Staff Report – Public Hearing #5

Conditional Use Permit for a Hookah Bar in a DV (Downtown Village) zoning district at 724 1st St. So. for Saife Almofraji (CUP 143-19).

Applicant/Lessee: Saife Almofraji, DBA Habibi Hookah

Owner: L1 Commercial, LLC

File No: CUP 143-19

Prepared by: Norman L. Holm

Date: July 2, 2019

Requested Action: Conditional Use Permit

Purpose: The applicant states the reason for the proposed CUP is to transfer his Hookah bar business location from 1518 1st St. So. to 724 1st St. So.

GENERAL INFORMATION

Status of Applicant: Lessee

Existing Zoning: DV (Downtown Village)

Location: 724 1st St. So. situated in the SW ¼ of Section 22, T3N, R2W, BM also Lots 9 and 11, Block 2, Nampa Original Townsite.

Size of Property: A portion of a .32 acre or 14,000 sq. ft. parcel
Surrounding Land Use and Zoning:
North- Seed company, IH
South- Professional office and auto repair uses, DV
East- Seed company offices and storage, DV
West- Oil company, DV

Comprehensive Plan Designation: Downtown

Zoning: DV Downtown Village: Section 10-15-5: A. Purpose and Intent: The DV subdistrict is intended to serve as a transitional district between the downtown business (DB) and the downtown historic (DH) districts. It is intended to provide a mixed-use area of retail, office and multi-family residential services, with a presence of motels and food service establishments, and entertainment within its confines and preserve a variety of extant uses.

Zoning & Planning History: Prior to being zoned DV in 2009 the area was zoned IL (Light Industrial) as illustrated by several surrounding industrial and automotive related uses.

Applicable Regulations: Section 10-3-2 Schedule of District Land Use Controls provides guidance on what uses are permitted or conditional or not allowed in the DV zone. Though not specifically listed, staff has determined that Hookah Bars be required to obtain conditional use permits. Section 10-3-2 B Unlisted Land Uses (indicates that): The director or his/her designee shall interpret the appropriate district for land uses not specifically listed by determining the district in which similar uses are permitted. ... Where a use is proposed and ambiguity exists concerning the appropriate district or procedure for the establishment of that particularly proposed use, said use may be established by obtainment of a conditional use permit...

Chapter 25 sets forth the criteria of approval. These criteria require that the use be compatible with and not adversely affect the livability or appropriate development of the surrounding neighborhood.

Description of Existing Land Use: Vacant commercial space within an existing building.

Description of Proposed Land Use: “Hookah bars” are commercial establishments where people gather to smoke flavored tobacco from a hookah pipe. Originating in India and spreading to several Middle Eastern countries, traditional hookah lounges are coffee houses that also serve hookah. Out of deference to Muslim traditions, they do not serve alcoholic beverages. As they have gained popularity in Western cultures over the years, however, many hookah bars in the United States do serve alcohol along with food and a variety of tobacco flavors.

“Hookahs are water pipes that are used to smoke specially made tobacco that comes in different flavors, such as apple, mint, cherry, chocolate, coconut, licorice, cappuccino, and watermelon. Although many users think it is less harmful, hookah smoking has many of the same health risks as cigarette smoking.

Hookah is also called nargile, argileh, shisha, hubble-bubble, and goza. Hookahs vary in size, shape, and style. A typical modern hookah has a head (with holes in the bottom), a metal body, a water bowl, and a flexible hose with a mouthpiece. Hookah smoking is typically done in groups, with the same mouthpiece passed from person to person... The charcoal used to heat the tobacco can raise health risks by producing high levels of carbon monoxide, metals, and cancer-causing chemicals. Even after it has passed through water, the smoke from a hookah has high levels of these toxic agents.” – Centers for Disease Control and Prevention – www.cdc.gov
Parking: Existing off-street parking exists at the location for hookah bar customers.

SPECIAL INFORMATION

Public Utilities:
4" water main in alley to the west, 8" water main in 1st St. so.
8" sewer main in alley to the west, 15" sewer main in 1st St. So.
3" irrigation main in 1st St. So.

Public Services: All available.

Transportation: The business access is from 8th Ave. So. and 1st St. So. into the parking lots.

Physical Site Characteristics: Developed vacant, available commercial unit.

Environmental: No areas of concern.

Aesthetics/Landscaping: No existing landscaping on the property or in the right-of-way areas.

Correspondence: No correspondence from any area property owners, businesses or residents have been received for or against the establishment of a Hookah Bar at the subject location.

STAFF FINDINGS AND DISCUSSION

Many community members and local officials have expressed a concern that a proliferation of bars, tattoo parlors, vape shops, tobacco shops, cbd stores, hookah bars, etc. does not bode well for the image of a family friendly and financially successful downtown retail core. Concern has also been raised concerning the potential health risks associated with these uses.

The location could be considered a reasonable location for a Hookah Bar because it is removed from the downtown core and situated near other nonretail or industrial uses. From a land use standpoint, the location is shown on the comprehensive plan adjacent the boundaries of Heavy Industrial and Downtown and the requested Conditional Use for a Hookah Bar has been determined to be an eligible conditional use in the DV zone.

With regards to the conditional use permit, use of this commercial unit for a Hookah Bar may or may not be compatible with the surrounding commercial and industrial neighborhood.

If the Commission votes to approve of the CUP, the following findings are recommended:

1) The location, size and design of the proposed Hookah Bar will be somewhat compatible with and not adversely affect the livability or appropriate development of the surrounding neighborhood if the below conditions are required.
2) The location, design, and site planning of the proposed Hookah Bar will be as attractive as the nature of the use and its location and setting warrants.
3) The proposed Hookah Bar could lower the successful operation of the surrounding area in its basic community function and would not provide an essential service to the community.
SUGGESTED CONDITIONS OF APPROVAL

If the Commission votes to issue a conditional use permit the following Planning and Engineering conditions are recommended to be attached:

1) All requirements of the Nampa fire and building departments regarding Hookah Bar use shall be satisfied.
2) The conditional use permit is issued for the life of the commercial unit as a Hookah Bar.
3) The outside lot and parking areas shall be maintained in a neat and orderly manner, with all litter and debris regularly cleaned up.
4) The owner shall keep noise emanating from the establishment at an acceptable level as required by city code.
5) Any other conditions the Commission deems appropriate regarding any public concerns.

ATTACHMENTS

1) Application (Page 5)
2) Vicinity zoning and location map (Page 6)
3) Building site layout plan (Page 7)
4) Street view of building (Page 8)
5) Birds eye view of property and neighborhood (Page 9)
6) Agency and other correspondence (Page 10+)
APPLICATION FOR CONDITIONAL USE PERMIT
PLANNING AND ZONING DEPARTMENT
411 3RD STREET S., NAMPA, IDAHO 83651 P: (208) 468-4487 F: (208) 465-2261
Nonrefundable Fee: $234.00 (1 acre or less) Nonrefundable Fee: $463.00 (more than 1 acre)

<table>
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<tr>
<th>Applicant Name</th>
<th>Home Number</th>
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<tbody>
<tr>
<td>Saira Almorraj</td>
<td>208-922-0451</td>
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<tr>
<td>Street Address</td>
<td>Mobile Number</td>
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<tr>
<td>806 1st St N</td>
<td>Email</td>
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<tr>
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<td>Street Address</td>
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<td>27/7 W. Bonnack St</td>
<td>Email</td>
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<td>City</td>
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**Please provide the following REQUIRED DOCUMENTATION to complete the CUP**

- A copy of one of the following: ☐ Warranty Deed ☐ Proof Of Option ☐ Earnest Money Agreement
- A sketch drawing of the site & any adjacent property affected, showing all existing & proposed locations of streets, easements, property lines, uses, structures, driveways, pedestrian walks, off-street parking & off-street loading facilities and landscaped areas, preliminary or final building plans & building elevations, together with any other information considered pertinent to the determination of this matter.
- Signed & Notarized Affidavit of Legal Interest (attached). Form must be completed by the legal owner (If owner is a corporation, submit a copy of the Articles of Incorporation or other evidence to show that the person signing is an authorized agent)
- Original Legal description of property AND a legible WORD formatted document. (Must have for final recording) Old or illegible title documents will need to be retyped in a WORD formatted document.

**Project Description**

> State (or attach a letter stating) the reason for the proposed Conditional Use Permit: to transfer my business location from (1518 1st St S) doing the same use.

Dated this 10 day of June, 2019

**NOTICE TO APPLICANT**

This application will be referred to the Nampa Planning Commission for its consideration. The Planning Commission shall hold a public hearing on the application and it shall be granted or denied. Notice of public hearing must be published in the Idaho Press-Tribune 15 days prior to said hearing. Notice shall also be posted on the premises not less than 1 week prior to the hearing. Hearing notices will also be mailed to property owners or purchasers of record within 300 feet of the subject property. You will be given notice of the public hearing and should be present to answer any questions.

If a Conditional Use Permit is granted by the Planning Commission, it shall not become effective until after an elapsed period of 15 days from the date of Planning Commission action. During this time any interested person may appeal the action to the City Council. You will be notified of any pending appeals.

If the conditional use permit is denied by the Planning Commission, you may appeal the decision to the City Council within 15 days from the date such action is taken by the Planning Commission. At the time the Conditional use permit becomes effective you will be sent a document which constitutes an official "Conditional Use Permit". This document will enumerate the conditions attached to the issuance of the permit and state the consequences of failure to comply.

**OFFICE USE ONLY**

FILE NUMBER: CUP - 00143 - 2019  PROJECT NAME  Hookah Bar

12/11/13 Revised  Page 5
724 1st St S

724 1st St S
Conditional Use Permit for a Hookah Bar

CUP-00143-2019
6/18/2019

Visit Planning & Zoning at cityofnampa.us for more info.

Exhibit
DATE: June 24, 2019
TO: Planning and Zoning Department
FROM: Caleb LaClair, P.E., Nampa Assistant City Engineer
CC: Daniel Badger, P.E., Nampa City Engineer
CC: Tom Points, P.E., Nampa City Public Works Director
APPLICANT: Saife Almafraji
OWNER: L1 Commercial, LLC
ADDRESS: 724 1st Street S
RE: CUP-00143-2019 – Hookah Bar at 724 1st Street S

The Engineering Division does not oppose this application and has no comments or conditions. Sewer and water use fees will need to be evaluated at the time of tenant improvements to determine if additional fees are warranted.
Building Department will require permits for any and all work before it starts.

Good Afternoon,

Re: Conditional Use Permit for Hookah Bar in a DV (Downtown Village) Zone (CUP-00143-2019)

Saife Almofraji has requested a Conditional Use Permit for a Hookah Bar in a DV (Downtown Village) zoning district at 724 1st St. So. (A .32 acre or 14,000 sq. ft. parcel situated in the SW ¼ of Section 22, T3N, R2W, BM also Lots 9 and 11, Block 2, Nampa Original Townsite).

This application will go before the Planning and Zoning Commission as a public hearing item on the July 09, 2019 agenda.

Please find attached the CUP-00143-2019 file for your review and send all comments to my attention or to Sylvia Mackrill (mackrill@cityofnampa.us) no later than June 25, 2019.

Thank you & Have a great day!
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Only violations at this property is for weeds and a case is open no other violations at this time hope this helps

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June 20, 2019

Norman L. Holm, Planning Director
City of Nampa
411 3rd Street South
Nampa, ID 83651

RE: CUP-00143-2019/ Hookah Bar; 724 1st Street South

Dear Norm:

Nampa & Meridian Irrigation District (NMID) has no comment on the above-referenced application as no facilities are impacted and plans show storm water is retained on site.

All private laterals and waste ways must be protected. All municipal surface drainage must be retained on-site. If any surface drainage leaves the site, NMID will need to review drainage plans. The developer must comply with Idaho Code 31-3805.

Please feel free to contact me with any further questions.

Sincerely,

David T. Duvall
Asst. Water Superintendent
Nampa & Meridian Irrigation District
DTD/ gnf

Cc: Office/ file
Good morning,

ITD has received application CUP-00143-2019 for review. ITD does not anticipate any significant traffic impact from this development and has no objections to the proposed development.

Thank you,

Sarah Arjona
Development Services Coordinator
ITD District 3
(208) 334-8338

From: Shellie Lopez <lopes@cityofnampa.us>
Sent: Monday, June 17, 2019 1:50 PM
Subject: [EXTERNAL] Conditional Use Permit for Hookah Bar in a DV Zone (CUP-00143-2019)

--- This email is from an external sender. Be cautious and DO NOT open links or attachments if the sender is unknown.
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