



**REGULAR MEETING OF THE
CITY OF CONCORD
PLANNING COMMISSION**

**Wednesday, February 19, 2014
7:00 p.m. – Council Chamber
1950 Parkside Drive, Concord**

Planning Commission Members:

Carlyn Obringer, Chair

John Mercurio, Vice Chair

Ernesto A. Avila, Commissioner

Robert Hoag, Commissioner

Tim McGallian, Commissioner

**REGULAR MEETING
7:00 p.m. – Council Chamber**

I. ROLL CALL

II. PLEDGE TO THE FLAG

III. PUBLIC COMMENT PERIOD

IV. ADDITIONS / CONTINUANCES / WITHDRAWALS

V. CONSENT CALENDAR

1. 2/05/14 Meeting Minutes

VI. PUBLIC HEARINGS

- 1. [Hookah Palace](#) (PL131353 – MP) – Application for a Minor Use Permit to operate a hookah lounge within an existing 1,320 square foot space at 1120 Contra Costa Boulevard. The General Plan designation is Neighborhood Commercial; Zoning classification is NC (Neighborhood Commercial); APN 127-032-045. Pursuant to the provisions of the California Environmental Quality Act (CEQA) of 1970, this project is classified as Categorical Exempt pursuant to Section 15301, Class 1, “Existing Facilities”. **Project Planner: Jason Hade (925) 671-3281.****

VII. COMMISSION CONSIDERATIONS

VIII. STAFF REPORTS / ANNOUNCEMENTS

IX. COMMISSION REPORTS / ANNOUNCEMENTS

X. FUTURE PUBLIC HEARING ITEMS**XI. ADJOURNMENT**

NOTICE TO PUBLIC

ADA ACCOMMODATION

In accordance with the Americans With Disabilities Act and California Law, it is the policy of the City of Concord to offer its public programs, services and meetings in a manner that is readily accessible to everyone, including those with disabilities. If you are disabled and require a copy of a public hearing notice, or an agenda and/or agenda packet in an appropriate alternative format; or if you require other accommodation, please contact the ADA Coordinator at (925) 671-3257, at least five (5) days in advance of the hearing. Advance notification within this guideline will enable the City to make reasonable arrangements to ensure accessibility.

APPEALS

Decisions of the Planning Commission on use permits, variances, major subdivisions, appeals taken from decisions of the Zoning Administrator or staff interpretations of the Zoning Code may be appealed to the City Council. Appeals and the required filing fee must be filed with the City Clerk within ten (10) days of the decision.

APPLICANT'S SUBMITTAL OF INFORMATION

Submittal of information by a project applicant subsequent to the distribution of the agenda packet but prior to the public hearing may result in a continuance of the subject agenda item to the next regularly scheduled Planning Commission meeting, if the Commission determines that such late submittal compromises its ability to fully consider and evaluate the project at the time of the public hearing.

CONSENT CALENDAR

All matters listed under CONSENT CALENDAR are considered by the Commission to be routing and will be enacted by one motion. There will be no separate discussion of these items unless requested by a Commissioner prior to the time Commission votes on the motion to adopt.

CORRESPONDENCE

Correspondence and writings received within 72 hours of the scheduled Planning Commission meeting that constitute a public record under the Public Records Act concerning any matter on the agenda is available for inspection during normal business hours at the Permit Center located at 1950 Parkside Drive, Concord. For additional information contact the Planning Division at (925) 671-3152.

HEARINGS

Persons who wish to speak on hearings listed on the agenda will be heard when the hearing is opened, except on hearing items previously heard and closed to public comment. Each public speaker should limit their comments to three (3) minutes or less. The Chair may grant additional time. The project applicant normally shall be the first person to make a presentation when a hearing is opened for public comment. The project applicant's presentation should not exceed ten (10) minutes unless the Chair grants permission for a longer presentation. After the public has commented, the item is closed to further public comment and brought to the Planning Commission level for discussion and action. Further comment from the audience will not be received unless requested by the Commission. No public hearing or hearing shall commence after 11:00 p.m. unless this rule is waived by majority vote of the Commission.

MEETING RECORDS

Cassette tapes and videotapes of each Planning Commission meeting are available for listening or viewing at the Planning Division office. Copies of the videotapes may be purchased. Contact the Planning Division Administrative Coordinator at (925) 671-3152 for further information.

NOTICE TO THE HEARING IMPAIRED

The Council Chamber is equipped with Easy Listener Sound Amplifier units for use by the hearing impaired. The units operate in conjunction with the Chamber's sound system. You may request the Easy Listener Phonic Ear Personal Sound Amplifier from the staff for personal use during Commission meetings.

ROUTINE AGENDA ITEMS AND CONTINUED ITEMS

All routine and continued items will be considered by the Planning Commission at the beginning of the meeting. There will not be separate discussions of these items unless a request is made prior to the time the Planning Commission considers the motions.

SPEAKER'S CARD

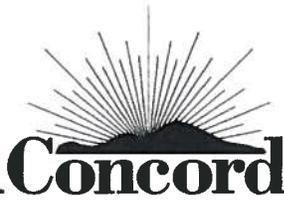
Members of the audience who wish to address the Planning Commission should complete a speaker's card available in the lobby or at the front bench. Submit the completed card to staff before the item is called, preferably before the meeting begins.

TELEVISED MEETINGS

All Planning Commission meetings are broadcast live on Astound Broadband channel 29 and Comcast channel 28. The meeting is replayed on the Thursday following the meeting at 8:00 a.m., 2:00 p.m. and 8:00 p.m. Replays are also broadcast on Fridays and Saturdays. Please check the City website, <http://www.cityofconcord.org/about/citynews/tvlistings.pdf> or check the channels for broadcast times.

NEXT PLANNING COMMISSION MEETINGS:

March 5, 2014:	7:00 pm – Council Chambers
March 19, 2014:	7:00 pm – Council Chambers



REPORT TO PLANNING COMMISSION

DATE: February 19, 2014

SUBJECT: HOOKAH PALACE (PL131353 - MP)

Recommendation: Adopt Resolution No. 14-05PC, approving Minor Use Permit (PL131353 - MP) for Hookah Palace.

I. Introduction

A. Application Request

Application for a Minor Use Permit to operate a hookah lounge within an existing 1,320 square foot existing space.

B. Location

The project site is located at 1120 Contra Costa Boulevard, APN 127-032-045.



C. Applicant	Owner
Ahmad Arghandiwal	Magnas
1120 Contra Costa Boulevard	2550 Appina Way, #201
Concord, CA 94523	Pinole, CA 94564
(925) 789-7738	(510) 222-1421

II. Background

On November 18, 2013, the applicant submitted the subject application to operate a hookah lounge at the project site. The Development Advisory Committee (DAC) deemed the application complete on December 12, 2013.

The applicant conducted a neighborhood meeting on January 6, 2014 and one person attended. The attendee had several questions for the applicant and was generally supportive of the project.

Public notices were sent to all residents within 300-feet of the project site as well as the City of Pleasant Hill on January 13, 2014 stating that no public hearing would be held before the Zoning Administrator unless a hearing was requested within 10 days from the date of the public notice. On January 16, the City of Pleasant Hill requested a public hearing (Exhibit E) and the matter was referred to the Planning Commission for the requested public hearing.

III. General Information

A. General Plan

The General Plan designation is NC (Neighborhood Commercial).

B. Zoning

The site is zoned NC (Neighborhood Commercial).

C. CEQA Status

Pursuant to the provisions of the California Environmental Quality Act (CEQA) of 1970, as amended, and pursuant to Section 15301 "Existing Facilities," the project is classified as a Class 1 Categorical Exemption, and therefore, no further environmental review is required.

D. Site Description

Lot Size and Dimensions	25,120 sq. ft.	160 ft. x 157 ft. (approx.)
Existing Improvements	Retail building with five tenant spaces, parking lot, and landscaping.	
Topography	The parcel is flat and sits at the same level as the adjacent properties.	
Existing Vegetation	Trees along the perimeter of the site and in the parking lot.	

E. Surrounding Land Use

The site is surrounded by the following uses:

	Land Use	General Plan Designation	Zoning
North	Gas Station	Neighborhood Commercial	NC
East	Single-Family Residential	Single Family High Density (City of Pleasant Hill)	R7 (City of Pleasant Hill)
South	Animal Hospital	Neighborhood Commercial	NC
West	Single-Family Residential	Single Family High Density (City of Pleasant Hill)	R7 (City of Pleasant Hill)

IV. Detailed Project Description

A. Description of Business

The proposed project would consist of a hookah lounge serving customers 18 years of age and older. The applicant’s requested hours of operation are from 2:00 p.m. to 11:00 p.m. Monday through Thursday and Sunday and from 2:00 p.m. to 12:00 a.m. on Friday and Saturday. No food or beverages would be served, including alcoholic beverages. As stated in the applicant’s project description, the three owners would operate the hookah lounge and do not plan to hire any employees at this time (Exhibit B). No signage or exterior improvements are proposed as part of the proposed project.

V. Analysis/Discussion

A. Concord Municipal Code Consistency

Section 38-37 of the City’s Municipal Code, Smoking in Public Places and Workplaces, addresses smoking in places of employment. Municipal Code Section 38-36 prohibits smoking in places of employment while Section 38-37 provides an exception for “retail stores that deal exclusively in the sale of tobacco and smoking paraphernalia.” The Tobacco Retailer’s License Program, Section 36-61, also requires the applicant to obtain and maintain valid City and State licenses because they would be selling tobacco products.

Discussion

The exceptions to the smoking ban do not address hookah lounges, so the City has likened that use to a “retail store that deal exclusively in the sale of tobacco and smoking paraphernalia.” However, that definition precludes sale of bottled beverages. Accordingly, the proposed hookah lounge cannot sell anything other than tobacco and smoking paraphernalia at this time. Compliance with the Municipal Code sections referenced above is reflected in the project’s recommended conditions of approval.

B. General Plan Consistency

The project site's General Plan land use designation of Neighborhood Commercial "is intended for neighborhood commercial centers that provide convenience and comparison goods and services to the local community. Examples, include neighborhood shopping centers, supermarkets, dry cleaners, video stores, and small restaurants. This designation is distributed throughout the City in order to locate commercial services within close proximity to all of Concord's residents."

Discussion

General Plan Policy LU-2.1.1 states that the City shall maintain attractive and viable neighborhood serving centers. In addition, General Plan Policy LU-2.1.2 encourages existing neighborhood centers to expand or adapt to market changes through reuse, rehabilitation, and infill development. The proposed hookah lounge would aid in maintaining the viability of the existing neighborhood center by occupying and upgrading an existing vacant tenant space while providing a new service to the area's residents which is not currently available within the project vicinity. Moreover, as discussed in the applicant's written statement, the applicant intends to create a "positive social environment" at the proposed hookah lounge while serving a local under-served customer base. Lastly, the proposed use is permitted within the Neighborhood Commercial zoning district with an approved Minor Use Permit. For this reason, staff finds the proposed project consistent with Neighborhood Commercial land use designation and the applicable policies within the General Plan.

C. Parking

The project includes the operation of a hookah lounge within an existing 1,320 square foot space. As the Development Code does not include a specific parking standard for the proposed use, staff has calculated the minimum required off-street parking based upon 1 space/100 square feet of gross floor area which is utilized for restaurants and bars. Based upon this standard, the proposed hookah lounge would need to provide a minimum of 13 off-street parking spaces. As noted in Exhibit B, the hookah lounge would be permitted to use 15 parking spaces within the shopping center and up to 25 parking spaces within the parking lot after 6:00 p.m. In response to a concern raised by the City of Pleasant Hill in their comment letter of December 6, 2013 (Exhibit D), staff recommends a condition of approval prohibiting off-site parking within the adjacent residential areas.

D. Zoning Consistency

As noted above, the zoning classification for the project site is NC. Hookah lounges are classified as a restricted personal service within the Development Code's use classifications. Pursuant to the Development Code, a minor use permit is required for restricted personal services within the NC zone district. In order for a Minor Use Permit to be approved, the findings contained within Section 122-1003(a) of the Development Code must be made by the reviewing authority. An analysis of the proposal relative to the required minor use permit findings is provided below.

The Review Authority may approve a Minor Use Permit or a Use Permit application only after first making the following findings:

- (1) The proposed use is allowed within the applicable Zoning District and complies with all other applicable provisions of the Development Code and CMC.**

Discussion

The proposed hookah lounge is allowed within the NC zone district with an approved Minor Use Permit and complies with all other applicable provisions of the Development Code, including those discussed above, and the Concord Municipal Code.

- (2) The proposed use is consistent with the General Plan and any applicable Specific Plan.**

Discussion

As noted above, General Plan Policy LU-2.1.1 states that the City shall maintain attractive and viable neighborhood serving centers. In addition, General Plan Policy LU-2.1.2 encourages existing neighborhood centers to expand or adapt to market changes through reuse, rehabilitation, and infill development. The proposed hookah lounge would assist in promoting the viability of an existing neighborhood center by occupying and upgrading an existing vacant tenant space while providing a new service to the area's residents which is not currently available within the project vicinity. Therefore, the proposed use is consistent with the site's Neighborhood Commercial General Plan land use designation and other applicable policies regarding land use compatibility. There is no Specific Plan applicable to the project site.

- (3) The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity.**

Discussion

The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses in the vicinity because, as discussed above, adequate off-street parking is provided to avoid potential traffic, circulation, and pedestrian safety impacts. Operational measures have been implemented by the applicant and are being imposed by the Conditions of Approval to minimize potential safety, lighting, and noise impacts to the surrounding neighborhood.

- (4) The site is physically suitable for the type, density, and intensity of the proposed use, including access, utilities, and the absence of physical constraints.**

Discussion

The site is physically suitable for the type, density, and intensity of the proposed use, including access, utilities, and the absence of physical constraints because, as discussed above, sufficient on-site area is available for parking. Further, the site is already served by an adequate access point to the shopping center.

- (5) Granting the permit would not be detrimental to the public health, safety, or welfare of the persons residing or working in the subject neighborhood or materially detrimental or injurious to property or improvements in the vicinity and Zoning District where the property is located.**

Discussion

Granting the minor use permit for the proposed use will not be detrimental to the health, safety and general welfare of persons residing or working in the subject neighborhood or materially injurious to property or improvements in the vicinity and the Zoning District where the property is located because the project has been designed in a manner to maintain land use compatibility with the surrounding residential and commercial land uses. Moreover, the Police Department has conducted a thorough review of the subject application and has recommended the conditions of approval within Attachment A of Exhibit A to address a variety of security concerns including loitering, lighting, customer identification, noise, and outdoor activities.

- (6) If the Review Authority determines that it is not possible to make all of the required findings for approval of the project as submitted or as modified with conditions, the application shall be denied. The specific basis for denial shall be established for the record.**

Discussion

In approving a Minor Use Permit, the Review Authority may impose conditions including those that are deemed reasonable and necessary to ensure that the approval will comply with the findings required by Development Section 122-1003(a) (Findings), and as such imposes the Conditions of Approval.

VI. **Fiscal Impact**

The proposed project would have a negligible fiscal impact on the City.

VII. **Public Contact**

Notification was mailed to all owners and occupants of property within three-hundred (300) feet of the subject parcel, and has been published in the Contra Costa Times, as required by the Concord Municipal Code. This item has also been posted at the Civic Center and at the subject site at least 10 days prior to the public hearing.

The City of Pleasant Hill submitted comments to staff on December 6, 2013 (Exhibit D) outlining concerns regarding site security, the potential sale of alcoholic beverages, impact of smoke on

adjacent residences, noise, parking, and outdoor activities. Although staff believes these concerns have been adequately addressed by the recommended conditions of approval in Attachment A, the City of Pleasant Hill requested a public hearing (Exhibit E) on January 16 and the matter was referred to the Planning Commission for the requested public hearing.

VIII. Summary and Recommendations

The proposed hookah lounge project will occupy and upgrade an existing tenant space within an existing shopping center helping to maintain the economic life of the neighborhood center while providing an additional service not currently available within the project vicinity. Furthermore, the project will not be detrimental to the health, safety and general welfare of persons residing or working in the neighborhood of such project as conditioned.

Staff recommends the Planning Commission open the public hearing, consider the staff report and presentation by the applicant, the public testimony, and close the hearing upon completion of public testimony. Staff recommends the Commission adopt Resolution No. 14-05PC approving a Minor Use Permit for the Hookah Palace.

IX. Motion

Project Approvals

I (Comm. _____) hereby move that the Planning Commission adopt Resolution 14-05PC approving Hookah Palace Minor Use Permit (PL131353 – MP), subject to the Conditions of Approval set forth in Attachment A to Resolution 14-05PC. (Seconded by Comm. _____.)

Prepared by: Jason R. Hade
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jason.hade@cityofconcord.org

Reviewed by: Carol Johnson
Carol Johnson, AICP
Planning Manager
(925) 671-3369
carol.johnson@cityofconcord.org

Exhibits:

- A - PC Resolution No. 14-05PC, Conditions of Approval (Attachment A)
- B - Applicant's written statement date stamp received November 18, 2013
- C - Project plans date stamp received November 18, 2013
- D - Letter from City of Pleasant Hill dated December 6, 2013
- E - Public hearing request from City of Pleasant Hill dated January 16, 2014

BEFORE THE PLANNING COMMISSION
OF THE CITY OF CONCORD,
COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA

**A RESOLUTION APPROVING HOOKAH
PALACE MINOR USE PERMIT (PL 131353 - MP)**

Resolution No. 14-05 PC

WHEREAS, on November 18, 2013, Ahmad Arghandiwal, on behalf of Hookah Palace submitted an application for a Minor Use Permit to operate a hookah lounge within an existing 1,320 sq. ft. tenant space at 1120 Contra Costa Boulevard, APN 127-032-045; and

WHEREAS, on December 12, 2013 the application was deemed complete for processing; and

WHEREAS, pursuant to the provisions of the California Environmental Quality Act (CEQA) of 1970, as amended, the project is classified as Categorically Exempt pursuant to Section 15301 Class 1 "Existing Facilities," and therefore no further environmental review is required; and

WHEREAS, the Planning Commission, after giving all public notices required by State law and the Concord Municipal Code, held a duly noticed public hearing on February 19, 2014 on the subject proposal; and

WHEREAS, the Planning Commission considered testimony and information received at the public hearing and the oral and written reports from City staff dated February 19, 2014, as well as other documents contained in the record of proceedings relating to the proposed project, which are maintained at the offices of the City of Concord Planning Division; and

WHEREAS, on February 19, 2014 the Planning Commission, after consideration of all pertinent plans, documents and testimony, declared their intent to approve the subject proposal subject to the Conditions of Approval contained herein as Attachment A.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS: that the Planning Commission does hereby approve Minor Use Permit (PL131353 - MP) subject to the Conditions of Approval and further makes the following findings:

CEQA

1. The project is not subject to additional environmental review pursuant to the provisions of the California Environmental Quality Act (CEQA) of 1970, as amended, and pursuant to Section

1 15301 "Existing Facilities," the project is classified as a Class 1 Categorical Exemption.

2 General Plan

3 2. The proposed hookah lounge use is consistent with the Neighborhood Commercial
4 General Plan land use designation. The project is compatible with surrounding uses in the area.

5 3. The project improves the underutilized condition of the subject site.

6 Minor Use Permit

7 4. The proposed hookah lounge is a conditionally permitted use within the NC
8 (Neighborhood Commercial) Zoning District and complies with all other applicable provisions of the
9 Development Code and the Concord Municipal Code.

10 5. The proposed use is consistent with the Neighborhood Commercial General Plan land
11 use designation and policies because the proposed hookah lounge would aid in maintaining the
12 viability of the existing neighborhood center by occupying and upgrading an existing vacant tenant
13 space while providing a new service to the area's residents which is not currently available within the
14 project vicinity.

15 6. The design, location, size, and operating characteristics of the proposed use are
16 compatible with the existing and future land uses in the vicinity because adequate off-street parking is
17 provided to avoid potential traffic, circulation, and pedestrian safety impacts. Operational measures
18 have been implemented by the applicant and are being imposed by the Conditions of Approval to
19 minimize potential safety, lighting, and noise impacts to the surrounding neighborhood.

20 7. The site is physically suitable for the type, density, and intensity of the proposed use,
21 including access, utilities, and the absence of physical constraints because, sufficient on-site area is
22 available for parking. Further, the site is already served by an adequate access point to the shopping
23 center.

24 8. Granting the minor use permit for the proposed use will not be detrimental to the
25 health, safety and general welfare of persons residing or working in the subject neighborhood or
26 materially injurious to property or improvements in the vicinity and the Zoning District where the
27 property is located because the project has been designed in a manner to maintain land use
28

1 compatibility with the surrounding residential and commercial land uses. Moreover, the Police
2 Department has conducted a thorough review of the subject application and has recommended the
3 conditions of approval within Attachment A of Exhibit A to address a variety of security concerns
4 including loitering, lighting, customer identification, noise, and outdoor activities.

5 Transitional Requirements

6 9. The existing five-foot tall block wall behind the shopping center provides adequate
7 screening and buffering between properties and constructing an eight-foot tall wall in its place would
8 not mitigate noise impacts on neighboring properties because they are setback from the shopping
9 center and there is a landscape buffer beyond the block wall between the properties as well.

10 Additionally, no outdoor activities or live entertainment with amplified music would be permitted.

11 10. This resolution shall become effective immediately upon its passage and adoption.

12 **PASSED AND ADOPTED** this 19th day of February, 2014, by the following vote:

13 **AYES:**

14 **NOES:**

15 **ABSTAIN:**

16 **ABSENT:**

17
18

Carol Johnson, AICP
Secretary to the Planning Commission

19 Attachment:

20 A – Draft Conditions of Approval

21 cc: Dan Sequeira, Public Works-Engineering Services
22 Robert Woods, Building Division
23 Sgt. Russ Norris, Police Department
24 Captain Robert Marshall, Contra Costa County Fire Protection District
25
26
27
28

1 **ATTACHMENT A**

2
3 **DRAFT**

4
5 **CONDITIONS OF APPROVAL**

6
7 **HOOKAH PALACE MINOR USE PERMIT**

8 **(PL131353-MP)**

9 **THIS SITE IS LOCATED AT 1120 CONTRA COSTA BOULEVARD**

10 **APN 127-032-045**

11
12 **PERMIT DESCRIPTION**

- 13 1. These Conditions apply to and constitute **Hookah Lounge Minor Use Permit (PL131353-MP)** approval to operate a hookah lounge within a 1,320 square foot space at 1120 Contra
14 **Costa Boulevard. Authorized hours of operation are opening no sooner than 10:00 A.M. and closing no later than 11:00 P.M., Monday through Thursday, and Sunday, and**
15 **opening no sooner than 10:00 A.M. and closing no later than 12:00 A.M. Fridays and**
16 **Saturdays. (PLNG)**
- 17 2. The application form and plans, date stamp received by the City of Concord on
18 **November 18, 2013, are approved and shall be incorporated as Conditions of Approval.**
19 **(PLNG)**

20 **GENERAL CONDITIONS**

- 21 3. The conditions are the responsibility of the applicant and all contractors. Compliance shall
22 occur as specified in the Conditions. If timing for compliance is not specified, it shall be
23 determined by the Divisions listed after the Condition. **(PLNG, BLDG, ENGR, TRANS, PD)**
- 24 4. Where a plan or further information is required, it is subject to review and approval by the
25 applicable City Department/Division, as noted at the end of each Condition. The Division
26 listed first shall be the primary contact for implementation of that Condition. **(PLNG, BLDG,**
27 **ENGR, TRANS, PD)**
- 28 5. The project shall comply with all applicable Federal and State laws and Concord Municipal
Code (CMC) requirements, **including Article II of the Concord Municipal Code, Smoking**
in Public Places and Workplaces. (PLNG, BLDG, ENGR)

- 1 6. Minor modifications that are found to be in substantial conformance with the approved
2 project/plans may be approved administratively. Major modifications shall be approved by the
3 applicable decision making body. *(PLNG)*
4
- 5 7. Two annotated copies of the Conditions of Approval specifying how each applicable condition
6 has been satisfied shall be submitted prior to the issuance of a building permit. *(PLNG)*

7 **HOOKAH LOUNGE**

- 8 8. **Submit a Security Plan that includes measures and procedures addressing potential**
9 **issues. The Security Plan shall be reviewed and approved by the Police Department and**
10 **the Planning Division and prior to occupancy, and shall include the following:**
11 a) **A contact for the store manager who can respond to the City and neighbors**
12 **regarding complaints;**
13 b) **Measures to control loitering in the parking lot and excessive noise in the parking**
14 **lot;**
15 c) **The prohibition of customer consumption or use of any item containing tobacco,**
16 **alcohol, or marijuana while in the parking lot; and**
17 d) **Methods to confirm and record the identity and age of each customer by use of**
18 **government issued identification. This record must be made available to Police**
19 **upon request. *(PD, PLNG)***
- 20 9. **The sale of food or beverages, including alcoholic beverages, at the site is prohibited.**
21 ***(PD, PLNG)***
- 22 10. **The presence and odor of smoke outside of the business shall be restricted. The City of**
23 **Concord may require additional filter devices be installed in the event of significant**
24 **impacts or complaints from the surrounding community regarding smoke and odors.**
25 ***(PD, PLNG)***
- 26 11. **The providing of entertainment is subject the issuance of an entertainment permit from the**
27 **Police Department. *(PD, PLNG)***
- 28 12. **Outdoor activities related to this use are prohibited. *(PD, PLNG)***
13. **All customers shall be at least 18 years of age. *(PD, PLNG)***
14. **The sale of tobacco products requires a tobacco retailers license approved by the Police**
15 **Department, and shall comply with all applicable State and Municipal Code requirements for**
16 **the sale and display of tobacco and tobacco-related products, including drug paraphernalia.**
17 ***(PD)***

18 **LIGHTING**

- 19 15. **The parking lot of the premises shall be equipped with lighting of sufficient power to**
20 **illuminate and make easily discernible the appearance and conduct of all persons on or about**
21 **the parking lot. *(PD, PLNG, TRANS)***

1 **PARKING**

- 2 16. A minimum of 13 parking spaces shall be provided at all times. (PLNG)
- 3
- 4 17. Off-site parking within the adjacent residential areas is prohibited. (PLNG)
- 5 18. Prior to building permit issuance, the submitted site plan shall clearly identify all
- 6 parking spaces as standard or compact pursuant to City Development Code Table 122-390.1 and Table 122-390.2. (PLNG, TRANS)
- 7 19. A maximum of two-foot overhang shall be permitted to achieve the required stall depth
- 8 for both standard and compact parking spaces. (PLNG, TRANS)

9 **SOLID WASTE/RECYCLING**

- 10 20. Trash bins and refuse shall be stored within approved trash enclosure and the doors shall be
- 11 closed at all times, except when the bins are being emptied. **Donation bins shall not be**
- 12 **located at the site.** (NS)
- 13 21. The applicant shall maintain the property and shall at all times keep the property in a neat,
- 14 litter-free condition. (NS)

14 **NOISE**

- 15 22. Exterior noise levels generated by the business shall not exceed 70 dB throughout
- 16 operation of the business under this Minor Use Permit. (PLNG)

17 **BUILDING**

- 18 23. Prior to building permit issuance, the plans shall indicate locations and continuous extent
- 19 of the required fire barriers (i.e., occupancy separation walls) between the Hookah
- 20 Palace and adjacent existing tenant occupancy and show a complete and continuous
- 21 separation. (BLDG)
- 22 24. Prior to building permit issuance, provide an exiting plan that includes a total occupant
- 23 load of the building, a room by room occupant load and cumulative occupant loads from
- 24 intervening rooms. The plan shall also indicate path of travel, CPET, maximum travel
- 25 distance, number of exits required from the building with minimum width requirements,
- 26 specify which rooms require two exits, and show separation of exits for the entire
- 27 building and for rooms with two exits required. (BLDG)
- 28 25. Provide documentation that the minimum number of plumbing fixtures is within the
- minimum required by CPC table 4-1 prior to building permit issuance. (BLDG)
- 26
- 27 26. All rooms and occupied spaces shall have ventilation (outside) air for the occupants and
- 28 exhaust ventilation for product conveying and/or environmental air systems. (BLDG)

- 1
2 27. Indicate an accessible and most practical direct route between these buildings and
3 accessible parking on the project plans prior to building permit issuance. (BLDG)

4 **AGREEMENTS, FEES, BONDS**

- 5 28. Provide a \$584 cash deposit to the Planning Division to cover Condition Compliance costs, at
6 the time of submittal of plans and documents to Engineering Services or the Building Division
7 for plan check. Planning staff's time will be charged to this deposit for work performed to
8 implement the Conditions of Approval, from the time of project approval to occupancy
9 approval. The deposit will be placed in a refundable account and any unused funds will be
10 returned upon completion. If the initial deposit is insufficient to cover actual costs, an
11 additional deposit will be required. (PLNG)

- 12 29. Pay a Document Imaging fee to reimburse the City for implementation of the Document
13 Imaging and File Retention programs, prior to issuance of Grading or Building Permits.
14 (PLNG)

15 **OTHER/MISCELLANEOUS**

- 16 30. Applicant shall defend, indemnify, and hold harmless the City, its agents, officials, and
17 employees from any claim, action, or proceeding brought by a third party to set aside, annul,
18 attack or otherwise void the permit. (PLNG)

- 19 31. The permit and approval shall expire in **one** year from the date on which they became effective
20 unless construction permits are obtained and work has begun. The effective date of the permit
21 and approval is **March 4, 2014**. (PLNG)

- 22 32. A request for a time extension from the expiration date of **March 4, 2015** can be considered if
23 an application with required fee is filed at least 10 days before the original expiration date
24 (otherwise a new application is required) A public hearing will be required for all extension
25 applications, except those involving only Design Review. Extensions are not automatically
26 approved. Changes in conditions, City policies, surrounding neighborhood, and other factors
27 permitted to be considered under the law, may require, or permit denial. (PLNG)

- 28 33. Comply with the requirements of the Contra Costa County Fire Protection District. Submit
three complete sets of plans and specifications to the Fire District for review and approval at:

Contra Costa County Fire Protection District
2010 Geary Road
Pleasant Hill, CA 94523

Plan review fees are assessed at that time. The City is not responsible for the collection of fees
or enforcement of requirements imposed by the Fire District. (CCCFPD)

EXHIBIT B
RECEIVED

NOV 18 2013

PLANNING

Hookah Palace

Company Summary:

Hookah Palace is designed to offer a safe and alcohol-free environment where adults of all ages can socialize and interact with one another in a positive and friendly manner. Hookah Palace will be designed to provide a relaxing, comfortable and fun atmosphere for everyone. Hookah Palace's goal is to target customers not only in the surroundings areas, but to also attract customers from other cities. The business will earn revenues through the sales of hookah tobacco (several flavors), and bottled beverages. Our potential customers are young urbanites and those of Middle Eastern decent. Young adults who do not find interest in alcohol and coffee may find Hookah Palace's environment to be inviting, fun and collaborative.

Company ownership:

Hookah Palace is owned and will be established by Belal Sahibzadah, Ahmad Arghandiwal and Sayed Hashimi who have developed the concept of the store after years of experience dealing with hookah-related items. All three owners have several years of experience in entrepreneurship from family owned businesses in the past. Ahmad Arghandiwal has managed a retail grocery store in the city of Tracy for almost three years and has played vital customer facing roles at AT&T. Sayed Hashimi has several years of experience with business ownership from a family owned pool hall and restaurant. Belal Sahibzadah has business ownership experience in the city of Tracy where he managed and increased revenues within restaurants.

Equity Agreement:

Ahmad Arghandiwal: 33.33%

Belal Sahibzada: 33.33%

Sayed Hashimi: 33.33%

Arghandiwal, Belal Sahibzada and Sayed Hashimi do not plan on hiring employees at this moment in time and will be running the business themselves based on a set of schedules that have been agreed upon between the owners.

Target Customers:

College students who seek an alternative to bars and parties. Hookah bars provide an exotic ambiance, colorful atmosphere, collaborative environment, while smoking hookah, which is a tradition in the Middle East that dates back in time. Furthermore, those between the ages of 18 and 21 are more likely to be frequent visitors to hookah bars as they are not allowed into bars due to age restrictions. Our research on young professionals showed us that they are more

interested in less invasive environments. Young Professionals ages 22-35 years-old who are tired of the bar culture may find comfort in the hookah bar environment as it opens the door for networking, relaxation and fun.

Other relevant information:

We plan on having roughly 40 customers at our peak time. To complement the space, we are appointed 15 parking spaces. After 6p.m. the entire parking lot (25 parking spaces with 2 handicaps and 1 van accessible) is open to park in. Specific rules and regulations shall always be enforced for the protection of all customers and Hookah Palace. Any type of alcohol or drugs will not be permitted in the premises of Hookah Palace. Anyone under the age of 18 will not be permitted to enter Hookah Palace. All ID's will be checked upon entrance to ensure that everyone is at least 18 years of age.

Hours of operation:

Monday: 2:00 p.m. - 11:00 p.m.

Tuesday: 2:00 p.m. - 11:00 p.m.

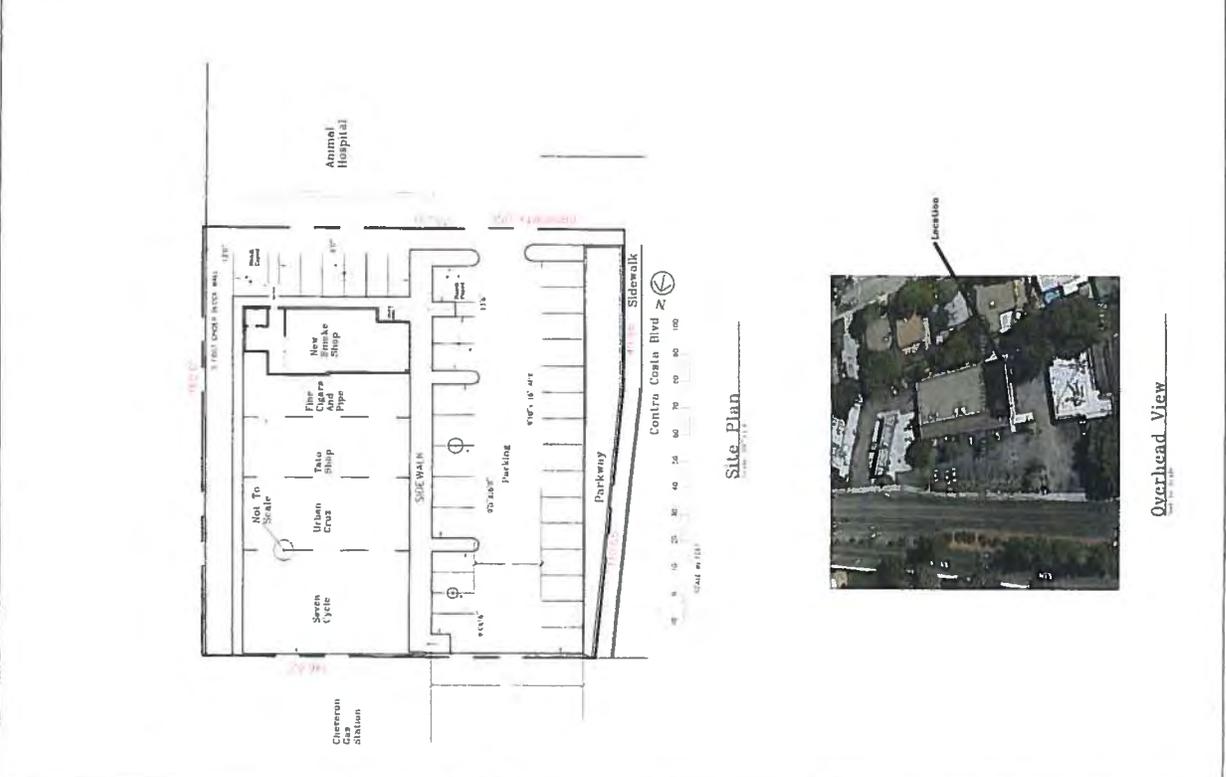
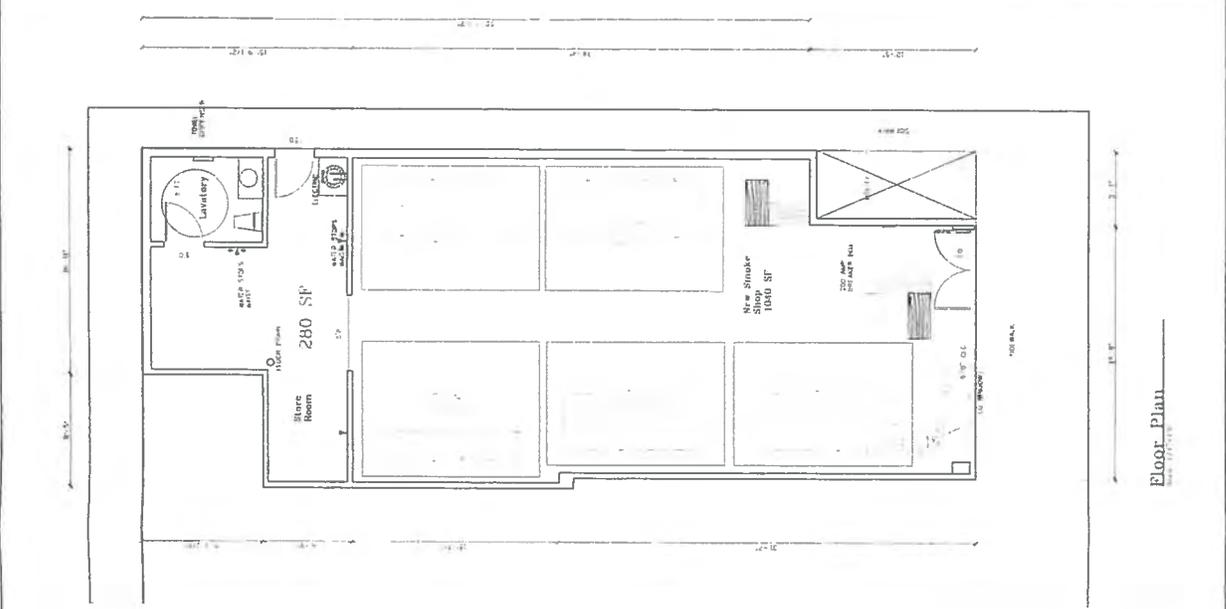
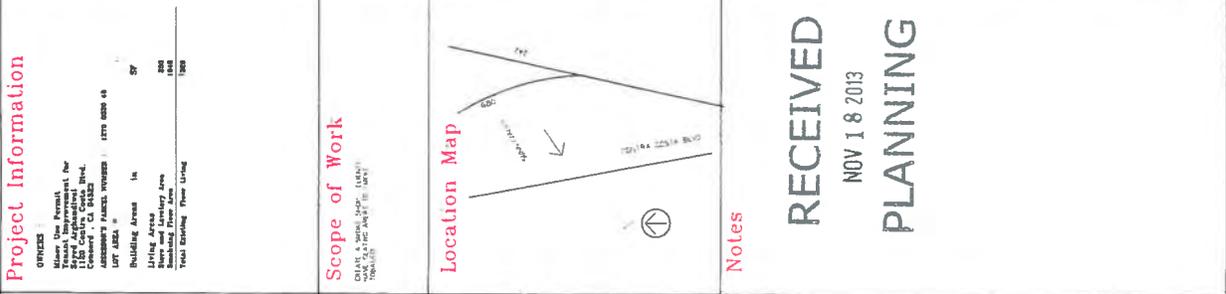
Wednesday: 2:00 p.m. - 11:00 p.m.

Thursday: 2:00 p.m. - 11:00 p.m.

Friday: 2:00 p.m. - 12:00 a.m.

Saturday: 2:00 p.m. - 12:00 a.m.

Sunday: 2:00 p.m. - 11:00 p.m.



Floor Plan

Site Plan

Overhead View



City of Pleasant Hill

EXHIBIT D

December 6, 2013

Mr. Jason R. Hade
City of Concord
1950 Parkside Drive MS 53
Concord, CA 94519-2578

RE: Hookah Palace (File Number PL131353-MP) – Minor Use Permit for a Hookah Lounge at 1120 Contra Costa Boulevard, Concord, CA

Dear Mr. Hade,

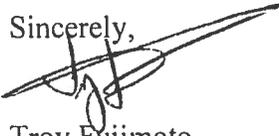
Thank you for the opportunity for the City of Pleasant Hill to comment on the above proposed hookah lounge. The City has reviewed the plans and project description and has the following comments for your consideration:

1. Please provide additional information on the proposed security plan for the establishment, including measures to reduce loitering/congregating/smoking within outside areas. Please note that those who would be most affected by activities at the site are City of Pleasant Hill residents who reside across the street and behind the project site (to the east and west), especially since the establishment is proposed to be open during late night hours. If the project is approved, we request that it be conditioned to require an appropriate security plan in consultation with our Police Department.
2. It is not clear if the bottled beverages served at the facility include bottled alcoholic beverages, please clarify. If alcoholic beverage sales are proposed on-site, the City may have a concern with overconcentration of such uses in the immediate area particularly given the proximity to residential uses.
3. Please provide information as to how hookah smoke will be dispersed/filtered/treated at the facility so that it would not impact surrounding residences. If the project is approved, we request that it be conditioned to ensure that any smoke generated by the use is not allowed to adversely impact any surrounding properties, particularly the residences in the immediate area. Please also indicate how the project will be required to comply with all the applicable provisions of the City of Concord's smoking ordinances.
4. It is not clear if there will be any live entertainment or amplified music occurring at the site, as it may cause disturbances to City of Pleasant Hill residents across the street and behind the project site (to the east and west). It is also helpful to understand what type of noise control measures or limitations are proposed for the project. If the project is approved, we request that the project comply with the limitations of the Pleasant Hill noise ordinances (PHMC Chapter 9.15 and Section 18.50.060).

5. With a maximum capacity of up to 40 customers and three employees, the City is concerned that there may not be adequate parking for the proposed use, especially since there is no on-street parking available in the immediate area and the nearest on-street parking would be within Pleasant Hill residential areas. It is not clear how 40 customers and three employees will be accommodated with 15 or even 25 parking spaces. If the project is approved, we request a condition of approval prohibiting off-site parking from occurring in adjacent residential areas.
6. Due to the proximity to residences, the City requests that outdoor activities be prohibited in connection with this use.

Please provide us with the information requested above when it becomes available. We would like to be kept informed of progress on the project including receiving notice of any final action taken on the proposed project. If you have any questions please give me a call or email at 925-671-5224, tfujimoto@ci.pleasant-hill.ca.us.

Sincerely,



Troy Fujimoto
Senior Planner

CC: City of Pleasant Hill City Manager
City of Pleasant Hill Chief of Police
File

Hade, Jason

From: Troy Fujimoto <Tfujimoto@ci.pleasant-hill.ca.us>
Sent: Thursday, January 16, 2014 10:41 AM
To: Hade, Jason
Subject: Hookah Palace Minor Use Permit - PL131353-MP - Public Hearing Request

Jason,

Thank you for the public notice, after consideration, on behalf of the City of Pleasant Hill, we are requesting that a public hearing on the Hookah Palace Minor Use Permit application be held by the Zoning Administrator. We want to provide the residents of the City of Pleasant Hill, that would be most affected by the project, the opportunity to provide input and feedback on the project request.

Thanks,
Troy

Troy Fujimoto
Senior Planner
City of Pleasant Hill
925-671-5224