state, and federal regulations and safety requirements. Failure to strictly adhere to any recommended procedures and reasonable safety precautions shall release Tiger Foam from all liability with respect to the materials or use thereof. For additional information, please call Commercial Thermal Solutions, Inc. 1-800-664-0063.

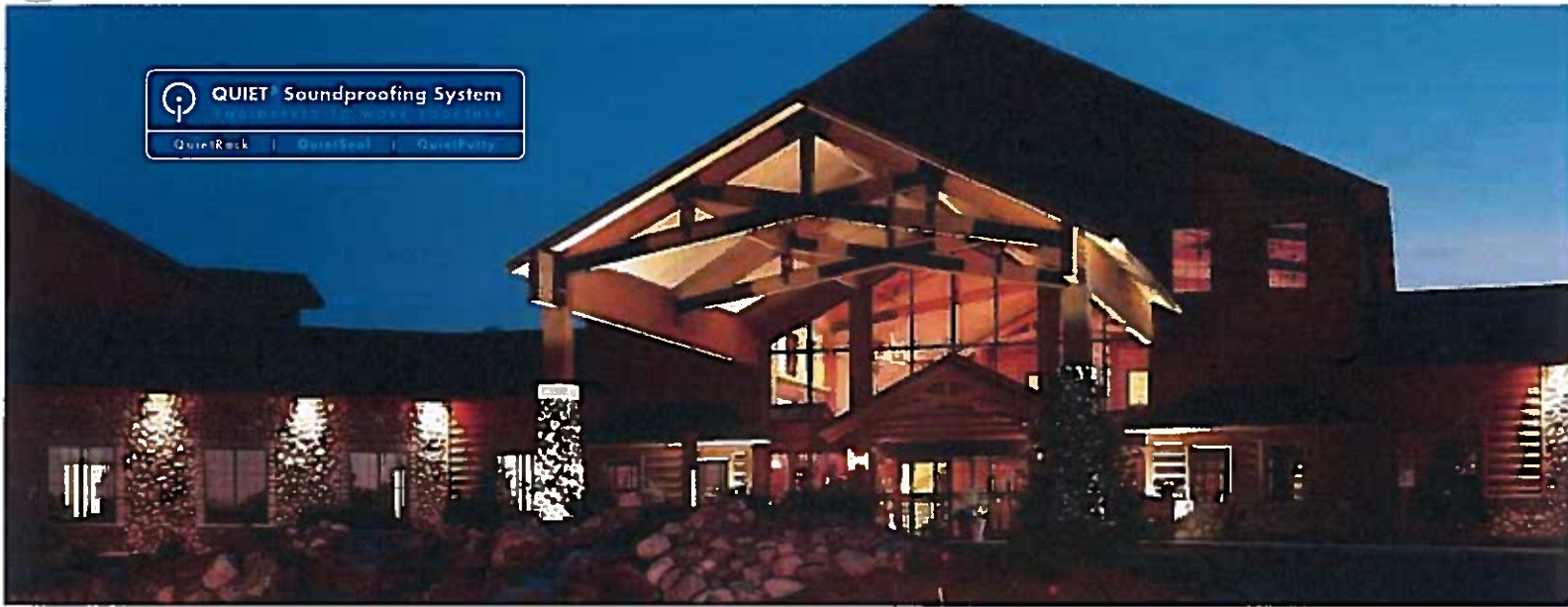
Note: Physical properties shown are typical and serve only as a guide for engineering design. Results are obtained from specimens under ideal laboratory conditions and may vary upon use, temperature, and ambient conditions. Right to change physical properties as a result of technical progress is reserved. This information supersedes all previously published data. Yields shown are based on theoretical calculations and will vary depending on ambient conditions and particular application. Read all product directions and safety information before use. Consult local building codes for specific requirements regarding the use of cellular plastics or urethane products in construction.

WARNINGS: Follow safety precautions and wear protective equipment as recommended. Consult Material Safety Data Sheet (MSDS) at www.tigerfoam.com for specific information. Prolonged inhalation exposure may cause respiratory irritation/sensitization and/or reduce pulmonary function in susceptible individuals. Onset may be delayed. Pre-existing respiratory conditions may be aggravated. Use only in a well ventilated area and with certified respiratory protection. NIOSH approved positive pressure supplied air respirator is recommended if exposure guidelines may be exceeded (see MSDS). Contents may be very sticky and irritating to skin and eyes, therefore wear safety glasses or goggles, nitrile gloves, and clothing that protects against dermal exposure when operating. If liquid chemical comes in contact with skin, first wipe thoroughly with dry cloth, then rinse affected area with water. Wash with soap and water afterwards, and apply hand lotion if desired. If liquid comes in contact with eyes, immediately flush with large volume of clean water for at least 15 minutes and get medical help at once. If liquid is swallowed, get immediate medical attention. Do not induce vomiting. If breathing is difficult, give oxygen. If breathing has stopped give artificial respiration. Products manufactured or produced from these chemicals are organic and, therefore, combustible. Each user of any product should carefully determine whether there is a potential fire hazard associated with such product in a specific usage. **KEEP OUT OF REACH OF CHILDREN.**

Limited Warranty: The Manufacturer warrants only that the product shall meet its specifications: this warranty is in lieu of all written or unwritten, expressed, or implied warranties and the Manufacturer expressly disclaims any warranty of merchantability, or fitness for a particular purpose. The buyer assumes all risks whatsoever as to the use of the material. Buyer's exclusive remedy as to any breach of warranty, negligence, or other claim shall be limited to the replacement of the material. Failure to strictly adhere to any recommended procedures shall release the Manufacturer from all liability with respect to the materials or use thereof. User of this product must determine suitability for any particular purpose, including, but not limited to, structural requirements, performance specifications, and application requirements.

QuietRock[®] ES

QUIET Soundproofing System
 QuietRock | QuietBoard | QuietFibryl

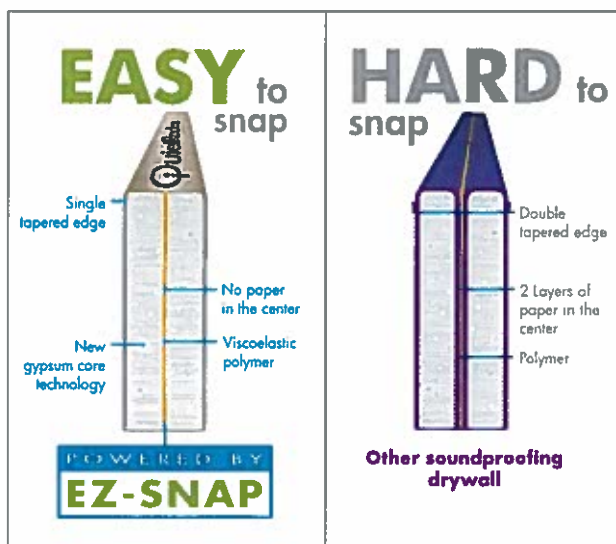


Lowest cost, true score and snap with with **EZ-SNAP** technology

QuietRock ES is the first sound reducing drywall that easily scores and snaps using breakthrough EZ-SNAP technology. QuietRock ES has no paper and no metal on the inside of the panel yet delivers acoustical ratings of up to STC 55 on single stud construction. This patented product is easier to install and is less expensive than any other sound reducing drywall and is ideal for residential and commercial construction.

QuietRock ES Benefits

- Powered by EZ-SNAP for true score and snap
- On average, 3x easier to snap than other acoustical drywall
- Faster to install for increased productivity and lower labor costs
- Less materials save time, money and waste
- Maximizes usable floor space by using just a single layer
- Outperforms other noise reduction methods, including soundboard and resilient channel
- High reliability: unlike resilient channel, cannot be easily short circuited
- Abrasion resistant paper



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Product Specifications:

Thickness: 5/8" (15.9mm), tapered edges
Width: 4' (1220mm)
Lengths: 8' (2438mm)
Weight: 2.6 lbs/sqft
STC-rated: 48-60 (ASTM E90)
Fire-rated: 1 hour, Type X (ASTM E119)
Flame spread: Class A (ASTM E84)
ASTM Standards: C473, E84, E90, E119

UL Assembly:

QuietRock ES is approved for use as an additional layer on one or both sides of the U300, U400, V400 and W400 wall designs as well as an additional layer in the L500 and M500 series floor/ceiling assemblies as either the face layer or directly attached to the studs/joists.

QuietRock ES panel not evaluated nor intended as a substitute for the required layer(s) of UL Classified Gypsum Board in the above listed Designs.

Common Wall Assemblies:

Heavy Gauge Steel Stud Walls

3-5/8" Single Steel Stud Wall, 16" OC - **STC 48**



QuietRock on both sides

6" Single Steel Stud Wall, 16" OC - **STC 49**



QuietRock on one side,
Type X on the other

6" Single Steel Stud Wall, 16" OC - **STC 53**



QuietRock on both sides

Light Gauge Steel Stud Walls

Single 3 5/8" Steel Stud Wall, 24" OC - **STC 55**



QuietRock on one side,
Type X on the other

Single 3 5/8" Steel Stud Wall, 24" OC - **STC 60**



QuietRock on one side,
2 layers 5/8" Type X on the other

See Acoustic and Fire Assemblies document for more information.

Wood Stud Walls

Single 2x4 wood studs, 24" OC - **STC 51**



QuietRock on one side,
Type X on the other

Staggered 2x4 wood studs, 8" OC - **STC 55**



QuietRock on one side
5/8" Type X on the other

Staggered 2x4 wood studs, 8" OC - **STC 60**



QuietRock on one side
2 layers 5/8" Type X on the other

The information contained in this document is for general information purposes only. Features and specifications are subject to change. The diagrams and stated STC ratings listed are intended to serve as a guide. Construction practices have an influence on final STC ratings. Serious Energy cannot guarantee actual STC ratings. Flanking sound patterns, the integrity of the wall, and floor and ceiling construction are important factors in effective sound control. Exposure to excessive or continuous moisture and extreme temperatures of 125°F (52°C) or more should be avoided. QuietRock should be stored flat in a dry area, under cover on supported risers for to prevent damaged to product. Proper care should be taken while transporting, storing, applying and maintaining QuietRock.

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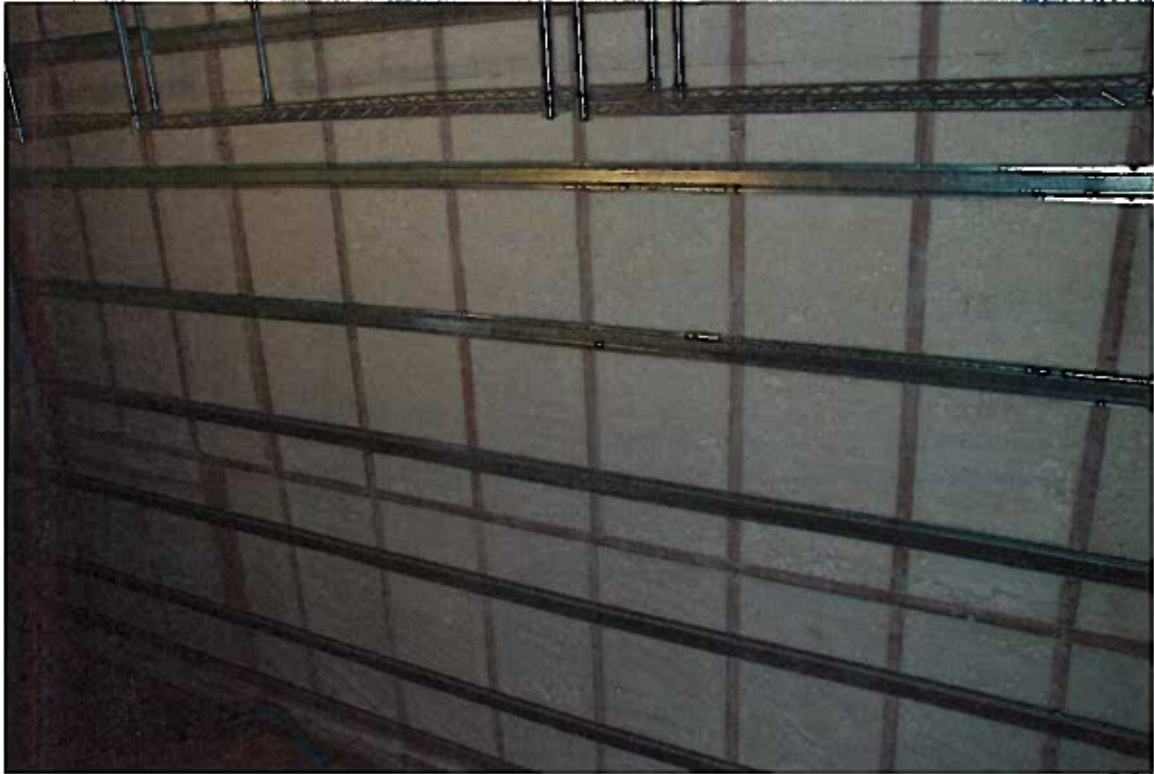
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