



# **PLANNING COMMISSION AGENDA REPORT**

MEETING DATE: MARCH 24, 2014

ITEM NUMBER: PH-1

**SUBJECT: PLANNING APPLICATION ZA-14-10 FOR EXTENDED HOURS OF OPERATION FOR  
BUBLYZ HOOKAH LOUNGE  
3033 BRISTOL STREET, SUITE F**

**DATE: MARCH 13, 2014**

**FROM: PLANNING DIVISION/DEVELOPMENT SERVICES DEPARTMENT**

**PRESENTATION BY: MEL LEE, SENIOR PLANNER**

**FOR FURTHER INFORMATION CONTACT: MEL LEE, AICP (714) 754-5611  
mel.lee@costamesaca.gov**

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## **PROJECT DESCRIPTION**

The applicant is requesting approval of a minor conditional use permit to allow an existing hookah lounge (Bublyz Hookah Lounge) to remain open past 11:00 pm within 200 feet of residentially-zoned properties (12:00 midnight Sunday through Thursday; 2:00 am Friday and Saturday).

## **APPLICANT**

The applicant is Seyedmehdi Hassani, representing D.B. Investments, the property owner.

## **RECOMMENDATION**

Deny by adoption of Planning Commission resolution.

## **BACKGROUND**

### ***Project Site/Environs***

The property is located near the southwest corner of Bristol Street and Paularino Avenue and contains a one-story commercial retail center. The property is zoned C1 (Local Business District) and has a General Plan land use designation of General Commercial. The subject tenant space is a 1,800 square foot space located in the southwest corner of the L-shaped building (Suite F). The property is bounded by a C1 commercially-zoned property to the south, R3 multiple-family residentially-zoned property to the west, and C1 commercially-zoned properties to the north and west, across Paularino Avenue and Bristol Street, respectively.

### **History**

#### ***Original Zoning Approval of Use, Subject to Conditions***

On July 14, 2011, the City issued a zoning approval letter for the applicant's proposed use, described as a "hookah retail store". A copy of the zoning approval letter is attached to this report for reference. The approval letter was based on the applicant's description of the use, specifically, the use being 60% retail sales of hookah products and accessories with a limited seating area of 300 square feet maximum as indicated on the floor plan (Attachment No. 2) provide as part of the applicant's description. The seating area is intended for the customers to sample flavored tobacco products prior to purchase. Based on this description the use was approved, subject to compliance with the following conditions of approval:

1. Hours of operation shall be limited from 11:30 am to 11:00 pm.
2. Customer seating area shall be limited to 300 square feet or seating for a maximum of 12 persons at all times.
3. If parking shortages or other parking-related problems arise, the business operator shall institute whatever reasonable operational measures necessary to minimize or eliminate the problem. This may include reduction or elimination of the customer seating area and/or changes to the operational hours outside of peak periods with high parking demand.
4. There shall be no live entertainment or dancing permitted on the premises at any time without a minor conditional use permit approval.
5. The business shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding uses. The business owner and/or operator shall institute whatever security and operational measures are necessary to comply with this requirement.
6. The applicant shall take whatever steps are necessary to prohibit customers from loitering or smoking in front of the establishment or at the rear of the property. The back door shall remain closed at all times.
7. A copy of this letter must be kept on premises and presented to any authorized City official upon request.

The letter was signed by Mr. Seyedmehdi Hassani, the business operator, agreeing to operate the use in accordance with the above provisions.

**Code Enforcement Activity – Case # C11-1259**

In September 2011, a Code Enforcement complaint related to the business being open past 11:00 pm was lodged by an anonymous party. Police visited the site late in the evening and confirmed that the business was open past midnight. Police observed customers sitting at a table outside of the establishment with an employee providing beverage service. Police also noted that the “open for business” sign was also powered on.

Code Enforcement Case #C11-1259 was opened. Most notably, the following prohibited activities were noted based on a field inspection and police observations:

- Use of an outdoor barbeque grill and related equipment on the exterior of the building to prepare flavored tobacco for smoking.
- Outdoor seating (tables/chairs).
- Expanded indoor seating area beyond the approved 300 square-foot area.
- Hours of operation (based on police observation) past 11:00 pm.

On September 21, 2011, Code Enforcement completed a follow-up site inspection where the violations had been corrected and the case closed.

**Minor CUP ZA-11-39**

On October 28, 2011, the applicant submitted a minor conditional use permit application (Zoning Application ZA-11-39) to remain open past 11:00 pm within 200 feet of residentially-zoned properties (the requested closing time was 1:00 am, seven days a week). The request was denied by the Zoning Administrator on August 9, 2012, for reasons discussed in the following section.

**Code Enforcement Activity – Case # C12-0318**

Minor CUP ZA-11-39, was denied by the Zoning Administrator because a second Code Enforcement case (C12-0318) was opened in March 2012 in response to complaints that the use was again operating past 11:00 pm in violation of the July 14, 2011, zoning approval.

The below table summarizes the Code Enforcement Activity for C12-0318 from March 2012 to the present:

Date	Action Taken
3/12/12	Complaint for operating past 11:00 pm received and case opened.
3/14/12	\$150.00 citation for operating past 11:00 pm issued.
7/19/12	\$300.00 citation for operating past 11:00 pm issued.
3/8/13	Business observed operating past 11:00 pm with 31 people observed inside the hookah lounge.
3/12/13	\$500.00 citation for operating past 11:00 pm issued.
4/12/13	Business observed operating past 11:00 pm. 45 people were observed inside the hookah lounge and the outside grill was in use.
4/16/13	\$650.00 citation for operating past 11:00 pm issued.
5/31/13	Business observed operating past 11:00 pm and outside grill in use.
6/5/13	\$500.00 citation for operating past 11:00 pm issued. Case forwarded to City Attorney.
7/1/13	Office conference with business owner held.
8/7/13	Case filed in court (County of Orange Harbor Justice Center).
11/13/13	Office conference with business owner held.
2/21/14	Business observed operating past 11:00 pm and outside grill in use.

**Minor CUP Application ZA-14-10**

On September 19, 2013, the applicant submitted a new minor conditional use permit application to allow the use to remain open past 11:00 pm within 200 feet of residentially-zoned properties (12:00 midnight Sunday through Thursday; 2:00 am Friday and Saturday).

Normally, minor conditional use permits are reviewed by the Zoning Administrator; however, due to the nature of the use; and past Code and Conditions of Approval violations associated with it, the Minor CUP Application has been referred to the Planning Commission for review.

As a result of the issues with hookah lounge operations in general, City Council enacted an urgency ordinance adopting a 45-day moratorium prohibiting the establishment of new hookah lounges on November 5, 2013. The urgency ordinance was extended for a period of 10 months and 15 days by the City Council on December 3, 2013 so new zoning regulations can be put into place for future hookah lounges.

**ANALYSIS**

**Justifications for Denial**

- The business has not been operating in a manner that is compliant with the original approval. The Business has been observed by Code Enforcement and Police staff to be in violation of the Conditions of Approval as noted in the following table:

Condition Of Approval	Violation
1. Operate between the hours of 11:30 am to 11:00 pm.	Observed Operating past 11:00 pm <b>(10 Violations)</b>
2. Limit the customer seating area to 300 square feet or seating for a maximum of 12 persons at all times as indicated on the approved floor plan.	Expanded the seating area (the current floor plan attached to this report [Attachment No. 4] shows 540 square feet of seating area) <b>(Violation Ongoing)</b>  Observed to have up to 45 people in the seating area <b>(2 Violations)</b>
3. Keep the rear door (adjacent to residential properties) closed at all times.	The rear door was observed to remain open to provide access to an active barbeque grill used to light the charcoal needed to heat the hookahs <b>(3 Violations)</b>

- The proposal to extend business hours past 11:00 pm is incompatible with adjacent residential uses. The building in which the lounge is located is setback approximately 74 feet from residentially-zoned property containing two-story multiple family dwelling units. The area between the subject building and residential properties contains a paved parking area and drive aisle. The properties are separated by a wood fence approximately six feet in height (no block walls exist).

Within the 74 foot setback area at the rear of the business, Code Enforcement and Police staff have continued to observe a lit outdoor grill that is used to heat the charcoals used for the hookah. The noise and smoke associated with the operation of the outdoor grill in close proximity to residential properties is not allowed now and would be even more disturbing to the peaceful enjoyment of the adjacent properties if the hours were to be extended.

- The City has found that similar hookah lounges operating past 11:00 pm within 200 feet of residentially-zoned properties to be inconsistent with General Plan Policy LU-1F.1, which protects existing residential neighborhoods from the encroachment of incompatible or potentially disruptive land uses and/or activities. One example of where this finding was made stems from a Code Enforcement case opened for a hookah lounge operating past 11:00 pm for Sultana Hookah Lounge at 698 West 19<sup>th</sup> Street. In this case a 270-unit, 18-story senior housing building (Bethel Towers) abutted the property. On August 8, 2011, Planning Commission denied a request for this hookah lounge to be open past 11:00 pm because of the adverse impacts the operation had on the adjacent residential use (Minor Conditional Use Permit ZA-11-08). Specifically, the Planning Commission report for ZA-11-08 noted the following:
  - From January 2008 to February 2011, there was record of approximately 277 police service calls related to noise disturbances, fighting, and public drunkenness. Seventy-eight percent of those service calls occurred after 11:00 p.m.
  - Legalization of the extended business hours past 11:00 p.m. was considered incompatible with neighboring residential uses. This was evidenced in the volume of service calls and the opposition letters received from residents (e.g. Bethel Towers).
  - The business had difficulty with operating in a manner that was compatible with existing businesses. This was based on complaints received from neighboring businesses for illegal parking and litter from patrons.
  - The business owner had failed to fully rectify the problems. Although he had made efforts to implement noise, security, and property maintenance measures, a total of 22 service calls initiated from resident complaints (and not routine police patrol) were received during the application processing period. Seventy-three percent of the calls occurred after hours.
  - The history of police activity and complaints indicated that the extended hours were inconsistent with General Plan Policy LU-1F.1, which protects existing residential neighborhoods from the encroachment of incompatible or potentially disruptive land uses and/or activities.

In another similar case, on November 12, 2013, Planning Commission upheld the Zoning Administrator's denial of Zoning Application ZA-11-42 for a hookah lounge to be open past 11:00 pm because of the extended hours of operation was incompatible with nearby residential uses (Harbor Hookah Lounge at 440 Fair Drive, Suite A). As with the other operations, this lounge was open past 11:00 pm and is within 200 feet of residentially-zoned properties, creating the potential for adverse impacts on nearby residential properties. In denying the request, Planning Commission also found the extended hours to be inconsistent with General Plan Policy LU-1F.1.

### **ENVIRONMENTAL DETERMINATION**

If the request is denied, it would be exempt from the provisions of the California Environmental Quality Act (CEQA) Section 15270(a) for projects which are disapproved.

### **CONCLUSION**

Due to the proximity of the use to existing residentially zoned and developed properties, and the past complaints and violations associated with the operation of this hookah lounge in particular and the City's experience with the late night operations of hookah lounges in general, there is no basis for approval of the extended hours of operation as requested by the applicant. The extended hours have been found to be inconsistent with General Plan Policy LU-1F.1, which protects existing residential neighborhoods from the encroachment of incompatible or potentially disruptive land uses and/or activities. Therefore, the recommendation is to deny the request for extended hours of operation. If the use is denied, the applicant cannot not submit the same type of application for 6 months.

### **ALTERNATIVES**

The Commission has the following alternatives:

1. Continue the item to allow more time for analysis or revisions to the project.
2. Request that staff bring back for consideration a resolution for approval based on the evidence and findings expressed at the public hearing.

  
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MEL LEE, AICP  
Senior Planner

  
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JERRY GUARRACINO, AICP  
Interim Assistant Director of Development  
Services

- Attachments:
1. Draft Planning Commission Resolution
  2. Applicant's Description of the Use
  3. Original Zoning Approval Letter for Use Dated July 14, 2011
  4. Location Maps and Plans

cc:

Director of Economic & Development / Deputy CEO  
Sr. Deputy City Attorney  
Public Services Director  
City Engineer  
Transportation Services Manager  
Fire Protection Analyst  
Staff (4)  
File (2)

Seyedmehdi Hassani  
3033 Bristol Street, Suite F  
Costa Mesa, CA 92626

D.B. Investments  
17853 Santiago Boulevard  
Orange, CA 92867

**ATTACHMENT 1  
DRAFT RESOLUTION**

**RESOLUTION NO. PC-14-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA DENYING MINOR CONDITIONAL USE PERMIT ZA-14-10 FOR EXTENDED HOURS OF OPERATION FOR BUBLYZ HOOKAH LOUNGE AT 3033 BRISTOL STREET, SUITE F**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Seyedmehdi Hassani, representing D.B. Investments, owner of property located at 3033 Bristol Street, requesting Minor Conditional Use Permit ZA-14-10 for the following:

To allow an existing hookah lounge (Bublyz Hookah Lounge) to remain open past 11:00 pm within 200 feet of residentially-zoned properties (12:00 midnight Sunday through Thursday; 2:00 am Friday and Saturday).

WHEREAS, a duly noticed public hearing was held by the Planning Commission on March 24, 2014 with all persons having the opportunity to speak for and against the proposed project.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit A, the Planning Commission hereby **DENIES** ZA-14-10 with respect to the property described above.

**PASSED AND ADOPTED this 24th day of March, 2014.**

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Jim Fitzpatrick, Chair  
Costa Mesa Planning Commission



## EXHIBIT A

### FINDINGS

- A. The proposed project does not comply with Costa Mesa Municipal Code Section 13-29(e) because:

**Required Finding:** A compatible and harmonious relationship does not exist between the proposed use and existing buildings, site development, and uses that exist or have been approved for the general neighborhoods.

**Response:** The building in which the lounge is located is setback approximately 74 feet from residentially-zoned property containing two-story multiple family dwelling units. The area between the subject building and residential properties contains a paved parking area and drive aisle. The properties are separated by a wood fence approximately six feet in height (no block walls exist).

In addition to observing customers inside the hookah lounge past the permitted 11:00 pm closing time, Code Enforcement and Police staff has continued to observe the outdoor grill at the rear of the building that is used for the heating of the coals used for the hookah.

**Required Finding:** The use does not comply with performance standards as prescribed elsewhere in the Zoning Code.

**Response:** On July 14, 2011, the City issued a zoning letter, subject to conditions, and based on the representation of the business as primarily a "hookah retail store" with a limited seating area for the customers to sample flavored tobacco products prior to purchase. Because of the use is located within 200 feet of residentially-zoned properties, the use was approved subject to strict compliance with conditions of approval, including an 11:00 pm closing time and limited to a maximum seating area of 300 square feet. Two separate Code Enforcement cases were opened in response to complaints that the use was operating past 11:00 pm in violation of the original zoning approval.

The below table summarizes the Code Enforcement Activity for this use from March 2012 to the present:

Date	Action Taken
3/12/12	Complaint for operating past 11:00 pm received and case opened.
3/14/12	\$150.00 citation for operating past 11:00 pm issued.
7/19/12	\$300.00 citation for operating past 11:00 pm issued.
3/8/13	Business observed operating past 11:00 pm with 31 people observed inside the hookah lounge.
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8/7/13	Case filed in court (County of Orange Harbor Justice Center).
11/13/13	Office conference with business owner held.
2/21/14	Business observed operating past 11:00 pm and outside grill in use.

As noted in the table summarizing the Code Enforcement activity for this hookah lounge, the business has been observed by Code Enforcement and Police staff to:

- o Operate past 11:00 pm in violation of condition of approval number one.
- o Expanded the seating area beyond the 300 square foot maximum in violation of condition of approval number two (the current floor plan attached to this report shows 540 square feet of seating area).
- o Have customers in excess of the 12 maximum allowed in violation of condition of approval number two (31 people were observed on 3/8/13 and 45 people were observed on 4/12/13).
- o The rear door was observed to remain open in violation of condition of approval number six for the grill used for the preparation of the hookah.

**Required Finding:** The use is not consistent with the General Plan.

**Response:** The proposal is not consistent with General Plan Objective LU-1F to protect existing residential neighborhoods from the encroachment of incompatible or potentially disruptive land uses and/or activities.

- B. The information presented does not comply with Costa Mesa Municipal Code Section 13-29(g)(2) with regard to the minor conditional use permit because:

**Required Finding:** The proposed development or use is not compatible with developments in the same general area and would be materially detrimental to other properties within the area.

**Response:** Hours of operation past 11:00 pm has resulted in adverse impacts to the nearby residentially-zoned properties, including, but not limited to, noise, litter, and loitering. The building in which the lounge is located is setback approximately 74 feet from residentially-zoned property containing two-story multiple family dwelling units. The area between the subject building and residential properties contains a paved parking area and drive aisle. The properties are separated by wood fence approximately six feet in height (no block walls exist).

Within the 74 foot setback area at the rear of the business, Code Enforcement and Police staff have continued to observe a lit outdoor grill that is used to heat the charcoals used for the hookah. The noise and smoke associated with the operation of the outdoor grill in close proximity to residential properties is not allowed now and would be even more disturbing to the peaceful enjoyment of the adjacent properties if the hours were to be extended.

**Required Finding:** Granting the minor conditional use permit will be materially detrimental to the health, safety and general welfare of the public or otherwise injurious to property or improvements within the immediate neighborhood.

**Response:** Given the proximity to residentially-zoned and developed properties and history of zoning code violations, this site is considered an inappropriate location for the proposed extended hours of operation for the hookah lounge.

**Required Finding:** Granting the minor conditional use permit will allow a use, density or intensity which is not in accordance with the general plan designation and any applicable specific plan for the property.

**Response:** The proposal is not consistent with General Plan Objective LU-1F which seeks to protect existing residential neighborhoods from the encroachment of incompatible or potentially disruptive land uses and/or activities. The operation of the outdoor grill within close proximity of the adjacent residentially-zoned and developed properties has the potential to produce smoke and noise, which would be incompatible and disruptive to the adjacent residential neighborhood.

- C. The Costa Mesa Planning Commission has denied Zoning Application ZA-14-10. Pursuant to Public Resources Code Section 21080(b)(5) and therefore according to CEQA Guidelines Section 15270(a), CEQA does not apply to this project because it has been rejected and will not be carried out.
- D. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

**ATTACHMENT 2**  
**APPLICANT'S DESCRIPTION OF USE**

Mr. Lee

Firstly, let me express my gratitude for allowing me to resubmit my application. I hope that after reviewing the materials I have prepared you will better understand my perspective and stance on this issue.

I have been operating at this location since Aug 2011. During these past years I have done my best to respect not only the rules and regulations of this property but the community as well. I continually strive to maintain a professional and peaceful environment in and around my business and expect the same from my neighbors. Since the grand opening I have not received one complaint about noise or disruptive behavior. The atmosphere at our location is very subdued and calm. Unlike most late night hookah/lounge businesses, we do not serve alcohol. This ensures a controlled and responsible clientele. My business fills a very important niche in the community. We offer a quiet and relaxing atmosphere for people to congregate and enjoy a piece of traditional Persian culture.

As it relates to operating hours, I am requesting an extension so that I may take advantage of an untapped market and remain open longer so that I may do more business.

My peak business hours are after 9.30pm. Our late night operating hours are by far our most profitable and are NECESSARY for the continued success of my business. If I were allowed to stay open til 12am during the week and Friday/Saturday til 2am I project a dramatic increase in business.

During the week, my business occupies very little of the parking lot. During peak hours, a majority of the other businesses are closed so there are plenty of parking spaces for those businesses that remain open.

11 out of 16 businesses are closed by 9.30pm

2 out of 16 businesses close at 10pm

There are only 4 businesses open late including Oki Dokie, Hashigo, Anjin, Tapioca Express, and Orchid Restaurant on Friday and Saturday.

Please refer to the materials that I have included and take them all into consideration. They outline specifics including operating hours of the businesses in the strip mall, parking stats, and floor plans.

Thank you so much for your consideration. Please contact me with any questions or concerns.

Best,

Mehdi Hassani

**Received**  
City of Costa Mesa  
Development Services Department  
FEB 20 2014

## Supplement to Decision Review

TO: Planning Department, City of Costa Mesa  
FROM: Bublyz Hookah Lounge, Seyedmehdi Hassani  
RE: Master Plan Zoning Variance Request

Bublyz Hookah Lounge (Bublyz) is located in the Costa Mesa Village retail plaza at 3033 Bristol Street, #F, Costa Mesa, CA. Bublyz has been in business for two years. The property is located in a C-1 commercially-zoned area surrounded by a R-3 multiple-family residentially-zoned area to the west, and C1 commercially-zoned area to the north and west. The surrounding businesses include Orchid Persian Cuisine adjacent to the west and Pacific Life Insurance adjacent to the north.

The surrounding businesses close between 6 and 10. As a hookah lounge, Bublyz caters to its evening customers and remains open to accommodate its patrons. The current zoning plan requires businesses to close at 11 p.m.

Because of the surrounding businesses close before 11 p.m., Bublyz current evening hours of operation does not impact neighboring businesses. As Bublyz and Orchid are the only businesses in the retail plaza opened past 11 p.m., there is ample parking in the evenings to accommodate the customers. Moreover, because neighboring businesses are closed, Bublyz is not disruptive interfering with, or infringing on neighboring industry.

Over the last two years that Bublyz has been in business, it has had an amicable and friendly relationship with surrounding business even working in conjunction with neighboring restaurants bringing in food for Bublyz patrons. Not only has Bublyz been a beneficial business for surrounding restaurants, it has been a successful and prosperous business for Costa Mesa Village.

As stated, the zoning variance should be approved because Bublyz evening hours has proven beneficial to the plaza and surrounding businesses, as well as not being a detriment to the neighboring R3 residentially-zoned areas. There is ample parking to accommodate all Costa Mesa Village's customers and Bublyz does not conduct a disruptive or intrusive business that infringes on the peaceful atmosphere of the plaza.

# Shopping center 3033 Bristol St, Costa Mesa, CA

lastsat	TENANT	APPROX. SQ. FT.	APPROX. % OF TOTAL	TYPE OF BUSINESS	HOURS
A	WATCH CONNECTION SENSATIONAL DENTAL	2,700	6.90%	RETAIL	TUES-FRI 11AM 5:30PM SAT 11AM 5PM
AA		2,033	5.19%	MEDICAL	MON-FRI 11:30AM 5PM
B, C & D	ORCHID REST.	6,840	17.47%	RESTAURANT	MON-THURS 11:30AM 9PM FRI-SAT 11:30AM 3:30AM SUN 11:30AM 8PM
E	VACANT	1,840	4.70%		
F	BUBLYZ HOOKAH	1,800	4.60%	RETAIL	MON-SUN 11:30AM 11PM
G	PACIFIC GUARDIAN	1,440	3.68%	OFFICE	MON-FRI 9A 6 PM SAT-SUN BY APPOINTMENT ONLY
H	CALIFORNIA WOK	1,440	3.68%	RESTAURANT/ FAST FOOD	MON-SAT 11:30AM 10 PM SUN 12PM 9PM
I	CREATIVE NAIL SALON	1,440	3.68%	SALON	MON-SAT 9AM 7PM SUN 10AM 5PM
II	GLORY CLEANERS	1,800	4.60%	DRY CLEANERS	MON-FRI 10AM 7PM SAT 9AM 2PM
J	VAP	1,800	4.60%	RETAIL	MON-SUN 11AM 10PM
K	NANU'S THREADING & SALON	1,440	3.68%	SALON	MON-FRI 10AM 8PM SAT 10AM 7PM SUN 11AM 6PM
L	TAPIOCA EXPRESS	1,440	3.68%	RESTAURANT/ FAST FOOD	MON-THURS 11AM 12AM FRI-SAT 11AM 1AM SUN 12PM 12AM LUNCH MON-FRI 11:30AM 2PM DINNER SUN-WED 5:30PM 10PM THURS-SAT 5:30PM 1AM
M	HASHIGO	1,404	3.59%	RESTAURANT	
N	ANJIN	1,440	3.68%	RESTAURANT	MON-SUN 5PM 1AM LUNCH MON-FRI 11:15AM 3PM SAT 11:45AM 2:45 PM DINNER MON-WED 5:30PM 12AM THURS-SAT 5:30PM 2AM SUN 5:30PM 10PM
O	OKIDOKI	1,440	3.68%	RESTAURANT	
P	TITAN INSURANCE	1,440	3.68%	OFFICE	
Q	VACANT	2,376	6.07%		
R & S	ECOMART	5,040	12.84%	RETAIL	TUES-SUN 11AM 7PM
TOTAL		39,153	100.00%		

**ATTACHMENT 3  
JULY 14, 2011 ZONING APPROVAL  
LETTER**



# CITY OF COSTA MESA

P.O. BOX 1200 • 77 FAIR DRIVE • CALIFORNIA 92628-1200

DEVELOPMENT SERVICES DEPARTMENT

July 14, 2011

Seyedmehdi Hassani  
20 Palatine, #104  
Irvine, CA 92612

**SUBJECT: BUBLYZ HOOKAH**  
**3033 BRISTOL STREET, SUITE F**

Dear Mr. Hassani:

The property (Costa Mesa Village) currently has five vacant suites. This center contains nonconforming parking with historic parking issues during peak periods of the day. Therefore, new businesses are approved on a case-by-case basis subject to adequate parking and other zoning requirements.

The City has considered your request to occupy a 1,800 square-foot suite (Suite F) to establish a retail store and hookah smoking lounge in the commercial center. We have reviewed the description of your business in your letter dated June 20, 2011, attached documents and floor plan.

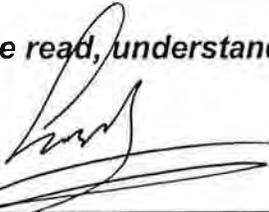
Due to the retail nature of your business with limited seating area and operating hours, we are able to authorize your business, subject to strict compliance with the following conditions:

1. Hours of operation shall be limited to 11:30 a.m. to 11 p.m.
2. Customer seating area shall be limited to 300 square feet or seating for a maximum of 12 persons at all times.
3. If parking shortages or other parking-related problems arise, the applicant shall institute whatever physical or operational measures are necessary, as determined by the Planning Division, to minimize or eliminate the problem. This may include reduction or elimination of the customer seating area and/or changes to the operational hours outside of peak periods with high parking demand.
4. There shall be no live entertainment or dancing permitted on the premises at any time without a minor conditional use permit approval.
5. The business shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding uses. The business owner and/or operator shall institute whatever security and operational measures are necessary to comply with this requirement.
6. The applicant shall take whatever steps are necessary to prohibit customers from loitering or smoking in front of the establishment or at the rear of the property. The back door shall remain closed at all times.
7. A copy of this letter must be kept on premises and presented to any authorized City official upon request.

20

By signing the statement below, you agree to comply with the conditions of this letter.

***I have read, understand, and will abide by the conditions of this letter.***



\_\_\_\_\_  
**SEYEDMEHDI HASSANI**  
**Business Owner**

7,14, 2011

\_\_\_\_\_  
**DATE**

Please note that this arrangement is unique and is based on your compliance with the above conditions. Any changes in your currently proposed operations will need to be approved by Planning staff. Noncompliance with these conditions, expansion of business, or any other related incompatibility issues may require approval of a minor conditional use permit. For example, the Zoning Code requires approval of a minor conditional use permit to deviate from shared parking requirements or to expand the business hours after 11 p.m.

The City wishes you well with your new business in Costa Mesa. If you have any questions regarding this letter, please contact Wendy Shih, Associate Planner, at (714) 754-5136 or [wshih@ci.costa-mesa.ca.us](mailto:wshih@ci.costa-mesa.ca.us).

Sincerely,



**KHANH NGUYEN**  
Interim Development Services Director

Attachment: Business Owner Letter dated June 20, 2011

cc: Acting Assistant Development Services Director

D.B. Investments  
17853 Santiago Blvd., #107  
PMB 315  
Villa Park, CA 92861

To Whom It May Concern:

This letter is to bring to your attention the manner in which this business will operate for which there will be more than sufficient parking spaces. A major part of this business (%60) is retail: consumers will be offered smoking products for sale. These products will be displayed on display shelves located in and around the seating area of the store.

The nature of this business is such that its hours of business activity are during times that other surrounding businesses are slow, like between the hours of 3:00 P.M. to 5:00 P.M. and 8:00 P.M. to 11:00 P.M. Our hours of operation are 11:30 A.M. to 11:00 P.M.

The attached documents, pictures and video show the number of available parking spaces, which support the conclusion that there will be more than enough parking spaces for all businesses in this shopping center.

Sincerely yours,

6/20/2011



Seyedmehdi Hassani

Owner of the Bublyz

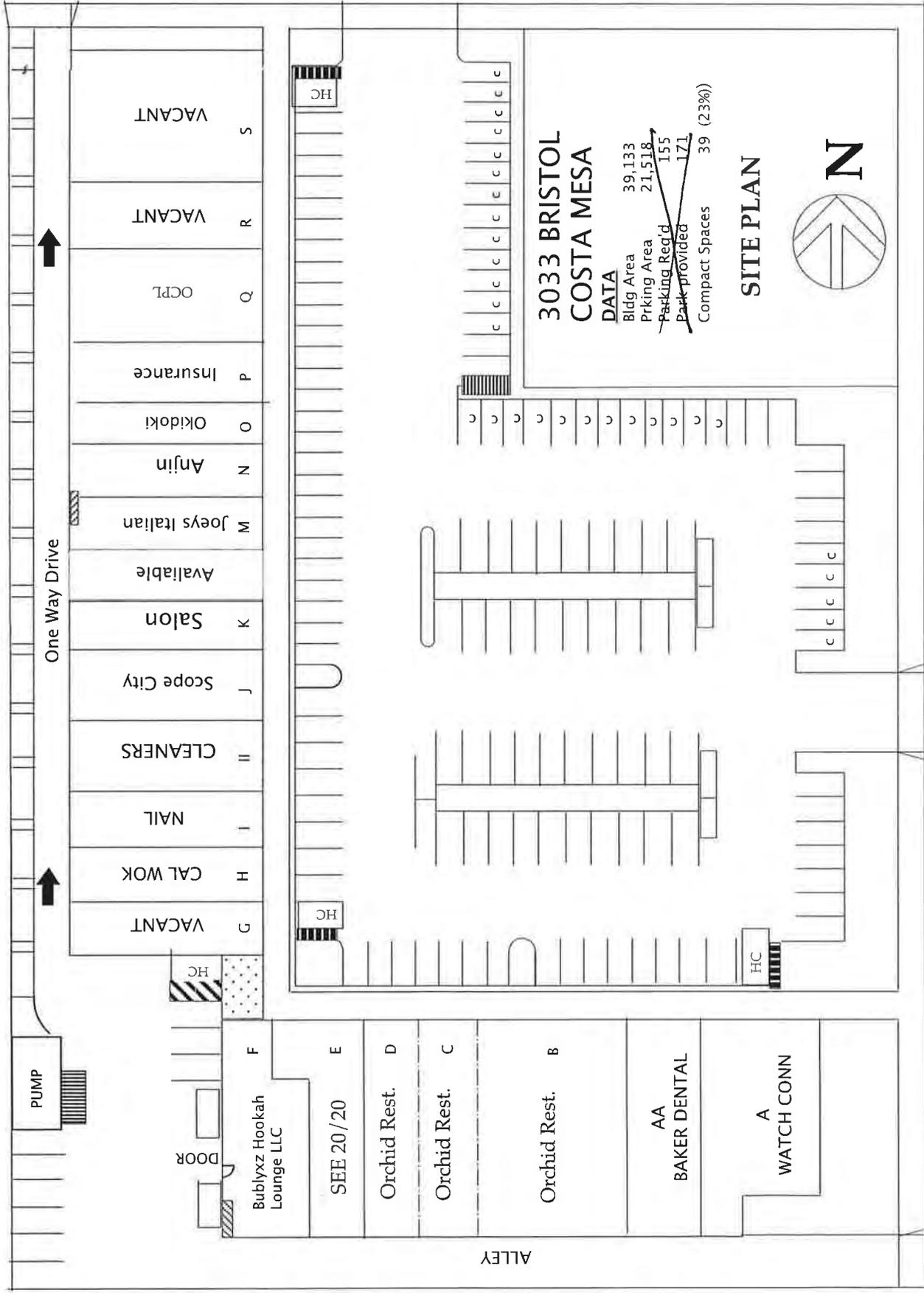
3033 Bristol ST Suite F

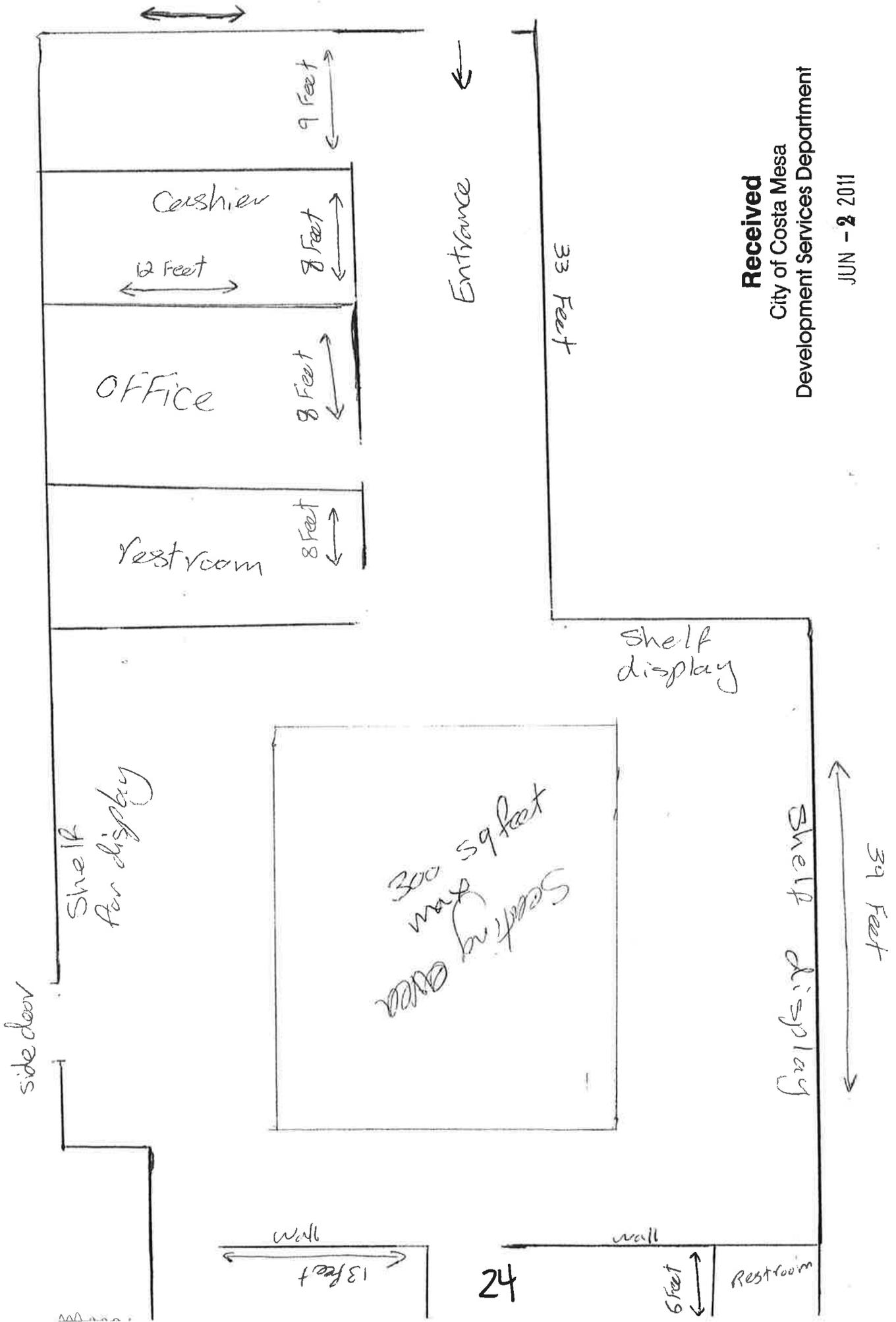
Costa Mesa

**Received**  
City of Costa Mesa  
Development Services Department

JUN 21 2011

PAULORINO AVENUE





**Received**  
 City of Costa Mesa  
 Development Services Department

JUN - 2 2011

<b>DATE</b>	<b>TIME</b>	<b>AVAILABLE SPACE</b>
6/9/11	12:00 P.M.	63
	12:15 P.M.	42
	12:30 P.M.	36
	12:45 P.M.	38
	1:00 P.M.	39
	1:15 P.M.	46
	3:00 P.M.	63
	4:00 P.M.	76
	5:00 P.M.	74
	8:00 P.M.	31
	8:15 P.M.	35
	8:30 P.M.	43
	8:45 P.M.	53
	9:00 P.M.	58
	9:15 P.M.	64
	9:30 P.M.	67
	9:45 P.M.	71
	10:00 P.M.	65
	6/10/11	12:00 P.M.
12:15 P.M.		38
12:30 P.M.		40
12:45 P.M.		38
1:00 P.M.		34
1:15 P.M.		47
3:00 P.M.		59
4:00 P.M.		66
5:00 P.M.		69
8:00 P.M.		31
8:15 P.M.		25
8:30 P.M.		29
8:45 P.M.		32
9:00 P.M.		35
9:15 P.M.		30
9:30 P.M.		31
9:45 P.M.		29
10:00 P.M.		36
6/11/11		12:00 P.M.
	12:15 P.M.	60
	12:30 P.M.	57
	12:45 P.M.	59
	1:00 P.M.	66
	1:15 P.M.	68

	3:00 P.M.	63
	4:00 P.M.	69
	5:00 P.M.	68
	8:00 P.M.	54
	8:15 P.M.	59
	8:30 P.M.	67
	8:45 P.M.	60
	9:00 P.M.	55
	9:15 P.M.	50
	9:30 P.M.	53
	9:45 P.M.	60
	10:00 P.M.	72
6/16/11	12:00 P.M.	53
	12:15 P.M.	48
	12:30 P.M.	51
	12:45 P.M.	35
	1:00 P.M.	48
	1:15 P.M.	62
	3:00 P.M.	67
	4:00 P.M.	71
	5:00 P.M.	73
	8:00 P.M.	25
8:15 P.M.	20	
8:30 P.M.	41	
8:45 P.M.	40	
9:00 P.M.	45	
9:15 P.M.	48	
9:30 P.M.	52	
9:45 P.M.	60	
10:00 P.M.	67	
6/17/11	12:00 P.M.	30
	12:15 P.M.	34
	12:30 P.M.	20
	12:45 P.M.	28
	1:00 P.M.	31
	1:15 P.M.	40
	3:00 P.M.	57
	4:00 P.M.	66
	5:00 P.M.	74
	8:00 P.M.	16
8:15 P.M.	19	

6/18/11	8:30 P.M.	19
	8:45 P.M.	23
	9:00 P.M.	27
	9:15 P.M.	25
	9:30 P.M.	32
	9:45 P.M.	42
	10:00 P.M.	38
	12:00 P.M.	62
	12:15 P.M.	67
	12:30 P.M.	65
	12:45 P.M.	61
	1:00 P.M.	56
	1:15 P.M.	62
	3:00 P.M.	58
	4:00 P.M.	69
	5:00 P.M.	75
	8:00 P.M.	67
	8:15 P.M.	54
	8:30 P.M.	46
	8:45 P.M.	63
9:00 P.M.	52	
9:15 P.M.	54	
9:30 P.M.	51	
9:45 P.M.	61	
10:00 P.M.	68	

**OUR PICK HOURS**



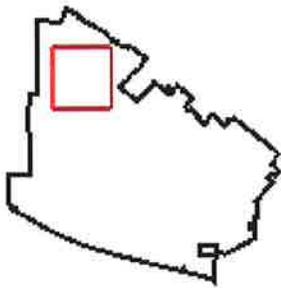


**COSTA MESA VILLAGE SUNDAY HOURS OF OPERATION**

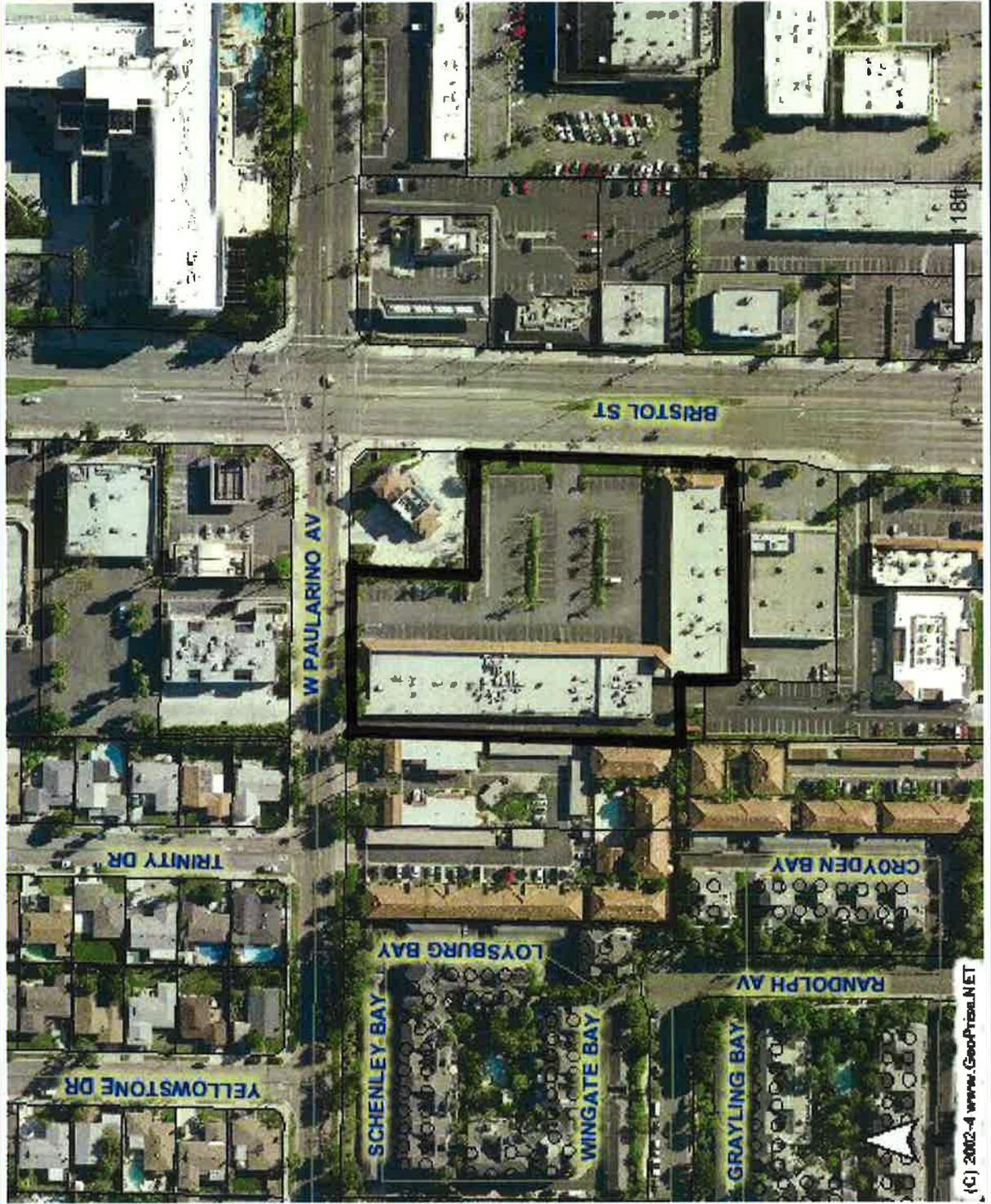
UNIT	TENANT	APPROX. SQ. FT.	APPROX. % OF TOTAL	Sunday Hours of Operation																			
				9	10	11	12	1	2	3	4	5	6	7	8	9	10	11	12	1	2		
A	WATCH CONNECTION	2,700	6.90%																				
AA	SENSATIONAL DENTAL	2,033	5.19%																				
B, C & D	ORCHID REST.	6,840	17.47%			x	x	x	x	x	x	x	x	x	x	x	x	x					
E	SEE 20/20	1,840	4.70%																				
F	VACANT	1,800	4.60%																				
G	VACANT	1,440	3.68%																				
H	CALIFORNIA WOK	1,440	3.68%			x	x	x	x	x	x	x	x	x									
I	CREATIVE NAIL SALON	1,440	3.68%		x	x	x	x	x	x	x	x											
II	GLORY CLEANERS	1,800	4.60%																				
J	SCOPE CITY	1,800	4.60%		x	x	x	x	x	x	x	x											
K	NANU'S THREADING	1,440	3.68%		x	x	x	x	x	x	x	x											
L	VACANT	1,440	3.68%																				
M	HASHIGO	1,404	3.59%										x	x	x	x	x	x	x				
N	ANJIN	1,440	3.68%										x	x	x	x	x	x	x	x	x		
O	OKI DOKI	1,440	3.68%				x	x	x	x	x	x	x	x	x	x	x						
P	EASTWOOD INS.	1,440	3.68%																				
Q	ORANGE COUNTY LIBRARY	2,376	6.07%																				
R	VACANT	1,800	4.59%																				
S	VACANT	3,240	8.28%																				

**ATTACHMENT 4  
LOCATION MAPS AND PLANS**

**Overview Map**



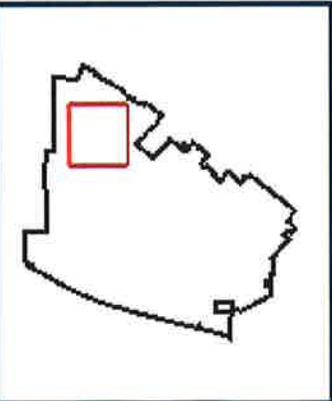
**Map Display**



**Legend**

- Hydrology Channels
- Street Names
- Street Centerlines
- Parcel Lines
- City Boundary
- Water Ways
- Orlho 2010 Level2
- Orlho 2008 Level2
- Orlho 2006 Level2

**Overview Map**

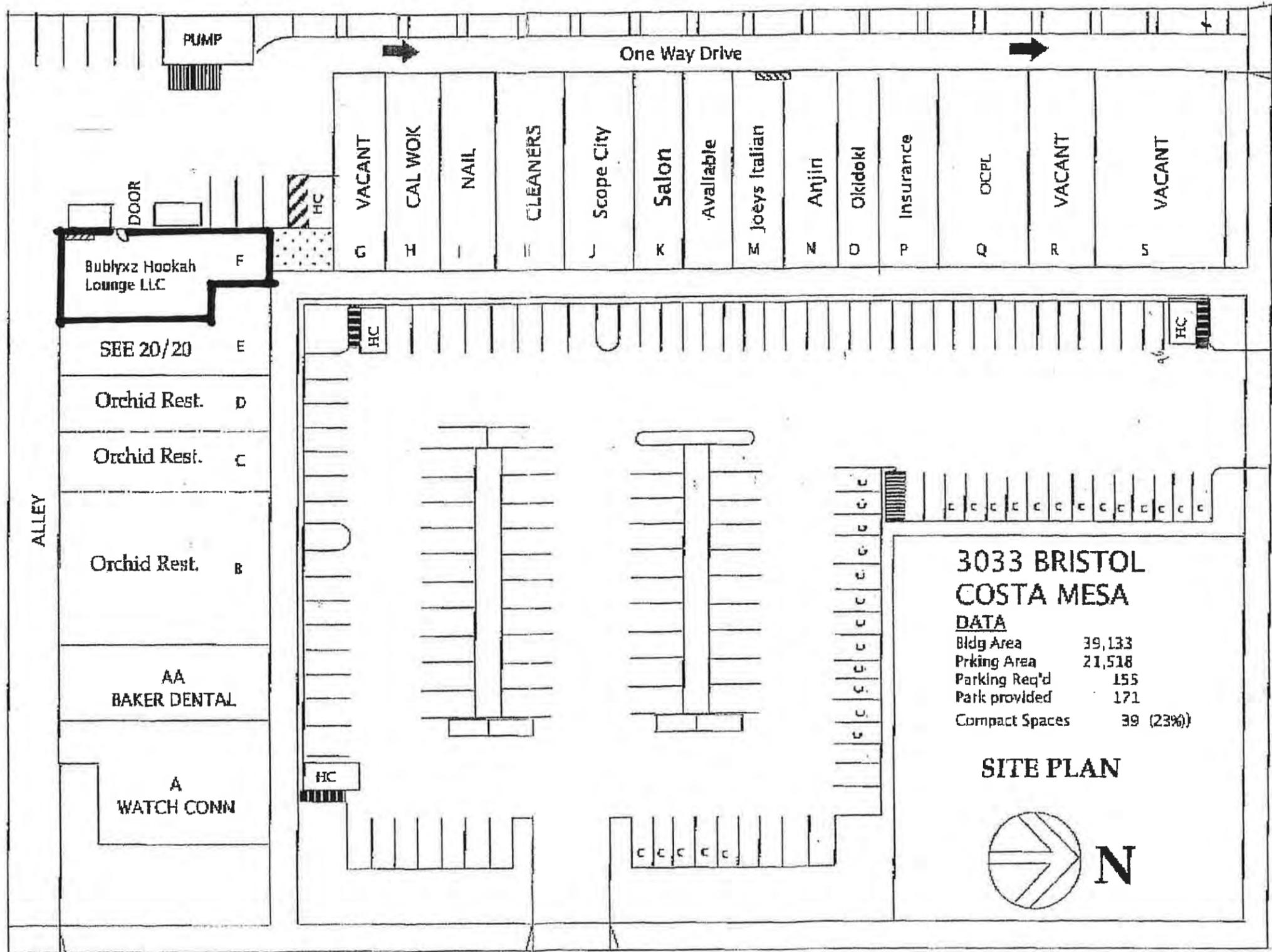


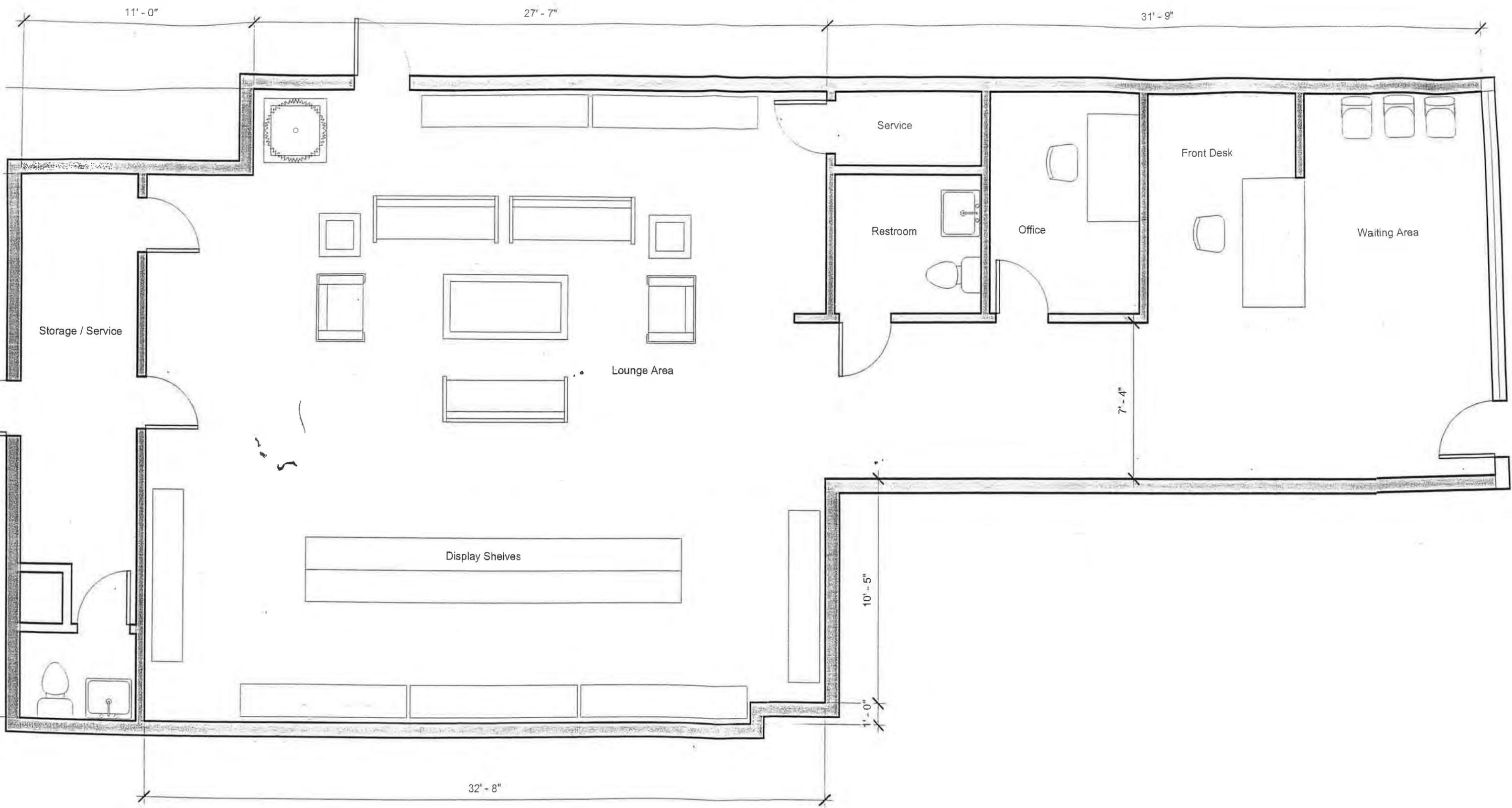
**Map Display**



**Legend**

- Hydrology Channel
- Street Names
- Street Centerline
- Parcel Lines
- City Boundary
- Water Ways
- Zoning
- AP
- C1
- C1-S
- C2
- CL
- M&R (cont)





**COLGAN, JULIE**

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**From:** Susan Thompson <susanthompson@earthlink.net>  
**Sent:** Friday, March 14, 2014 2:18 PM  
**To:** PLANNING COMMISSION  
**Subject:** Appl ZA-14-10

To Whom it May Concern,

I am responding to the Official Public Notice received this week in the mail. The notice states that the Bublyz Hookah Lounge at 3033 Bristol Street, F is applying for a permit to stay open past its current 11:00pm closing. I am against extending its business hours. I do not like having a hookah lounge so close in the first place. Our homes are right behind the center where they reside. The only reason to extend the business hours would be to attract a base of customers that would be undesirable around a residential area like ours. Over the years our housing tract has been taken advantage of by the hotels on Bristol as well as the apartment/condo complexes on Paularino. Our quality of life AND property values will be that much more eroded by having an establishment of this sort so close. They have been trying to "adjust" the permitted use of their space since they moved in. I would ask that they move to a different location more suitable to their activities if they wish to extend their business hours.

Please do NOT approve this "minor" conditional use permit.

*Susan A. Thompson*

3091 Trinityo Drive  
Costa Mesa, CA 92626

NOTICE: This communication may contain privileged or other confidential information. If you have received it in error, please advise the sender by reply email and immediately delete the message and any attachments without copying or disclosing the contents. Thank you.

**COLGAN, JULIE**

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**From:** Kathy Karlheim <kakarlheim@sbcglobal.net>  
**Sent:** Thursday, March 20, 2014 1:06 PM  
**To:** PLANNING COMMISSION  
**Subject:** ZA-14-10

Good Afternoon!!

The area involved is both residential and commercial and we have to live harmoniously together. We can continue to do so based on their present business hours. I do not agree with extending hours past 11pm.

Thank you.

Kathy Karlheim  
Resident of Costa Mesa, CA

COLGAN, JULIE

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**From:** Steven Amel <samel00@sbcglobal.net>  
**Sent:** Thursday, March 20, 2014 2:44 PM  
**To:** jimfitzeco@gmail.com; PLANNING COMMISSION; colinkmccarthy@yahoo.com;  
rdickson.cmpc@gmail.com; twsesler@gmail.com  
**Subject:** Application ZA-14-10

Commissioner Fitzpatrick and Planning Commission:

I am writing to you about the above referenced item on your March 24<sup>th</sup> agenda – Bublyz Hookah Lounge. They are requesting that their hours be extended from 11:00 p.m. to 12:00 a.m. Sunday through Thursday, and until 2:00 a.m. Friday and Sunday.

This item has been before the Planning Commission before. I urge you to NOT support this request. This business has a history of code violations and while not part of the SOBECA area, it is very near and does not fit with the long term planning goals and opportunities for the area. Much like the "vapor" stores that seem to be popping up everywhere, these are the types of businesses that require tremendous oversight by staff and become a nuisance to the surrounding neighbors.

As a nearly 20 year homeowner in the area, who looks with hope to the future of the area as the economy improves, this request, if approved, would be a step backwards. The Bristol corridor in general is seeing much improvement with the recent upgrades and investment at the Crowne Plaza Hotel and on down towards The Camp, these are the types of uses we must encourage. Allowing this business to remain open late – with no parking control for their patrons (surrounding uses that operate late all have valet which concentrates the traffic/cars to the site, as well as, on-site security) and no security this is will have negative impacts on our community and property values.

Our community made the decision two years ago to incur the additional cost of contracting with a security company to nightly patrol our community as the parking from adjacent uses spills over in to our neighborhood, and recently there have been cars broken in to on nearby Randolph Street. While this is an added layer of protection our HOA has decided to assume, it is not fair to residents that these type of issues are occurring – this business would potentially reignite a problem that the existing businesses in SOBECA have worked tirelessly to resolve and have done so.

Please do not support this request.

Regards,  
Steven Amel  
Pentridge Cove II Homeowner, Costa Mesa. 92626

**COLGAN, JULIE**

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**From:** Marice White <marice@mconsensus.com>  
**Sent:** Thursday, March 20, 2014 1:55 PM  
**To:** Colin McCarthy; jimfitzeco@gmail.com; Robert Dickson; aventrue@ca.rr.com; twsesler@gmail.com  
**Cc:** PLANNING COMMISSION  
**Subject:** Application ZA-14-10

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Please do not support this request.

Regards,  
Marice White  
Pentridge Cove II Homeowner

**COLGAN, JULIE**

---

**From:** Kelly Normandin <knormandin@Volcom.com>  
**Sent:** Thursday, March 20, 2014 5:01 PM  
**To:** PLANNING COMMISSION; jimfitzeco@gmail.com; colinkmccarthy@yahoo.com; rdickson.cmpc@gmail.com; twsesler@gmail.com  
**Subject:** Application ZA-14-10

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Kelly Normandin  
Pentridge Cove II Homeowner