



REGULAR MEETING OF THE CITY OF CONCORD ZONING ADMINISTRATOR

9:00 a.m., Wednesday, July 8, 2015
CITY COUNCIL CHAMBERS
1950 Parkside Drive, Concord

AGENDA

PUBLIC COMMENT PERIOD

(The public may speak on any item within the jurisdiction of the Zoning Administrator not listed on this agenda. Approximately 15 minutes is allocated for the Public Comment Period, and each speaker will be allowed approximately 3 minutes.)

HEARINGS:

1. [Mist Hookah Lounge](#) (PL15215 – MP) – Application for a Minor Use Permit to operate a hookah lounge at 4115 Concord Blvd. #14. The General Plan designation is Neighborhood Commercial; Zoning classification is NC (Neighborhood Commercial); APN 114-690-064. Pursuant to the provisions of the California Environmental Quality Act (CEQA) of 1970, as amended, the project is classified as Statutorily Exempt pursuant to Section 15270, “Projects Which Are Disapproved,” and therefore no environmental review was initiated. **Project Planner: Andrew Mogensen @ (925) 671-3332**

ADJOURNMENT

Next Zoning Administrator’s Meeting: July 15, 2015

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.

Correspondence and writings received within 72 hours of the scheduled Zoning Administrator 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.

APPEALS

Decisions of the Zoning Administrator may be appealed to the Planning Commission. Appeals and the required filing fee must be filed with the City Clerk within ten (10) days of the decision.

If you challenge any of the foregoing described actions in court, an appeal first of said actions to the Zoning Administrator, Planning Commission, and/or City Council (as applicable) in the manner and within the time period established in Development Code Chapter 18.510 (Appeals and Calls for Review) is required, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Zoning Administrator and/or Planning Commission (as applicable) at, or prior to, said public hearing.



REPORT TO ZONING ADMINISTRATOR

DATE: July 8, 2015

SUBJECT: MIST HOOKAH LOUNGE (PL 1500215-MP)

Recommendation: Adopt Zoning Order No. 15-007, denying a Minor Use Permit for Mist Hookah Lounge (PL 1500215-MP).

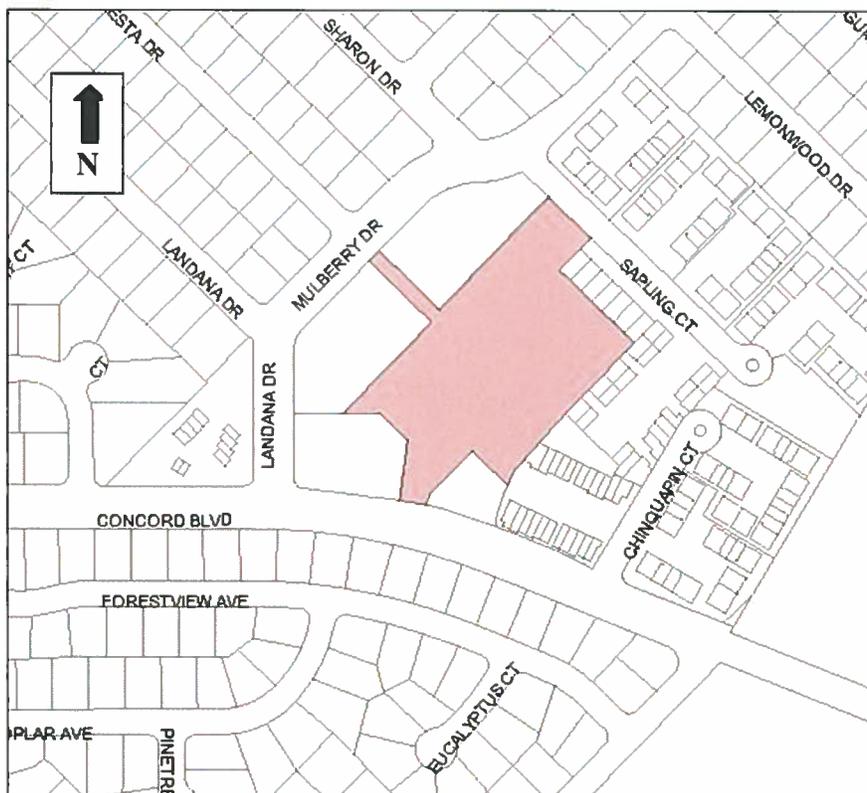
I. Introduction

A. Application Request

Application for a Zoning Administrator Permit (Minor Use Permit) to operate a hookah lounge at 4115 Concord Blvd. #14.

B. Location

The project site is located at 4115 Concord Blvd. #14.; APN 114-690-064



C. Applicant Melod Wahaj 1117 Peacock Creek Drive Clayton, CA 94517 (925) 852-3994	Property Owner Alesco II, LLC. P.O. Box 6004 Concord, CA 94524 (925) 798-2000
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II. Background

On May 22, 2015, the applicant submitted a Minor Use Permit application (Exhibit B) to operate a hookah lounge at 4115 Concord Blvd., #14, within the Dana Plaza commercial center. The project application was reviewed by staff and deemed incomplete on June 10, 2015.

Planning division staff held a pre-application meeting with the applicant on April 23, 2015 in order to discuss concerns with the proposed project. At that meeting, staff informed the applicant of the Planning Commission's prior discussion regarding hookah lounges and the Planning Commission's direction from the August 20, 2014 study session to draft a proposed ordinance prohibiting hookah lounges for consideration along with the next round of Development Code updates. Staff informed the applicant that a number of residents had recently contacted the city with concerns regarding the proposed hookah lounge. Staff also raised concerns with the proposed project's proximity to three nearby schools including Concord High School.

The Planning Division forwarded a public hearing notice on June 27, 2015 regarding the proposed Minor Use Permit to the surrounding residents and property owners within 300 feet of the property, as required by Section §18.500.020. The property was posted with the hearing notice. Staff also notified five Concord residents who separately requested to be notified of the hearing in writing.

The City of Concord has two hookah lounges currently in operation elsewhere in the city. Hookah Palace, located at 1120 Contra Costa Blvd. in a Neighborhood Commercial (NC) zoning district, was approved by the Planning Commission on February 19, 2014. Due to the project's controversy and concerns from the neighboring City of Pleasant Hill, the project was referred to the Planning Commission by the Zoning Administrator for review.

Concord's other hookah lounge, Wicked Mirage Hookah Lounge, is located at 3425 Chestnut Ave. (along Clayton Road) on property zoned Commercial Mixed Use (CMX). Hookah lounges and other "Personal Services, Restricted" designated uses are not permitted in the CMX zoning district, however Wicked Mirage is a legally established non-conforming use due to its approval prior to the 2012 Development Code update taking effect. The business was permitted on October 8, 2010 under Administrative Permit 10-058.

III. General Information

A. **General Plan**

The General Plan land use designation is Neighborhood Commercial (NC). The designation is intended for neighborhood commercial centers that provide convenience and comparison

goods and services to the local community. The maximum FAR is 0.35. Examples include neighborhood shopping centers, supermarkets, dry cleaners, video stores, and small restaurants. The Neighborhood Commercial designation is distributed throughout the City in order to locate commercial services within close proximity to residents.

B. Zoning

The site is located within a neighborhood-oriented commercial shopping center known as Dana Plaza, zoned Neighborhood Commercial (NC). Section §18.40.020 of the Development Code requires that a Minor Use Permit be obtained in order to operate a “Personal Services, Restricted” designated land use in the Neighborhood Commercial (NC) zoning district. Section §18.20.020 designates hookah lounges as a “Personal Services, Restricted” land uses, which are defined as “an establishment that provides personal services that tend to have a negative economic impact upon surrounding areas and may need to be dispersed to minimize their adverse impacts.”

C. CEQA Status

Pursuant to the provisions of the California Environmental Quality Act (CEQA) of 1970, as amended, the project is classified as Statutorily Exempt pursuant to Section §15270, “Projects Which Are Disapproved.” As the project is recommended for a denial, no environmental review was initiated.

D. Site Description

Lot Size and Dimensions	3.5± acre property	2,378± sq. ft. tenant space
Existing Improvements	Multi-tenant retail commercial center with 133 parking spaces	
Topography	The parcel is relatively flat and improved	
Existing Vegetation	The property is currently landscaped with typical commercial retail landscaping and irrigation	

E. Surrounding Land Use

The proposed project is located at 4115 Concord Blvd., Unit #14, within the Dana Plaza neighborhood commercial shopping center. The project is located within a vacant 2,378± square foot tenant space situated in the center of the most northerly building. The rear of the commercial building faces the rear yard of a row of duplex homes along the south side of Sapling Court. There is a shared internal service corridor along the rear of the building’s interior, so the proposed hookah lounge will not have a rear or side exit with direct access to the outside. A Mexican restaurant and fitness center currently operate in the tenant spaces on each side of the proposed hookah lounge and share the interior service hallway. An after school tutoring business for students is also located within the building.

The site is surrounded by the following uses:

	Land Use	General Plan Designation	Zoning
North	Planned Development Single Family Residential	Medium Density Residential Low Density Residential	PD RS7
South	Single Family Residential	Low Density Residential	RS7
East	Planned Development	Low Density Residential	PD
West	Single Family Residential Medium Density Residential	Low Density Residential Medium Density Residential	PD RM

IV. Project Description

The proposed project consists of a 2,378± square foot hookah lounge located within the Dana Plaza shopping center offering sales of hookahs and hookah products to patrons, including flavored tobacco. The applicant's written summary (Exhibit C) describes the business as a Middle Eastern themed lounge with music that allows for relaxing and socializing. The applicant's requested hours of operation are from 4:00 p.m. to midnight, seven days a week. The written summary states their target customers are young adults, although teenagers under the age of 18 would not be permitted in the establishment. The applicants have also stated that no alcohol would be served at the hookah lounge.

Analysis/Discussion

Dana Plaza is a Neighborhood Commercial shopping center surrounded by established residential land uses, primarily single family homes and duplexes. The 3.5 acre shopping center contains various retail, restaurant, and service-oriented tenants, including a Starbucks with a drive-through and a 7-11 gas station and convenience store. The parking lot has 133 parking spaces to serve the existing businesses and no parking issues have been reported in the past. The shopping center is near Concord High School, located about 500 linear feet to the east, separated by some multi-family residential homes and duplexes along Chinquapin Court. El Dorado Middle School and Westwood Elementary School are also nearby, located directly across the street from Concord High School. The proposed hookah lounge would be located in a vacant tenant space situated between a Mexican restaurant and a fitness center.

Pursuant to Section §18.40.020 of Concord's Development Code, a Minor Use Permit is required in order to operate a "Personal Services, Restricted" use in the Neighborhood Commercial zoning district. Hookah Lounges are included in this restricted use classification, described in Section §18.20.020 as "an establishment that provides personal services that tend to have a negative economic impact upon surrounding areas and may need to be dispersed to minimize their adverse impacts."

In order to ensure that adverse impacts are minimized, as per Section §18.435.060 of the Development Code, the Zoning Administrator may only approve a proposed Minor Use Permit if all of the required findings can be made. Based on the submitted application, staff is unable to make the following required findings for the reasons listed below and as identified in Zoning Order ZA 15-07 (Exhibit A):

1. The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of the Development Code and the Concord Municipal Code.

In 1993, the City of Concord passed Ordinance 93-4 which prohibited smoking in most places of employment. This ordinance, listed under Chapter §8.35 of the Municipal Code, included an exemption for certain specific businesses including “retail stores that deal exclusively in the sale of tobacco and smoking paraphernalia.” Entertainment uses were not included in the exemptions.

The following year, the State of California passed the 1994 Smokefree Workplace Act, which also prohibited smoking in most places of employment. The State law was more restrictive than the City’s ordinance and resulted in a statewide prohibition on smoking in bars, restaurants, and any establishments that serve food or drinks. Like Concord’s ordinance, the State law did allow an exemption for certain specific types of businesses. One of those specific exemptions was for a category known as “smokers’ lounges,” which includes uses such as cigar lounges and hookah lounges. Although State law allows hookah lounges under the smokers’ lounge exemption, they are not allowed to serve food or drinks.

In order for the proposed hookah lounge to operate in compliance with both Chapter §8.35 of the Municipal Code, Smoking in Public Places and Workplaces, and the 1994 Smokefree Workplace Act, which is codified under California Labor Code Section §6404.5, business operations would be strictly limited to the retail sales of tobacco and smoking paraphernalia with on-site smoking. Entertainment uses and the serving and consuming of food and drink could not be conducted.

Staff does not find the proposed application to be in compliance with the Municipal Code, General Plan, or State law partly due to the fact that the applicants have identified their business operations as an entertainment use. Entertainment uses are incompatible with the Neighborhood Commercial land use designation in the General Plan and would be inconsistent with the surrounding residential and educational land uses in the vicinity.

2. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity.

The proposed hookah lounge would be located within a neighborhood shopping center situated in the middle of established residential neighborhoods. The proposed location within the shopping center is about 600 linear feet from Concord High School. El Dorado Middle School and Westwood Elementary School are located about 800 linear feet of the proposed hookah lounge. The proposed hookah lounge would be open until midnight, serve tobacco products, play music, and function as an entertainment venue – all operating characteristics which are incompatible with the surrounding schools and residential land uses. Staff is also concerned with a tobacco-oriented business being located along a major route for students walking to and from school. Placing a hookah lounge within close proximity to these schools and residences contributes to the normalization of tobacco use among children and youth.

The design of the proposed hookah lounge is incompatible with California Labor Code Section §6404.5, which requires air from all smoking areas to be vented directly outside and not re-circulated into the building. In addition, the ventilation used in the smoking area is required to comply with

Occupational Safety & Health Administration (OSHA) and Environmental Protection Agency (EPA) design standards. If the proposed hookah lounge has employees, it will be required to provide a break room separately ventilated from the exterior of the building. The building plans submitted with the project application do not comply with these legal requirements.

Although an independent ventilation system could be constructed, secondhand smoke and smoke odors from the business would still likely affect the adjacent Mexican restaurant and fitness center due to the construction of the existing multi-tenant building. The hookah lounge shares interior walls and a rear hallway with these businesses. Prior studies from the U.S. Surgeon General have concluded that there is no risk-free level of exposure to secondhand smoke; separating smokers from nonsmokers, cleaning the air, and ventilating buildings does not eliminate exposures of nonsmokers to secondhand smoke (U.S. Department of Health and Human Services, Office of the Surgeon General, *The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General*, 2006). The project, as proposed would create a nuisance for the adjacent businesses and likely expose their employees and their patrons to secondhand smoke and smoke odors. As a result, staff is unable to make findings that the location, design, and operating characteristics are compatible with the existing and future land uses in the vicinity.

3. 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.

In 1993 the City Council adopted Ordinance 93-4, which included findings that secondhand smoke and the smoking of tobacco or any other weed or plant are a danger to public health. These findings have since been supported by the California Air Resources Board, which placed secondhand smoke in the same category as the most toxic automotive and industrial air pollutants by categorizing it as a toxic air contaminant for which there is no safe level of exposure (CARB Resolution 06-01, January 26, 2006). As a result, staff is unable to make findings of approval that the proposed hookah lounge would not be detrimental to the public health, safety, or welfare of the persons residing or working in the neighborhood.

Due to the fact that the required findings cannot be made, staff recommends the Zoning Administrator adopt Zoning Order ZA 15-07, denying the proposed application.

V. Public Notice and Comments

Notification was mailed to all owners and occupants of property within three-hundred feet (300') of the subject parcel, and has been published in the Contra Costa Times, as required by the Concord Municipal Code. Five residents previously requesting a hearing notice were also provided notice of the hearing ten days prior to the date by mail and email addresses provided. The hearing notice was also posted at the Civic Center and at the subject site at least 10 days prior to the public hearing.

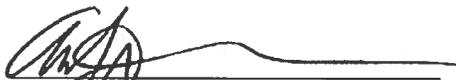
The Planning division has received thirty-one letters from the public in opposition to the proposed project as of the filing of this report (Exhibit E). Any public correspondence received following the filing of this report will be provided to the Zoning Administrator at the public hearing.

VI. Summary and Recommendations

As discussed in detail above, the required findings for a Minor Use Permit cannot be made because the proposed project does not comply with the relevant provisions of the Development Code. Furthermore, the proposed project is inconsistent with the workplace smoking provisions identified in the California Labor Code.

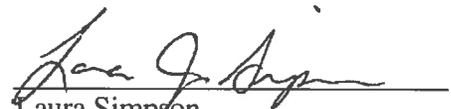
Due to the fact that the required findings cannot be made, staff recommends the Zoning Administrator adopt Zoning Order ZA 15-07, denying the application for Minor Use Permit (PL 15000215-MP).

Prepared by:



Andrew J. Mogensen, AICP
Principal Planner
andrew.mogensen@cityofconcord.org

Reviewed by:



Laura Simpson
Planning Manager
laura.simpson@cityofconcord.org

Exhibits:

- A - Zoning Order No. 15-007
- B - Application dated May 22, 2015
- C- Applicant's written statement
- D- Applicant's building plans
- E - Public comments received

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ZA ORDER NO. 15-07ZA

**OFFICE OF THE ZONING ADMINISTRATOR
CITY OF CONCORD**

DENYING MINOR USE PERMIT (PL 15000215-MP)

**Applicant: Melod Wahaj Owner: Alesco II, LLC (Dana Plaza)
Project Name: Mist Hookah Lounge at 4115 Concord Blvd., #14**

WHEREAS, on May 22, 2015, Melod Wahaj submitted an application for a Minor Use Permit to operate a hookah lounge at 4115 Concord Blvd., #14, APN 114-690-064; and

WHEREAS, the proposed use has been identified in the application as a business establishment with retail, lounge, and entertainment elements where customers purchase and smoke shisha, a flavored tobacco mix which is smoked in a hookah, as well as hookahs and hookah-related products; and

WHEREAS, the application was reviewed on June 10, 2014; and

WHEREAS, Section 5.100.010 of the Concord Municipal Code defines “tobacco” as (1) any substance containing tobacco leaf, including but not limited to cigarettes, cigars, pipe tobacco, hookah tobacco, snuff, chewing tobacco, dipping tobacco, bidis, or any other preparation of tobacco; and (2) any product or formulation of matter containing biologically active amounts of nicotine that is manufactured, sold, offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into the human body, but does not include any product specifically approved by the United States Food and Drug Administration for use in treating nicotine or tobacco product dependence; and

WHEREAS, Section 5.100.010 of the Concord Municipal Code defines “tobacco retailer” as any person who sells, offers for sale, or does or offers to exchange for any form of consideration, tobacco, tobacco products, or tobacco paraphernalia, or who distributes free or low cost samples of tobacco products or tobacco paraphernalia; and

WHEREAS, Section 18.20.020 of the Concord Development Code identifies “hookah lounges” as “an establishment that provides personal services that tend to have a negative economic

1 impact upon surrounding areas and may need to be dispersed to minimize their adverse impacts;” and

2 **WHEREAS**, California’s Smoke-Free Workplace Act of 1995, California Labor Code
3 §6404.5 defines “private smokers’ lounges” as “any enclosed area in or attached to a retail or
4 wholesale tobacco shop that is dedicated to the use of tobacco products, including, but not limited to,
5 cigars and pipes;” and

6 **WHEREAS**, California’s Smoke-Free Workplace Act of 1995, California Labor Code Section
7 §6404.5, prohibits smoking in all workplaces with certain exceptions made for private smokers’
8 lounges, in which case the business is limited to the sale of tobacco and may not sell or serve other
9 products for consumption such as beverages or food; and

10 **WHEREAS**, businesses which are exempt from California Labor Code Section §6404.5 must
11 provide employees with a designated break room separately ventilated directly to the outside; and

12 **WHEREAS**, the U.S. Surgeon General concluded that there is no risk-free level of exposure
13 to secondhand smoke; separating smokers from nonsmokers, cleaning the air, and ventilating
14 buildings cannot eliminate exposures of nonsmokers to secondhand smoke (U.S. Department of
15 Health and Human Services, Office of the Surgeon General, *The Health Consequences of Involuntary*
16 *Exposure to Tobacco Smoke: A Report of the Surgeon General*, 2006, incorporated herein by
17 reference); and

18 **WHEREAS**, the California Air Resources Board placed secondhand smoke in the same
19 category as the most toxic automotive and industrial air pollutants by categorizing it as a toxic air
20 contaminant for which there is no safe level of exposure (CARB Resolution 06-01, January 26, 2006,
21 incorporated herein by reference); and

22 **WHEREAS**, on February 23, 1993, the City Council of the City of Concord passed and
23 adopted Ordinance 93-4, incorporated herein by reference, making findings that:

- 24 a. Tobacco smoke is a major contributor of particulate indoor air pollution;
- 25 b. Breathing sidestream or secondhand smoke is a significant health hazard, in particular for
26 elderly people, individuals with cardiovascular disease, and individuals with impaired
27 respiratory function, including asthmatics and those with obstructive airway disease;
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- 1 c. Health hazards induced by breathing sidestream or secondhand smoke include heart disease,
2 lung cancer, respiratory infection, decreased exercise tolerance, decreased respiratory
3 function, bronchoconstriction, and bronchospasm;
- 4 d. Nonsmokers with allergies, respiratory diseases, and those who suffer other ill effects of
5 breathing sidestream or secondhand smoke may experience a loss of job productivity or
6 may be forced to take periodic sick leave because of adverse reactions to same;
- 7 e. The smoking of tobacco, or any other weed or plant, is a danger to health;
- 8 f. The health care costs and lost productivity incurred by smoking-related disease and death
9 represent a heavy and avoidable financial drain on our community;
- 10 g. The free distribution of cigarettes and other tobacco products is aimed at encouraging
11 people to begin smoking and using tobacco products and tempts those who quit smoking to
12 begin smoking again; and

13 **WHEREAS**, pursuant to the provisions of the California Environmental Quality Act (CEQA)
14 of 1970, as amended, the project is classified as Statutorily Exempt pursuant to Section 15270
15 “Projects Which Are Disapproved,” and therefore no further environmental review was initiated; and

16 **WHEREAS**, the Zoning Administrator, after giving all public notices required by State law
17 and the Concord Municipal Code Section 18 (referred to herein as the Development Code), held a
18 duly noticed public hearing on July 8, 2015 on the project proposal; and

19 **WHEREAS**, the Zoning Administrator considered testimony and information received at the
20 public hearing and oral and written reports from City staff dated July 8, 2015, as well as other
21 documents contained in the record of proceedings relating to the project, which are maintained at the
22 offices of the City of Concord Community and Economic Development Department, Planning
23 Division, located at 1950 Parkside Drive, Concord, CA 94519; and

24 **WHEREAS**, on July 8, 2015 the Zoning Administrator, after consideration of all pertinent
25 plans, documents and testimony, declared his intent to deny the project because of the project’s
26 inconsistency with Concord’s Development Code and California State Labor Code, effect on public
27 health, and incompatibility with surrounding land uses.

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1 **NOW, THEREFORE, BE IT RESOLVED** that the Zoning Administrator does hereby deny
2 Minor Use Permit PL 15000215-MP for Mist Hookah Lounge at 4115 Concord Blvd., #14 based on
3 the following findings:

4
5 CEQA

6 1. Pursuant to the provisions of the California Environmental Quality Act (CEQA) of
7 1970, as amended, the project is classified as Statutorily Exempt pursuant to Section 15270, "Projects
8 Which Are Disapproved," and therefore no environmental review was initiated.

9
10 Minor Use Permit

11 2. The proposed use of a hookah lounge does not conform to the Neighborhood
12 Commercial land use provisions of the Concord General Plan and does not comply with the applicable
13 provisions of the Concord Municipal Code. The Neighborhood Commercial land use designation in
14 the General Plan is intended for neighborhood commercial centers that provide convenience and
15 comparison goods and services to the local community. The proposed use, as described in the
16 applicant's written statement as a Middle Eastern themed lounge selling tobacco products with music
17 and business hours until midnight, is an entertainment use that is incompatible with the Neighborhood
18 Commercial land use designation and inconsistent and incompatible with the surrounding Single
19 Family and Multi-Family Residential and Public/Quasi-Public General Plan land use designations in
20 the vicinity. Furthermore, entertainment uses are not specifically exempted from the City's prohibition
21 on smoking in places of employment, as identified in Chapter 8.35.070 of the Concord Municipal
22 Code.

23 3. The location and operating characteristics of the proposed hookah lounge are
24 incompatible with the surrounding and existing residential (Single and Multi-Family Residential) and
25 educational (Public/Quasi-Public) land uses in the vicinity, which includes three schools as well as
26 single-family and multi-family residential neighborhoods. The proposed hookah lounge is located
27 approximately six hundred (600) linear feet from Concord High School, eight hundred (800) linear
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1 feet from El Dorado Middle School, and less than one-thousand (1000) linear feet from Westwood
2 Elementary School. The location of the hookah lounge is immediately adjacent to existing multi-
3 family residential homes along Sapling Court, which have rear yards adjoining the business location
4 and would be affected by nuisances related to noise and secondhand smoke. The hookah lounge would
5 operate until midnight, sell tobacco products, allow patrons to smoke tobacco and tobacco products,
6 and play music, all of which are operating characteristics incompatible with adjacent residential
7 (Single and Multi-Family Residential) and educational (Public/Quasi-Public) land uses. Furthermore,
8 the project is located within a neighborhood center surrounded by established residential land uses on
9 four sides and visibly located along a major corridor used by elementary, middle, and high school
10 students walking to and from school. Placing a hookah lounge within close proximity to these schools
11 and residences would contribute to the normalization of tobacco use among children and youth.

12 4. The design of the hookah lounge is incompatible with the surrounding and existing
13 land uses in the vicinity in that the hookah lounge patrons will smoke tobacco and nicotine-containing
14 products in an enclosed interior tenant space situated within a multi-tenant commercial building. The
15 U.S. Surgeon General has concluded that there is no risk-free level of exposure to secondhand smoke
16 and that separating smokers from nonsmokers, cleaning the air, and ventilating buildings cannot
17 eliminate exposures of nonsmokers to secondhand smoke. Furthermore, the project plans, design, and
18 operating characteristics of the hookah lounge do not comply with California Labor Code Section
19 §6404.5 and have not demonstrated compliance with the law, which requires air from all smoking
20 areas to be vented directly outside and not re-circulated into the building. The project is not located
21 within a separate, freestanding structure and, as designed, would expose patrons, employees, adjacent
22 businesses, and the general public to secondhand smoke and smoke odors.

23 5. The operation of a hookah lounge within the multi-tenant commercial building located
24 at 4115 Concord Blvd. would be detrimental to the public health, safety, and welfare because the use
25 involves the smoking or ingestion of tobacco and nicotine-containing products and would expose
26 patrons and employees as well as persons residing or working in the adjacent tenant spaces of the
27 shopping center to secondhand smoke generated by the use. The City Council of the City of Concord
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1 has made findings under Ordinance 93-4, incorporated herein, that breathing sidestream or
2 secondhand smoke is a significant health hazard. Furthermore, the California Air Resources Board has
3 resolved under CARB Resolution 06-01, January 26, 2006, incorporated herein, that there is no safe
4 level of exposure to secondhand smoke.

5 6. Granting the Minor Use Permit to operate a hookah lounge would be detrimental to
6 public health, safety, and welfare in that the City Council of the City of Concord has made findings
7 under Ordinance 93-4, incorporated herein, that the smoking of tobacco, or any other weed or plant, is
8 a danger to the public health.

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10 Based on the above findings, on July 8, 2015, the Zoning Administrator denied said application.

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14 G. Ryan Lenhardt,
15 Zoning Administrator
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CITY OF CONCORD
PLANNING DIVISION
 PHONE: (925) 671-3152
 FAX: (925) 671-3381



Community & Economic
 Development Department
 1950 Parkside Drive, M/S 53
 Concord, CA 94519-2578
 www.cityofconcord.org

APPLICATION FORM

Date Received by Planning
3/22/15

- | | | | |
|--|--|--|--|
| <input type="checkbox"/> Preliminary Application | <input type="checkbox"/> Development Code Amendment | <input type="checkbox"/> Major Subdivision/Vesting Tentative Map | <input type="checkbox"/> Rezoning |
| <input type="checkbox"/> Administrative Permit | <input type="checkbox"/> Finding of Public Convenience | <input type="checkbox"/> Minor Exception | <input type="checkbox"/> Secondary Living Unit |
| <input type="checkbox"/> Animal Permit | <input type="checkbox"/> General Plan Amendment | <input type="checkbox"/> Minor Subdivision | <input type="checkbox"/> Sidewalk Café |
| <input type="checkbox"/> Building Move | <input type="checkbox"/> Heritage Tree Nomination | <input checked="" type="checkbox"/> Minor Use Permit | <input type="checkbox"/> Use Permit |
| <input type="checkbox"/> Certificate of Appropriateness | <input type="checkbox"/> Hillside Development Use Permit | <input type="checkbox"/> Planned Development Use Permit | <input type="checkbox"/> Variance |
| <input type="checkbox"/> Condominium Conversion Use Permit | <input type="checkbox"/> Landscape Project Application | <input type="checkbox"/> Protected Tree Removal | <input type="checkbox"/> Vacation/Abandonment of Property Rights |
| <input type="checkbox"/> Design & Site Development Review | | <input type="checkbox"/> Pumpkin & Christmas Tree Sales | <input type="checkbox"/> Vendor Permit |
| | | <input type="checkbox"/> Reasonable Accommodation | <input type="checkbox"/> Wireless Communication Facility |

PROJECT INFORMATION:

PROJECT NAME: Mist Hookah Lounge 114-690-064

PROJECT SITE ADDRESS/LOCATION: 4115 Concord Blvd #14 Concord ASSESSOR'S PARCEL NUMBER: 114-690-064

PROJECT DESCRIPTION (Provide brief description and submit a more detailed description as an attachment.)
Open to public to try smoking a hookah pipe

NOTE: All applicants are encouraged to hold a neighborhood meeting with nearby property owners and tenants early in the development review process. Planning Division staff will work with applicants to schedule the neighborhood meeting.

APPLICANT'S CONTACT INFORMATION

PROPERTY OWNER'S CONTACT INFORMATION

NAME/COMPANY: <u>Melod Wahng</u>	NAME/COMPANY: <u>Alesco II, LLC</u>
ADDRESS: <u>1117 Peacock Creek Dr</u>	ADDRESS: <u>PO Box 6004</u>
CITY, STATE: <u>Clayton CA</u> ZIP: <u>94517</u>	CITY, STATE: <u>Concord</u> ZIP: <u>94524</u>
BUSINESS PHONE: _____ CELL: <u>(925) 852-3711</u>	BUSINESS PHONE: <u>925 798 2000</u> CELL: <u>650 576 2550</u>
FAX: _____ EMAIL: <u>melodwahng@yahoo.com</u>	FAX: <u>925 798 2006</u> EMAIL: <u>carlahilton@comcast.net</u>

Agent Authorization Note: If the Applicant is not the Property Owner, then the Property Owner must sign below to authorize the Applicant as his/her official representative.

I, Carla Hilton, Owner, authorize _____

to act as the official representative on my behalf for this project and in all matters relating to this application. I have read and agree with all of the above (application must be signed by property owner).

Carla Hilton _____ Date 4-2-15

Property Owner's Signature

FOR PLANNING DIVISION USE ONLY:

FILE NAME:	FEES	FIN. REV. CODE
FILE NUMBERS: <u>PL 15000 213</u>		
ASSOCIATED FILES:	APPLICATION RECEIVED BY:	GP DESIGNATION:
	PLANNER:	ZONING:
	ENGINEER:	

Mist Hookah Lounge

Company summary:

Mist Hookah Lounge is proudly aimed to offer a safe, enjoyable, relaxing and alcohol free environment where customers can have an exceptional shisha smoking experience. Adults 18 years of age and older will be happily welcomed into our establishment in a positive and respectful fashion. Mist Hookah Lounge's goal is to offer outstanding service to all of our customers through the sales of quality hookahs and hookah products (flavored tobacco, hookah accessories, etc). Mist Hookah Lounge will strive to attract customers from not only Concord but from cities in the vicinity as well. Mist Hookah Lounge plans to have a classy Middle Eastern theme because we intend to attract not only young men and women, but also grown adults. Mist Hookah's sole purpose is to provide a relaxing area where people 18 and older can come in, relax, socialize and listen to soothing music. Adults and young adults 18 and older who do not have an interest in clubbing, partying, drinking, etc will most certainly take an interest to Mist Hookah Lounge and they will enjoy their time spent.

Company ownership:

Mist Hookah Lounge is currently owned and established by Melod Wahaj and Masood Akrami. Both Melod and Masood have multiple years of experience in business management, sales, customer service, and money handling experience. Melod currently attends Diablo Valley College in Pleasant Hill, California where he studies Business Administration, and is currently taking in management and accounting classes. Business ownership is Melod's passion. Melod's father owns Concord cab and he has singlehandedly established the company from the ground up. Melod's family has a background of successful business ownership. Melod's family currently owns dealerships, gas stations, taxi companies, and restaurants. Masood is a college graduate and currently is the general sales manager at Dublin Honda where he is very successful. Masood has an extensive background on business, sales and customer satisfaction.

Equity Agreement:

Melod Wahaj: 50%

Masood Akrami: 50%

Both Melod Wahaj and Masood have agreed to not hire any employees at the moment they plan of running the business fulltime aside from their school schedules.

Target Customers:

Mist Hookah Lounge's main goal is to attract customers of all ages. We plan on having a classy atmosphere with ambient lighting, which provides our customers a sense of easement and relaxation. We not only want to attract young adults, but we also want to

attract adults ranging from 25 to even 40+. We want adults of all ages to enjoy their time and to feel warmly welcomed. From our experience many hookah bars have a club theme and only attract younger crowds, we are targeting young adults and older men and women to attend Mist Hookah Lounge.

Other Relevant Information:

Mist Hookah Lounge is very well prepared to deliver a safe and alcohol free environment. We plan on keeping the area inside and outside neat, well cleaned and organized. We will have a security guard that checks everyone's identification cards to insure everyone entering is over the age of 18, We will also keep a record of everyone that enters our facility. Individuals under the age of 18 will not be allowed into our facility under any circumstance. If we sense any intoxicated individuals we will have a Breathalyzer ready, and if the individual is intoxicated they will be asked to leave the premises and they will not be allowed to enter the facility due to safety concerns. We will not allow outside food or drink into our facility as well. The building for our business offers a hand full of handicap parking, and over 200 Parking spots. There will be ZERO tolerance for any type of alcohol or drugs. The police will not be hesitated to be contacted in

Hours of operation:

Monday: 4:00 p.m – 12:00 p.m

Tuesday: 4:00 p.m – 12:00 p.m

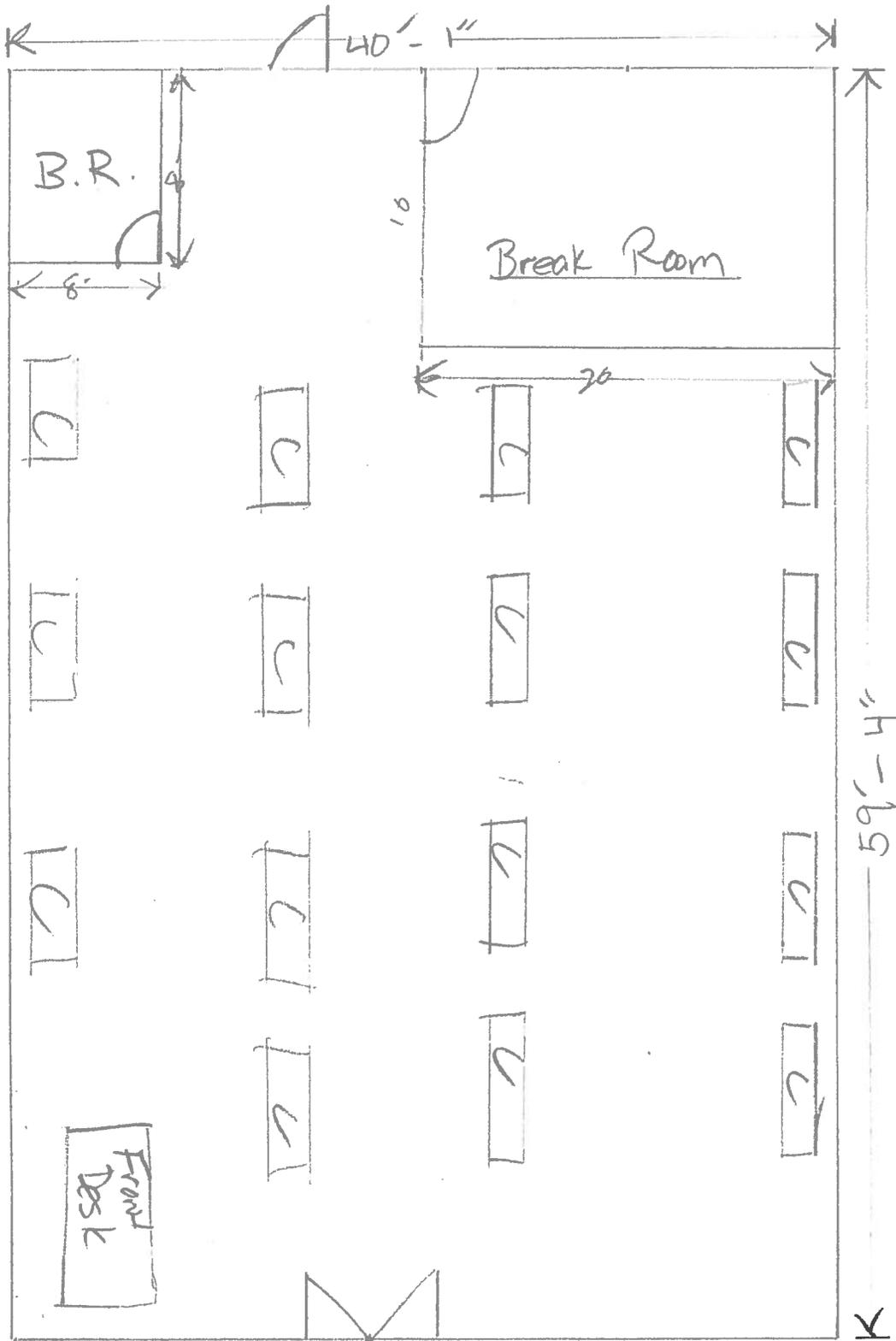
Wednesday: 4:00 p.m – 12:00 p.m

Thursday: 4:00 p.m – 12:00 p.m

Friday: 4:00 p.m – 12:00 a.m

Saturday: 4:00 p.m – 12:00 a.m

Sunday: 4:00 p.m – 12:00 p.m



Couches FLOOR PLAN

Mist Hookka
suite 14 4115 Concord Blvd.

RECEIVED
JUN 21 2015
PLANNING

RECEIVED

JUN 21 2015

PLANNING



EXHIBIT E

From: patriciabriley@yahoo.com [mailto:patriciabriley@yahoo.com]

Sent: Sunday, March 22, 2015 2:55 PM

To: Cityinfo

Subject: Other Issue submitted by patriciabriley@yahoo.com

Report a City Problem	
Problem	Other
Date Problem Occured	03/22/2015
Submitter	Patricia Riley
Phone	
Email	patriciabriley@yahoo.com
Address of Location	Dana Plaza
Description	<p>I am writing to voice my concerns about a hookah lounge interested in leasing space in Dana Plaza. Considering allowing an establishment that legitimizes and glorifies a harmful activity like this is just WRONG - ESPECIALLY given the proximity to Westwood Elementary, El Dorado Middle, and Concord High Schools. It will attract an undesirable population to the center as well. Bring it UP, not DOWN. Please do NOT allow their proposal to move forward.</p>

From: Patricia Hill [<mailto:tuliphill2003@yahoo.com>]

Sent: Sunday, March 22, 2015 6:05 PM

To: Cityinfo

Subject: Possible Hookah Lounge

NO HOOKER LOUNGE IN DANA PLAZA, please!!!!

Dana Plaza is frequented by many school age children. That would be a wrong message.

Please, please City Officials, don't approve it.

Patricia Hill
3636 Lindero Drive
Concord 94519

From: Carol Wilson [<mailto:caroljwilson@comcast.net>]

Sent: Monday, March 23, 2015 7:11 AM

To: Cityinfo

Subject: Proposed hookah lounge

Dear Council members and others -

I strongly oppose a hookah lounge in the Dana Plaza shopping area for a variety of reasons - negative influence, attracting low life people, too close to schools (esp. Concord High), possible behind the scene illegal activities, etc.

Please don't allow this business to open in our neighborhood. Thank you.

Carol Wilson
3972 Juniper Drive
Concord 94519

From: JoAnn Pitt [mailto:coloradokid_56_00@yahoo.com]
Sent: Monday, March 23, 2015 3:13 PM
To: Cityinfo
Subject: Hookah lounge applying to rent a space at Dana Plaza

My husband and I live in Dana Estates and heard recently that a Hookah Lounge business is applying to rent a space at Dana Plaza.

This is very upsetting news to us. Having a tobacco smoking place near the three neighborhood schools, Concord High School, El Dorado Middle and Westwood Elementary does not make sense to us. We do not want this kind of business in our community. We want to discourage smoking in our teens and young adults.

I looked online and saw several Hookah lounge places in Concord, one on Clayton Rd., which is not far from Dana Plaza. If adults need to go someone to smoke together, let them go there.

The Dana Estates neighborhood has a very strong Neighborhood Alliance and we want the best for our community. We would like to see more businesses in Dana Plaza, but something positive. A Trader Joe's or a health food store, a Gymboree or a indoor play area for kids. Something to benefit the neighborhood, not bring it down.

Thank you for listening.

Dennis and JoAnn Pitt
1805 Manzanita Dr.
Concord, CA 94519
925-864-8111
dayshifter@sbcglobal.net

From: [Kathleen Gallagher](#)
To: [Mogensen, Andrew](#)
Subject: Mist Hookah Lounge
Date: Friday, June 26, 2015 10:36:56 AM

I would like to comment regarding the proposed hookah lounge at 4115 Concord Blvd. The location is much too close to several schools and the daily path the many students take from school to house such a business, and therefore I'm strongly opposed to the plan.

Please let me know if you have any questions, and when the zoning conversation will take place.

Thank you!

This e-mail (including any attachments) may contain information confidential to The Clorox Company and is intended only for the use of the intended recipient(s). If the reader of this message is not the intended recipient(s), you are notified that you have received this message in error and that any review, dissemination, distribution or copying of this message is strictly prohibited. If you have received this message in error, please delete this message and notify the sender immediately.

From: [David Gilbert](#)
To: [Mogensen, Andrew](#)
Subject: Comment on proposed hookah lounge
Date: Friday, June 26, 2015 10:48:39 AM

Mr Mogensen:

I would like to include my strong opposition to the proposed hookah lounge at 4115 Concord Blvd. This location is in the middle of a neighborhood with lots of children and teens. This business would make an impression on children and teens that would romanticize the use of tobacco products. End result would be increased lung disease and health care costs. Also I fear there will be unsavory clientele drawn to the business leading to increased crime, drug use, etc.

Thank you for considering my opinion.

David Gilbert
4024 Salem Street
Concord

Mogensen, Andrew

From: Mike Bassett <mikebassett@me.com>
Sent: Friday, June 26, 2015 5:17 PM
To: Mogensen, Andrew
Subject: Must Hookah Lounge Proposal

Hello Mr. Mogeson,

I would like to express my opposition to the Mist Hookah Lounge application for 4115 Concord Blvd, Suite #14, scheduled to be heard July 8th at 9:00 am. I have communicated with several neighbors regarding this matter, and I have not heard one person favor this business.

Thank you for taking the time to hear my voice.

Mike Bassett_____

mikebassett@me.com

www.mikebassett.com

Mogensen, Andrew

From: Joanne Domingoes <nonajo2@att.net>
Sent: Saturday, June 27, 2015 7:09 AM
To: Mogensen, Andrew

People do have a right to have a hookah bar in the proper area, that being said, an area that close to all levels of school age children is not appropriate and this close to neighborhoods. Dana plaza is a neighborhood shopping center and school age children hang out there before and after school. Parents drop their children off there to walk to school due to the school traffic jams and pick them up from there after school. Students also go to that plaza during breaks and lunch hour to get meals. It's a shopping plaza that is full of student life during the whole day and you want to put a hookah bar there, asking for trouble in my opinion.

Joanne Domingoes
D'Aquino Family Cabin Rental
Russian River Resort Area
<https://sites.google.com/site/daquinofamilycabinrental/home>

Live Life, Love Often and Drink more Wine!

My Motto by Joanne Domingoes



Mogensen, Andrew

From: Ruth McNamara <3mcnamaras@att.net>
Sent: Saturday, June 27, 2015 10:48 AM
To: Mogensen, Andrew
Subject: Hookah Lounge

Dear Mr. Mogensen,

Please don't let this business come into our neighborhood which has children flooding past it twice a day. Whatever you can do to stop it would be greatly appreciated.

Thank you,
Ruth McNamara

Mogensen, Andrew

From: Anne Gilbert <agilbert4024@gmail.com>
Sent: Saturday, June 27, 2015 4:35 PM
To: Mogensen, Andrew
Subject: Mist Hookah Lounge

Dear Mr. Mogensen,

I am opposed to the Mist Hookah Lounge being allowed to open in the Dana Plaza Shopping Center at 4115 Concord Boulevard.

I am a member of a non-profit dance organization, Ka `Ohi Nani o Mana`olana, which occupies Suite #12 in this shopping center. We offer Polynesian dance classes for all ages, from pre-schoolers through senior citizens, two nights every week and Saturday mornings. Our front door, is two doors away from the proposed hookah lounge. I am greatly concerned about the safety of our members and students, especially the children, considering the possible clientele the hookah lounge would attract.

Situated in a residential neighborhood, this shopping center is in walking distance of three schools - Concord High, El Dorado Intermediate, and Westwood Elementary. During the school year, students walk by and through this shopping center on their way to and from school. I am concerned for those students as well.

This shopping center is currently a pleasant mix of service-oriented businesses and food vendors, along with a gas station. I see no positive benefit that a hookah lounge would bring to this neighborhood nor to the individuals/families who patronize this shopping center.

Sincerely,
Anne Gilbert
4024 Salem Street
Concord 94521

From: Betty Marrs [mailto:jb.marrs@gmail.com]
Sent: Saturday, June 27, 2015 8:01 PM
To: Cityinfo
Subject: Dana Plaza, Prospective Hookah Lounge

Dear Mayor Grayson and Council Members,

I am unduly concerned about a prospective hookah lounge in Dana Plaza. My husband and I live on Sharon Drive, and we've experienced several difficulties in our neighborhood. We believe a hookah lounge would only add to the current problems our area is experiencing.

Two houses down from us a young man was arrested last week for allegedly robbing several neighbors.

Two houses down the other direction from us, there has been great deal of questionable traffic for years. When I went to the police station with neighbors to discuss the issue two years ago, the officer said that they'd known about that "drug house" for ten years. A few weeks ago, the neighbor next door to the traffic-heavy house almost stepped on a hypodermic needle in their own yard. Yesterday, after a long visit from a policeman, one of the men who lives in the house in question went to the neighbor who found the needle, apologized that the needle was left in their yard, assured her he is not a dealer, said many of his friends take drugs, but he'd never let something like that happen again. There have been police raids and arrests at this house several times, but these people seem to be exempt from following the law, since this has continued for twelve years.

A couple of months ago, at the corner of our street a man was arrested for shooting at the police after threatening suicide.

To top it off, our backyard neighbor owns five small black dogs that never stop barking. We filed a claim with animal services because this neighbor wouldn't open his door to us to discuss the problem. In retaliation for the letter from animal services, he purchased roosters and built a cage that is now right against our fence. We, along with several neighbors, hope to be in mediation with him soon.

The authorities did finally succeeded in closing down a gambling room that had opened in Dana Plaza some time ago, which had attracted unseemly characters. We count that a small victory.

We are unable to attend the meeting regarding the hookah lounge due to out-of-town guests visiting at that time. I ask you please to consider how difficult living in Dana Estates has become for many of us who see all this trouble and feel a bit helpless to do anything about it. There is no doubt in my mind that this hookah lounge would attract and encourage even more trouble than we already are facing.

Thank you for your attention.

Betty Marrs

Mogensen, Andrew

From: Mike <mnguye52@my.smccd.edu>
Sent: Sunday, June 28, 2015 7:57 PM
To: Mogensen, Andrew
Subject: Mist Hookah Lounge

Mr. Mogensen,

Although I can not attend the meeting this Wednesday July 8th, I want to express my opposition with the Hookah Lounge.

My deceased father was introduced to cigarettes at an early age and has been addicted to them even before he graduated high school.

As such, cigarettes and the like (Hookah) have contributed greatly to his cancer. As his son, I had the burden of watching him go through all the stages before he died in my arms.

I would not want any family to go to the pains I was burden with, and therefore, respectfully request that you do not allow Mist Hookah Lounge to move into our community where it will influence our beloved kids to smoke and to be addicted to a disease that will lead to death.

Thank you,
Michael Nguyen
Dana Estates Resident

Sent from my iPhone

From: [Fatima Angeles](#)
To: [Morgensen, Andrew](#)
Cc: [Kaohinaniomanaolana](#)
Subject: Opposition to Mist Hookah Lounge
Date: Monday, June 29, 2015 11:06:06 AM

Dear Mr. Morgensen,

I want to express my **strong opposition to the opening of the Mist Hookah Lounge** in the Dana Plaza Shopping Centre (4115 Concord Blvd. Suite 14). An adult-only establishment that will sell tobacco products will be a negative presence in our family-friendly community. I belong to a Polynesian dance group (Ka 'Ohi Nani o Mana'olana in Suite 11) and we many, many members that are under the age of 18, with many ages 3 - 12. My daughter (13) and son (11) are long-time members of our dance group and I do not want them to be exposed to the hookah lounge.

In our group, we emphasize health and wellness. Having a hookah lounge that caters to only adults will be counterproductive to our efforts. Moreover, our other neighbors are also focused on health and wellness: a Karate studio, a fitness center, an after-school tutoring program. Our location is also very close to three schools. Our dance classes occur after school hours, therefore, our members will be exposed to the hookah lounge.

Please consider our needs and concerns. We want a community that supports health and wellness and a hookah lounge is not part of that vision.

Thank you,
Fatima Angeles

From: [Adel Serafino](#)
To: [Mogensen, Andrew](#)
Subject: Opening of Mist Hookah Lounge
Date: Monday, June 29, 2015 11:20:53 AM

Hello Mr. Mogensen,

It is my understanding that a tobacco business has applied to the Concord City Council to open up its Lounge 2 doors down from *Ka`ohi Nani o Mana`olana*, a hula club that offers hula dance classes not only to adults but to many small children (ages 4 and up).

My opinion is that allowing a tobacco business in the Dana Shopping Center that caters to families with young children and that services kids from the neighboring schools would be detrimental to the health and welfare of our young, impressionable kids and a harmful influence on the children. I want you to know that I oppose having such a business in this wonderful Shopping Center.

Please consider the children and the negative effects of such a business on young customers.

Thank you.
Adel Serafino

From: [Cindy Ochoa Addy](#)
To: [Mogensen, Andrew](#)
Subject: Opposition for Hooka Lounge @ Dana Plaza
Date: Monday, June 29, 2015 11:48:14 AM

Hi Mr. Mogensen:

I would like to **express my opposition to this adults-only business** opening in this shopping center, so close to our hula studio and to the three schools in the neighborhood. We teach kids starting from 3 years old and our oldest member is 82. We provide classes to the community several nights of the week, but particularly, Friday nights the kids class start at 6:30pm.

Think about protecting our kids, all children and families, in this neighborhood and stop this Hookah Lounge from opening.

Thank you for your consideration,
Cindy

From: [Denise Blakewell](#)
To: [Mogensen, Andrew](#)
Subject: Hookah Lounge
Date: Monday, June 29, 2015 1:48:01 PM

Dear Mr. Mogensen,

Please do not allow the Hookah Lounge to come into Dana Plaza. I have had cancer, and I don't wish to be exposed to smoke which has proven to be cancer-causing.

Thank you.

Denise Blakewell
Ka ohi nanio mana olana

From: [Analette Ochoa](#)
To: [Mogensen, Andrew](#)
Subject: Dana Plaza Suite 14
Date: Monday, June 29, 2015 1:48:51 PM

Hi Mr. Mogensen,

I am strongly opposed to Mist Hookah Lounge that is proposing to open at Dana Plaza Suite 14.

My daughter (13) and myself are part of Ka 'Ohi Nani o Mana'olana Dance Studios in Suite 11 and we would not want an adult lounge selling tobacco products next door.

We have members from 3-91 years of age promoting health and fitness and would not want that type of business in the area.

Dana Plaza and Dana Estates is a family community (just had our annual festival on June 24). Please do not allow them to move in and ruin the community feel.

Thank you,

Analette & Sofia Ochoa

From: [Maggie Schoon](#)
To: [Mogensen, Andrew](#)
Subject: Hookah lounge
Date: Monday, June 29, 2015 2:15:31 PM

I am shocked and outraged at the thought of a hookah lounge at Dana plaza. This is NOT appropriate for the many children that frequent the center. Please do not allow this kind of business in Dana plaza.
Maggie
Sent from my iPhone

From: [Joanne F.](#)
To: [Mogensen, Andrew](#)
Subject: Opposition to Mist Hookah Lounge
Date: Monday, June 29, 2015 4:03:06 PM

Dear Mr. Mogensen,

When my children and I went to hula class at our Polynesian dance studio on Friday (located at Dana Plaza, Suite 11, Ka 'Ohi Nani o Mana 'olana), we noticed the sign indicating the opening of the Mist Hookah Lounge just two doors down from us. **I would like to express that I am strongly opposed to Mist Hookah Lounge opening at Dana Plaza.**

This is an adult establishment that will be placed in an area where there is a high concentration of children. Please keep in mind that there are three schools in the area (Concord High School is right behind the plaza), and the other businesses cater to children or have a high clientele of children at Dana Plaza (Karate studio, Kumon, Quickly, Starbucks, Cheese Zombie, P-za Pie). Opening this adult only shop would create a negative and harmful impact for the community by promoting smoking, vaping, tobacco, and drawing in people that would influence these things to our local youth.

It is proven that nicotine addiction is a powerful addiction. There are so many people that want to quit, but there is a strong dependence that leads to relapse. Why expose and influence the children in our community? Our youth are impressionable, so again, I urge you to consider my opposition of this establishment. As a nurse, mother of two young children (ages 8 and 11), and member of the community, I ask you to consider these concerns. Thank you for your time.

Sincerely,
Joanne Fabia

From: [Michelle](#)
To: [Mogensen, Andrew](#)
Subject: Proposed hookah Lounge in Dana plaza
Date: Monday, June 29, 2015 8:53:01 PM

I am opposed to the introduction of a hookah lounge into Dana Plaza. I go there with my daughter because it is a family orientated place. I do not think this business fits into the healthy atmosphere that is being created there.

Michelle Anaman

Sent from my iPhone

From: [TK](#)
To: [Morgensen, Andrew](#)
Subject: Mist Hookah Lounge
Date: Monday, June 29, 2015 9:16:07 PM

Dear Mr. Morgensen,

I want to express my **strong opposition to the opening of the Mist Hookah Lounge** in the Dana Plaza Shopping Centre ([4115 Concord Blvd. Suite 14](#)). An adult-only establishment that will sell tobacco products will be a negative presence in our family-friendly community. I belong to a Polynesian dance group (Ka`Ohi Nani o Mana`olana in Suite 11). In our group, we emphasize health and wellness. Moreover, our other neighbors are also focused on health and wellness: a Karate studio, a fitness center, an after-school tutoring program. Also, our location is very close to three schools.

We have many, many members of our dance group that are under the age of 18, with many children who are 3 - 12 years of age. Our dance classes occur during after school hours, therefore, our members will be exposed to the hookah lounge and it's patrons. I don't want our children exposed to the hookah lounge.

Please consider our needs and concerns. We want a community that supports health and wellness and a hookah lounge is not part of that vision.

Thank you,

Theresa Kailikole

From: thienhhnguyen@yahoo.com
To: [Mogensen, Andrew](#)
Subject: Opposition to the opening of the Mist Hookah Lounge in Dana Plaza
Date: Monday, June 29, 2015 10:48:53 PM

Dear Mr. Morgensen,

It has been brought to my attention that the Mist Hookah Lounge may be opening in the Dana Plaza Shopping Center in Concord (4115 Concord Blvd. Suite 14). I want to express my **strong opposition to the opening of the Mist Hookah Lounge**, an adult-only establishment which sells tobacco products will be a negative presence in our family-friendly community. I belong to a Polynesian dance group (Ka `Ohi Nani o Mana`olana in Suite 11) and we have many, many members that are under the age of 18, with many children who are 3 - 12 years old. My daughter (7) and son (9) are long-time members of our dance group and I do not want them to be exposed to the hookah lounge.

I also have friends that have children attending the surrounding schools and feel that the hookah lounge will have a negative influence on these children as well.

We emphasize health and wellness, along with several of the current businesses in the Center: a karate studio, a fitness center and an after-school tutoring center. Having a hookah lounge that sells tobacco products and allows patrons to sit and smoke will be counterproductive to our efforts. Our dance classes occur during after school hours, therefore, our members (and young very impressionable children) will be exposed to the hookah lounge.

In today's world where we are trying to teach our children to not poison their bodies with tobacco and drugs, seeing adults gathered at a public place where smoking is condoned and promoted will cause confusion and detriment to these young minds. Please consider our needs and concerns. We want a community that supports health and wellness and a hookah lounge is not part of that vision.

Thank you for your understanding and support.

Thien Nguyen

From: [kc](#)
To: [Mogensen, Andrew](#)
Subject: Mist Hookah Lounge
Date: Tuesday, June 30, 2015 3:32:42 PM

Dear Mr. Mogensen:

I'm writing this email to express my strong opposition to the opening of Mist Hookah Lounge. I understand they have applied to become tenants of the Dana Plaza. My hope is you will take into consideration and hear the communities concerns relating to the health and wellness of our community. As well as the harmful influence it will have to the many children and young adults that frequent the plaza and reside in this community. As you may be aware, there are a few schools in close proximity to Dana Plaza.

We have family and friends who attend the Polynesian Dance studio located in Dana Plaza and we do not want our children to be exposed to a business such as Mist Hookah Lounge.

Thank you for your consideration.

Kristi V

From: [Sandy Cornelius](#)
To: [Mogensen, Andrew](#)
Subject: Mist Hookah Lounge - Concord Boulevard
Date: Tuesday, June 30, 2015 4:21:26 PM

Mr. Mogensen:

My husband, Mark Cornelius, and I residents of Sharon Drive and are within walking distance to the Dana Plaza Shopping Center. We are concerned about the Mist Hookah Lounge being considered as a potential business for that shopping center.

Some of our particular concerns are:

The Dana Plaza Shopping Center has business that encourage families with children to utilize their businesses - hair salon, Kumon learning center, several restaurants, Fitness 19, to name a few.

A high school and an intermediate school are very close by and the shopping center and is used by the children as a cut-through to their neighborhoods going to and from school.

The establishment will sell tobacco and tobacco related items and we believe it to be an inappropriate local business given the close proximity to residential neighborhoods, the amount of foot traffic the center experiences by children of all ages.

Potential drifting smoke as people enter/leave the establishment could adversely the neighborhoods as well people utilizing other businesses in the shopping center.

Parking could be an issue as well as the possibility of loitering in the parking area late at night.

Safety and crime is an issue for the shopping center and surrounding neighborhoods. It has been reported that communities permitting hookah lounges have reported an increase in crime in the area (Oakland Press, 9/7/2013).

Thank you for allowing us to express our concerns.

Sandra Cornelius
Mark Cornelius

■

From: [Cherina Angeles](#)
To: [Morgensen, Andrew](#)
Subject: Opposition to the Mist Hookah Lounge
Date: Wednesday, July 01, 2015 8:35:46 AM

Dear Mr. Morgensen,

I would like to express my concern in the possibility of a hookah lounge being considered as an establishment at the Dana Plaza Shopping Centre (4115 Concord Blvd. Suite 14). My daughters are part of the Polynesian dance group (Ka "ohi Nani o Man`olana in Suite 11) so it worries me they will be exposed to that type of business at an early age. And, it makes me feel uneasy with the adult traffic that this business may bring in.

Thank you for your time and consideration.

Cherina Angeles

From: [Judi Victor Ragsdale](#)
To: [Mogensen, Andrew](#)
Subject: FW: Please Don't Allow the Hookah Lounge by Dana Plaza Shopping Plaza
Date: Wednesday, July 01, 2015 8:36:22 AM

[Sent from Yahoo Mail for iPad](#)

----- Begin Forwarded Message -----

From: Judi Victor Ragsdale
Date: Jul 1, 2015, 2:40:32 AM
To: andrew.mogensen@cityofcocomn.org
Subject: Please Don't Allow the Hookah Lounge by Dana Plaza Shopping Plaza

It has come to my attention that there is a proposal to okay a permit to build a hookah lounge near or in the Dana Plaza Shopping Plaza. I urge you to NOT permit this. Can it really be of benefit to the Concord community to allow building something that encourages smoking? Isn't this like stepping backward towards healthful living? Some have argued that there will be nicotine free tobacco. Does that make it any better? Having this type of establishment will entice, encourage, tempt, and promote behavior we, as a society, have fought so long to eliminate. Take a stand for making Concord a place where families have a say in keeping their community healthier, smoke-free, with clean air. Be a leader who listens to and fights for the littlest of our community members.....the children.

Although I don't live in Concord I do live about twenty minutes from the Plaza. I am a member of a hula organization and our classes are held next to the Fitness 19 gym. Our members come from all over and some live close to the Dana Plaza. We recently moved to our new location and we were pleased that there were so many family-friendly things available at the Plaza. Many of our members have children, Tweens or teens who also come to classes. Please help keep Concord and Dana Plaza a place where families will continue to want to shop and participate in healthy activities. Thank you for your time and for your help.

Judi Victor Ragsdale
Member of Ka Ohi Nani o Mana olana

[Sent from Yahoo Mail for iPad](#)

From: [Sharon IkedaChan](#)
To: [Mogensen, Andrew](#)
Subject: Opposing Mist Hookah Lounge in Dana Plaza Shopping Centre
Date: Wednesday, July 01, 2015 8:37:26 AM

Drive

Sharon Ikeda
1040 Sanders

Moraga, CA 94556

June 30, 2015

Dear Mr. Morgensen,

I would like to express my strong opposition to the opening of a Hookah lounge in the Dana Plaza Shopping Center.

My hula group is a new member of this plaza and though initially skeptical about the move here, I have been

pleasantly surprised by the neighborhood location and the friendly, safe area.

I am health oriented and feel like a Hookah lounge would be taking two steps backwards in the movement towards

a healthy lifestyle. Let's keep this area moving upward and not attracting the wrong type of business or clients.

My experience with a Hookah lounge not far from my work is negative with crime going up and thugs hanging out in

the area. Please do not let this happen to this mall.

Thank you for your consideration,

Sincerely,

Sharon Ikeda

From: [Bobbie Call](#)
To: [Mogensen, Andrew](#)
Subject: lounge at Dana Plaza
Date: Wednesday, July 01, 2015 8:38:18 AM

I am very much against this proposed project! Our kids & neighborhood are already exposed to too much negative crap .Only people who benefit from this type of business are the owners.Bobbie Call

From: [Kristina Nixon](#)
To: [Mogensen, Andrew](#)
Subject: No hookah lounge in Dana Plaza
Date: Wednesday, July 01, 2015 8:40:20 AM

Andrew,

I heard there's a proposal to allow a hookah lounge to open in the Dana Plaza shopping center. I am not available to attend the meeting next Wednesday.

I went to both El Dorado and Concord High years ago. I can't believe Concord would consider allowing a hookah lounge be opened so close to an elementary, intermediate and high school. There are so many school children in the area that should not be exposed to such a toxic behavior in the only shopping center near their schools. Smoking in a hookah lounge exposes a person to 100 to 200 times more smoke than 1 cigarette. Smokers are subject to throat, oral and lung cancer. Children should not have such easy access or exposure to a hookah lounge.

Why would Concord think this is a good idea to place this type of business across the street from 3 schools?

I want to log my disappointment and lack of support of a hookah lounge in Dana Plaza.

Kristina Nixon

From: [Barbara Medeiros](#)
To: [Mogensen, Andrew](#)
Cc: [Cityinfo](#)
Subject: NO TO HOOKAH LOUNGE
Date: Wednesday, July 01, 2015 9:08:10 AM
Importance: High

Dear Mr. Morgensen,

I strongly urge you and the City Council of Concord to REJECT the business application for [Mist Hookah Lounge](#) to conduct business in the Dana Plaza Shopping Centre. The Dana Plaza Shopping Centre is located literally next to our children's schools, Concord High School, El Dorado Middle School and Westwood Elementary school. Target clientele for Hookah Bars are [underage YOUTH and YOUNG adults](#), this location is IDEAL for them.

As a voting resident of Contra Costa County and the City of Concord, I strongly OBJECT to the GROSS convenience and access this Hookaha Bar will have to [our](#) children.

I urge you to REJECT their business application.

Sincerely,

Barbara Medeiros
Concord, CA

From: Arlene <arlenemacanas@yahoo.com>

Sent: Jul 1, 2015 12:09 PM

To: Mogensen, Andrew

Subject: Opposition to Hookah Lounge

Hi Mr Morgensen,

I would like to express my opposition to the opening of the Hookah Lounge in Dana Plaza. I am a dancer at Ka Ohi Nani o mana olana in suite 11, two doors down from where the lounge is set to open. There are many children and teenagers that are apart of our dance company and the Hookah lounge is not a business that should be allowed in this environment. There are schools nearby as well as family restaurants in the same plaza, a smoking lounge would pollute this plaza and lessen its value. Please reconsider the opening of this hookah lounge in Dana Plaza.

Sincerely,

Arlene Macanas