

CITY OF SAN DIMAS PLANNING COMMISSION MINUTES

Regularly Scheduled Meeting
Wednesday, August 19, 2009 at 7:00 p.m.
245 East Bonita Avenue, Council Chambers

Present

Chairman Jim Schoonover
Commissioner David Bratt
Commissioner Stephen Ensberg
Commissioner M. Yunus Rahi
Director of Development Services Dan Coleman
Associate Planner Marco Espinoza
Associate Planner Kristi Grabow

Absent

Commissioner John Davis

CALL TO ORDER

Chairman Schoonover called the regular meeting of the Planning Commission to order at 7:03 p.m. and Commissioner Bratt led the flag salute.

PUBLIC HEARINGS

1. **CONSIDERATION OF CONDITIONAL USE PERMIT 09-03** – A Request to construct an additional 58 parking spaces at an existing lot and modify the front yard setback of an existing Conditional Use Permit located at 762 Cypress Street. (APN: 8385-013-05, -016, -017, and -018) (**Continued from August 5, 2009**)

Commissioner Rahi stated he lived within 300 feet of the project area and recused himself from the meeting.

Staff report presented by *Associate Planner Kristi Grabow*, who stated this item was continued from the July 15 and August 5, 2009 meetings at the request of the applicant to allow time to review conditions the applicant had concerns about. The applicant's architect met with the City Engineer, who explained that these conditions dealt with NPDES requirements, which are federally mandated and could not be changed or eliminated; thus the applicant has now decided to move forward with the project. She outlined the details of the project, which were also covered at the July 15th meeting, and stated Staff is recommending adoption of Resolution PC-1396 approving Conditional Use Permit 09-03, and filing a Notice of Exemption for the project.

Chairman Schoonover opened the meeting for public hearing. Addressing the Commission was:

Gary Bean, McKinley Children's Center, stated he met with their Board and they wish to move forward with the approval process for the revised CUP so they can get bids for constructing the project and improvements.

There being no further comments, the public hearing was closed.

RESOLUTION PC-1396

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS APPROVING CONDITIONAL USE PERMIT 09-03, A REQUEST TO CONSTRUCT AN ADDITIONAL 58 PARKING SPACES AND MODIFY THE FRONT YARD SETBACK OF AN EXISTING CONDITIONAL USE PERMIT AT 762 WEST CYPRESS STREET

MOTION: Moved by Ensberg, seconded by Bratt to adopt Resolution PC-1396 approving Conditional Use Permit 09-03, and file the Notice of Exemption for the project. Motion carried 3-0-1-1 (Davis absent, Rahi abstained).

Commissioner Rahi rejoined the meeting.

2. **CONSIDERATION OF CLASSIFICATION OF USE 09-02** – A Request to Classify a hookah lounge as similar to other conditionally permitted uses allowed in Specific Plan 2, Area 1 (Commercial) (APN: 8383-016-016) (**Continued from August 5, 2009**)

Staff report presented by *Associate Planner Kristi Grabow*, who stated this item was continued from the August 5th meeting at the request of the applicant to allow him time to prepare responses to Staff's recommendation. She went over the applicant's proposed business plan, what a hookah pipe is and how it is used. She also went over the Classification of Use application for a hookah lounge in the same shopping center submitted in 2004 for DPRB review and the concerns that Staff had at that time regarding parking, hours of operation, increased enforcement for sales to minors and the possible need for more patrol.

When Staff first reviewed the applicant's proposal it appeared that hookah was the primary use, but in his re-submittal, the applicant states that the primary use will be a café similar to any coffee house, such as Starbucks or Koffee Klatch, and since these businesses allow smoking in their outdoor seating areas, he should be allowed to have hookah in an outdoor patio. However, the use of hookah would be more like a cocktail lounge than a business that has an outdoor area where patrons can smoke because the business is providing the pipe and product to be smoked in the pipe. In order to grant the Classification of Use, the Commission would need to make six findings. She presented Staff's analysis as to why the use does not meet five of the six findings, and based on this Staff is recommending denial of the application. However, if the Commission feels it should be a permitted use but cannot make the findings that it is similar to an existing use, the Commission can recommend the applicant file for a Municipal Code Text Amendment to add

a section to the zoning code that would allow hookah lounges, either by right or by conditional use.

Commissioner Ensberg asked if there were other eating establishments in that center.

Associate Planner Grabow stated there is a pizza place, a bakery and possibly a few others.

Commissioner Ensberg wanted to confirm that there was no hookah lounge anywhere in San Dimas. He stated The Grapevine and Eden Garden in La Verne and Glendora respectively seem to operate successfully.

Associate Planner Grabow stated there are no hookah establishments currently in San Dimas and the two he mentioned in other cities are both full-service restaurants.

Commissioner Ensberg stated there is another place in Glendora on Route 66 that has food and alcohol but is not as large as the other two and is successful.

Chairman Schoonover asked where the proposed patio would be located and if it would reduce the amount of available parking. He also wanted to know how far the patio would be from the closest residence on Sutter Court.

Associate Planner Grabow stated it would be in the rear of the tenant space on the east side of the building and would be reducing parking but that it would not take it below the required amount for the shopping center. She said by reviewing the City's GIS program, it appears the patio would be approximately 20-40 feet from the closest residence.

Commissioner Ensberg asked if the concern was because of the proposed hours. He has been to hookah establishments and did not feel they were a bad business. If the applicant was to close earlier, that might address one of the concerns expressed by Staff.

Associate Planner Grabow stated it is difficult to make the findings that it is similar to an existing use and stated a Municipal Code Text Amendment might be a better way to pursue allowing this use. Closing earlier might partially address some of Staff's concerns.

Commissioner Rahi stated one of the concerns expressed with the previous application was increased enforcement and asked what situation might require more enforcement. He also referred to the applicant's letter dated August 10, 2009 and the businesses referenced in Item 3 and their hour of operations. He also wanted to know if the applicant made any other changes in his proposal other than responding to concerns about the café use.

Associate Planner Grabow stated since the hookah would be outdoors there is concern about noise impacts on the surrounding residences. In reference to Zendejas and the other businesses, they are located in different zones and do not abut residential uses. Other than providing clarification on the café, there were no changes from the original proposal.

Chairman Schoonover opened the public hearing. Addressing the Commission were:

Nader Droubi, Applicant, stated the City's Municipal Code Section 5.24.070, Section E, states the City allows a cocktail lounge by itself so he felt his business should be allowed.

Commissioner Ensberg asked if they were to limit his hours to 11:00 p.m., would he be willing to do that. He also asked if he has ever operated a hookah lounge before.

Nader Droubi, Applicant, stated people come to a hookah lounge to relax so he wouldn't be able to determine when they would want to leave which is why he needs to stay open until 2:00 a.m. He stated he operated the smoke shop in the same center for the past six years so is familiar with the Sheriff's patrol and parking requirements, and he doesn't think there will be any problems with either.

Commissioner Rahi asked how the applicant came up with the estimate that the hookah use would only be 25-30% of his operation. He also asked if he had any ideas on how he would control the noise level on the patio.

Nader Droubi, Applicant, stated the patio area is only one-third of the square footage of the tenant space, and while he cannot determine exactly right now, he did not think it would exceed 50% of the business. He felt his customer base would be more mature, but if there are any problems with noise, he will do something about it.

Joseph Torres stated he has been involved in San Dimas for 30 years, first as a firefighter in Via Verde, and a resident for the past 10 years, and has known the applicant from his smoke shop. He felt Mr. Droubi has always complied with the regulations and thanked the Commission for giving him a chance with his new venture. During the time he owned the smoke shop he never had any problems. Mr. Droubi has sold it now but thinks his proposal for the café and hookah lounge will be profitable for him and the City.

John Farah, 1444 Goldrush Drive, behind Stater Bros., stated he has spoken to his neighbors on Goldrush and Sutter Court and they are opposed to this. He doesn't think you can compare this proposal to the places in La Verne and Glendora because those are restaurants aimed at families and hookah is not their main draw. He felt a hookah lounge would be aimed at young adults and there will be loud music and noise. He doesn't think this was the right location for that type of business because of the proximity to residential, whereas other centers that were surrounded by commercial or industrial would be better. He also felt it would have a negative impact on traffic coming out of the center. The people on Sutter Court told him ten feet of the back alley belongs to them, and if that is correct, the proposed patio would only be 100 feet from their backyards.

Nader Droubi, Applicant, stated that if you stand where the patio is proposed, it will be 200-300 feet to the nearest house. If there are any complaints about noise, he will do something about it.

There being no further comments, the public hearing was closed.

Commissioner Ensberg felt this proposal was consistent with other businesses in the area and doesn't see a conflict. There will be no alcohol sales so it should not need increased

enforcement. He felt this was a new method of recreation for San Dimas and that they should try to accommodate a new form of business.

Commissioner Rahi thought this proposal was the same as what was outside Starbucks and didn't think there would be a problem with parking because the other businesses would be closed. There is the issue with what percentage of business would be the hookah lounge, but there is no data available to determine that. The Grapevine in La Verne is next to residential and they have restrictions on noise so it must be possible to work something out.

Commissioner Bratt said the applicant was comparing their business to Zendejas, Starbucks and Koffee Klatch but all of those businesses are in commercial areas away from residential. He also didn't think the proposal was comparable to those operations. He was concerned that this center backs up to residential and there could be problems with noise and second-hand smoke, which has been proven to be unhealthy. One of the findings is to protect the public's health and welfare and he doesn't think this type of business does that. He did not think it was compatible with the other businesses in this center and wasn't appropriate in this zone.

Chairman Schoonover concurred with Commissioner Bratt, and added this is to be an accessory use but doesn't feel that it will be accessory to the café. In order for this to be approved they have to make the six findings, and while he felt he could find for one or two of them, he could not make all six findings, including the one for protecting the public's health and welfare.

RESOLUTION PC-1405

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS DENYING CLASSIFICATION OF USE 09-02, A REQUEST TO CLASSIFY A HOOKAH LOUNGE AS SIMILAR TO A COCKTAIL LOUNGE IN SPECIFIC PLAN 2, AREA 1 (COMMERCIAL).

MOTION: Moved by Ensberg to approve the requested use and allow this as a conditional use in this zone. If an amendment is required, then that should be followed through with and there should be appropriate monitoring to ensure there are no problems.

Director Coleman stated what is before the Commission tonight is a Classification of Use for all of Area 1, not just this particular location.

Commissioner Ensberg clarified then the Commission could say this is a use appropriate in this zone, but not necessarily approve this location. He felt they could approve this as a conditional use for this zone and then the applicant will have to come back again to make his case for this location.

Commissioner Bratt stated he would still be against the classification because if you look at the conditional uses in this Specific Plan, he did not feel it was compatible. If this proposal was to come back in another zone, then it might be possible to make that determination.

Commissioner Rahi seconded the motion made by Commissioner Ensberg. The motion was neither approved or denied on a 2-2-1 vote (Ensberg, Rahi voted yes; Bratt, Schoonover voted no; Davis absent).

MOTION: Moved by Ensberg, seconded by Bratt to continue this item to the September 2, 2009 meeting so that Commissioner Davis could participate in the discussion and vote. Motion carried 4-0-1 (Davis absent).

ORAL COMMUNICATION

3. **Planning Manager**

No communications were made.

4. **Members of the Audience**

No communications were made.

5. **Planning Commission**

No communications were made.

ADJOURNMENT

MOTION: Moved by Ensberg, seconded by Bratt to adjourn. Motion carried 4-0-1 (Davis absent). The meeting adjourned at 7:53 p.m. to the regular Planning Commission meeting scheduled for September 2, 2009, at 7:00 p.m.

James Schoonover, Chairman
San Dimas Planning Commission

ATTEST:

Dan Coleman, Director of Development of Services

Approved: September 2, 2009