



# CITY OF COSTA MESA

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

DEVELOPMENT SERVICES DEPARTMENT

July 7, 2011

Emad Ahmed Elhasany  
400 Merrimac Way, Apt 12  
Costa Mesa, CA 92626

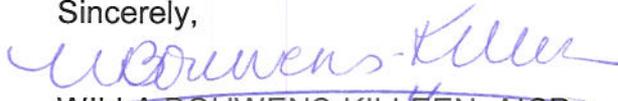
**RE: ZONING APPLICATION ZA-11-08  
MINOR CONDITIONAL USE PERMIT TO LEGALIZE EXTENDED HOURS OF  
OPERATION FOR SULTANA HOOKAH LOUNGE  
698 WEST 19<sup>TH</sup> STREET, COSTA MESA**

Dear Mr. Elhasany:

Review of the minor conditional use permit for the above-referenced project has been completed. The application, as described in the attached project description, has been **denied**, based on the attached findings. The decision will become final at **5 p.m.** on **July 14, 2011**, unless appealed by an affected party (including filing of the necessary application and payment of the appropriate fee) or by a member of the Planning Commission or City Council.

If you have any questions regarding this letter, please feel free to contact the project planner, Rebecca Robbins, at 714-754-5609 or via email at [rrobbins@ci.costa-mesa.ca.us](mailto:rrobbins@ci.costa-mesa.ca.us)

Sincerely,

  
~~WILLA BOUWENS-KILLEEN, AICP~~  
Zoning Administrator

Attachments:      Project description  
                         Findings  
                         Conditions of approval and Code Requirements  
                         Conceptual Site Plan

cc:      Engineering  
         Fire Protection Analyst  
         Building Division

Nicolas Di Pietro  
1800 Peninsula PI  
Costa Mesa, Ca 92627-4593

Moaz Emad Elhasany  
400 Merrimac Way, Apt 12  
Costa Mesa, CA 92626

## **PROJECT DESCRIPTION**

### ***Project Location***

- Sultana Hookah Lounge occupies an approximately 1,480 square-foot suite within an existing multi-tenant development. The property is zoned C1 (Local Business) and has a General Plan designation of General Commercial.
- The property is surrounded by commercially zoned properties to the north, across Pomona Avenue to the west, and across West 19<sup>th</sup> Street to the south. The property located to the east is zoned R3 (Multiple Family Residential) and contains a 270-unit, 18-story senior housing building (Bethel Towers).

### ***History***

- Sultana Hookah Lounge was issued a business license in January 2007; the current owners acquired the business in December 2007. The business was approved to operate between the hours of 5:00 p.m. and 11:00 p.m.
- In February 2011 a complaint was made to City Council that the hookah lounge was operating past 11:00 p.m. This minor conditional use permit application is a result of that complaint.
- The Police Department experienced a high volume of service calls to the area from January 2008 through February 2011 (277 service calls over 3 years, 2 months or an average of approximately 7 calls per month; with a peak of 13 calls in one of the months).

### ***Proposed Extended Hours***

- The applicant requests to legalize extended hours of operation past 11:00 p.m. The proposed business hours are 5:00 p.m. to 2:00 a.m., Monday through Thursday and 5:00 p.m. to 3:00 a.m., Friday through Sunday. Since the business is located within 200 feet of a residential zone, a minor conditional use permit is required to operate past 11:00 p.m. No live entertainment and/or food or beverage sales are proposed.

### ***Analysis***

Staff is unable to support the extended hours of operation past 11:00 p.m. for the following reasons:

- High volume of police service calls involving noise disturbances and public drunkenness. A significant degree of police resources have been consistently devoted to the hookah lounge to patrol the use and the surrounding area due to the after hours operations. From January 2008 through February 2011, approximately 78 percent of the 277 police service calls occurred after 11:00 p.m. with the majority of service calls involving noise/music disturbances, fighting, and public drunkenness.
- Proposal to extend business hours past 11:00PM is considered incompatible with neighboring residential uses. The subject property abuts a residentially-zoned property containing a 270-unit, 18-story senior housing building (Bethel Towers) to the east. Bedrooms within Bethel Towers face west, towards the parking lot of the property containing the hookah lounge. Resident's complaints and communications received

state high levels of noise late in the evening by customers in the parking lot of the hookah lounge and incidences of vandalism.

Based on the history of services calls to, and disturbances at, the property, customers leaving and entering the business past the approved 11:00 p.m. closing time will negatively impact the neighboring sensitive residential use.

- *The business has difficulty with operating in a manner that is compatible with existing businesses.* Communications have been received from neighboring businesses stating patrons of the hookah lounge illegally park on their property and leave garbage (i.e. alcoholic beverage bottles) for the neighboring businesses to clean up.
- *The business owner has failed to fully rectify the problems in recent months (March – June 2011).* Police service calls continue despite the applicant's recent efforts to control disturbances.

Working with Planning staff, the applicant made improvements to the suite and modified some operational aspects of the business to try and address complaints. These improvements included installing security cameras, increasing the lighting inside the business and the parking lot, adding sound proofing materials to the rear door and keeping it closed to reduce noise spillover, and reducing the size and quantity of music speakers.

Staff recognizes these improvements; however, 22 service calls occurred in the last four months when these business practices were in place. Approximately 73 percent of the service calls during this period transpired after 11:00 p.m. Therefore, staff does not consider these measures sufficient to warrant the extended hours of operation.

- *Inconsistency with the General Plan.* The proposed in not consistent with General Plan Objective LU-1F to minimize blighting influences and maintain the integrity of stable neighborhoods and General Plan Objective HOU-1.2 which protects existing residential neighborhoods from the encroachment of incompatible or potentially disruptive land uses and/or activities. Given the proximity to residentially-zoned property and history of Police Department service calls to the property, this site is considered an inappropriate location for the proposed extended hours of operation for the hookah lounge.

## **FINDINGS**

1. The information presented substantially complies with Section 13-29(g)(2) of the Costa Mesa Municipal Code in that:
  - a. The proposed use is not considered substantially compatible and harmonious with developments in the same general area.

The property containing the hookah lounge abuts a residentially-zoned property to the east containing a 270-unit, 18-story senior housing building (Bethel Towers) to the east. Bedrooms within Bethel Towers face west, towards the parking lot of the property containing the hookah lounge. With the history of services calls and

neighboring resident and business complaints including noise and garbage spilling over onto their properties, customers leaving and entering the business past the Code permitted 11:00 p.m. would negatively impact the neighboring uses.

- b. Granting the MCUP will be materially detrimental to the general welfare of the public.

A significant degree of police resources have been consistently devoted to the hookah lounge to patrol the use and the surrounding area due to the after hours operations. From January 2008 through February 2011, approximately 78 percent of the 277 police service calls occurred after 11:00 p.m. Even after the zoning application was filed, improvements were made to the suite, and operational changes were instituted, approximately 73 percent of the 22 service calls received from March 2011 through June 2011 occurred after 11:00 p.m. Allowing extended hours of operation for the hookah lounge would continue the intrusion and adverse impacts on the neighboring properties.

- c. Granting the MCUP will allow a use which is not in accordance with the General Plan Designation.

General Plan Objective LU-1F to promotes minimizing blighting influences and maintain the integrity of stable neighborhoods and General Plan Objective HOU-1.2 which protects existing residential neighborhoods from the encroachment of incompatible or potentially disruptive land uses and/or activities. Given the proximity to residentially-zoned property and history of Police Department service calls to the property, this site is considered an inappropriate location for the proposed extended hours of operation for the hookah lounge.

- 2. The Costa Mesa Zoning Administrator has denied ZA-11-08. Pursuant to Public Resources Code Section 21080(b)(5) and CEQA Guidelines Section 15270(a), CEQA does not apply to this project because it has been rejected and will not be carried out.
- 3. The project is exempt from Chapter XII, Article 3 Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.