1. CALL TO ORDER

2. License & Permit Hearing Board Permit Case No. 22-0001

   Associated Cases: ACCELA PROJ 22-0025 & PWE 22-0098

   A request to allow live music entertainment in conjunction with an existing restaurant use, Rail Side Café, located at 322 S. San Dimas Avenue within the Creative Growth, Area 3 (CG-3) Zone.

   Applicant: Jordan Nachbaur      APN: 8390-018-093
   Planner: Anne Nguyen           Zone: CG-3

3. ORAL COMMUNICATIONS

   (Members of the audience are invited to address the Board on any item not on the agenda. Under the provisions of the Brown Act, the Board is prohibited from taking or engaging in discussion on any item not appearing on the posted agenda. However, your concerns may be referred to staff or set for discussion at a later date. Each speaker shall be limited to three (3) minutes.)

4. ADJOURNMENT
TO: License and Permit Hearing Board  
For the meeting of June 23, 2022

FROM: Anne Nguyen, Associate Planner

SUBJECT: LPHB Case No. 22-0001  
Associated Cases ACCELA PROJ-22-0025 & PWE22-0098

A request to allow live music entertainment in conjunction with an existing restaurant use, Rail Side Café, located at 322 S. San Dimas Avenue within the Creative Growth, Area 3 (CG-3) Zone.  
(APN: 8390-018-093)

FACTS:

Rail Side Café, a full-service restaurant that began operating in the city in 2015 is located at 322 S. San Dimas Avenue between Commercial Street and Arrow Highway. The Applicant and owner/operator, Jordan Nachbaur, is requesting an Entertainment Special Permit to allow live music within the outdoor patio area located in the public right-of-way (Figure 1).
The Applicant is requesting to have live jazz-type music Saturday afternoons and evenings once or twice a month. The music would be acoustic style with no rock bands nor loud drums.

**ANALYSIS:**

Rail Side Café occupies approximately 600 square feet of interior tenant space. The kitchen, storage, and service areas make up two-thirds of the floor area. There is minimal area within the restaurant that allows for indoor seating and the majority of the restaurant seating is provided outside on the outdoor patio area (See Attachment 2, Photos of Outdoor Patio Area). The outdoor patio area was previously approved under the existing Public Works Encroachment Permit (See Attachment 3).

As shown on the proposed site plan (Figure 2), the Applicant is proposing to use only a small area to the west of the existing landscape planter for the proposed live music entertainment. There will be either one (1) to two (2) musicians. The location of the musician (Figure 3) would be located in the outdoor patio area closest to the street, and would not obstruct the required ADA path of travel along the front entrance of the restaurant or along the pedestrian crosswalk. No changes are proposed to the outdoor patio area, with the exception of removing one table to accommodate the musician.

![Figure 2 – Site Plan](image-url)
Restaurant Current Hours of Operation

<table>
<thead>
<tr>
<th>Day</th>
<th>Hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monday</td>
<td>Closed</td>
</tr>
<tr>
<td>Tuesday–Friday</td>
<td>6:00 a.m. – 3:30 p.m.</td>
</tr>
<tr>
<td>Saturday–Sunday</td>
<td>7:00 a.m. – 3:30 p.m.</td>
</tr>
</tbody>
</table>

Entertainment Hours of Operation

The request from the Applicant includes having live music entertainment between 2:00 p.m. and 7:00 p.m., up to twice a month on Saturdays. The Applicant is proposing to extend the restaurant hours only for the day(s) when live entertainment is scheduled. The operating hours for the restaurant will remain the same for the other days of the week.

Noise

The San Dimas Municipal Code Section 8.36.040 limits noise level or sound in low to medium residential areas, which the subject site is located in, to the following:

- 7:00 a.m. – 6:00 p.m. 50 decibels
- 6:00 p.m. – 10:00 p.m. 45 decibels
- 10:00 p.m. – 7:00 a.m. 40 decibels

Noise is measured in decibels (dB). The human ear is not equally sensitive to sound at all frequencies. Thus, the “A-weight scale,” abbreviated dBA, reflects the normal hearing sensitivity range of the human ear. On this scale, the range of human hearing extends from about 3 dBA to
about 140 dBA. The closest residence to the site is located east directly behind the building; however, noise generating from the outdoor live music entertainment is of minimal concern since the entire building will act as a buffer in addition to existing landscaping shrubs and trees within the outdoor patio area. Typically, background music in cafes or restaurants range between 40-60 decibels and voices and conversations from a group of people range between 60-70 decibels. The average decibel rating of an acoustic guitar is 60-80 dB, but when played softly would more closely be between 55-65 dB, which is similar to normal conversation volume. Due to the proposed live music entertainment ending likely by 5:00 p.m., but no later than 7:00 p.m. and because the noise would be at an acoustic level, Staff has minimal concerns related to noise impacts. Additionally, Staff contacted the Sheriff’s Department regarding the request and they had no issues or concerns.

ENVIRONMENTAL REVIEW:

This project was reviewed pursuant to the guidelines of the California Environmental Quality Act (CEQA) and determined to be Categorically Exempt pursuant to Section 15301(a), Class 1: “Existing Facilities” of the CEQA Guidelines. The project consists of minor exterior alterations to accommodate live music entertainment in conjunction with an existing restaurant use.

RECOMMENDATION:

Staff recommends that the License and Permit Hearing Board approve LPHB Case No. 22-0001 subject to the attached Conditions of Approval.

Respectfully submitted,

Anne Nguyen
Associate Planner

ATTACHMENTS:

1. Conditions of Approval
2. Photos of Outdoor Patio Area
3. Public Works Encroachment Permit PWE 22-0098 – Outdoor Seating Area
Attachment 1

Conditions of Approval for
LPHB Case No. 22-0001
Associated Cases: ACCELA PROJ-22-0025 & PWE 22-0098

A request to allow live music entertainment in conjunction with an existing restaurant use, Rail Side Café, located at 322 S. San Dimas Avenue within the Creative Growth, Area 3 (CG-3) Zone. (APN: 8390-018-093)

PLANNING DIVISION - (909) 394-6250

1. The Applicant/Developer shall agree to defend at his sole expense any action brought against the City, its agents, officers or employees because of the issuance of such approval, or in the alternative, to relinquish such approval. The applicant shall reimburse the City, its agents, officers or employees for any Court costs and attorney’s fees which the City, its agents, officers or employees may be required by a court to pay as a result of such action. The City may, at its sole discretion, participate at its own expense in the defense of any such action but such participation shall not relieve applicant of his obligations under this condition.

2. The Applicant shall comply with all requirements of the Creative Growth, Area 3 – Mixed Use (CG-3) Zone.

3. All Conditions are final unless appealed to the City Council within 14 days of the issuance of the Conditions in accordance with the provisions of Chapter 18.212 of the San Dimas Zoning Code.

4. The Applicant shall sign an affidavit accepting all Conditions and all Standard Conditions before issuance of the license permit.

5. The Applicant shall comply with all conditions of approval as approved by the License and Permit Hearing Board on June 23, 2022.

6. The approved hours of operation of the live music entertainment in the outdoor patio area shall be the following:

   Saturday               2:00 p.m. – 7:00 p.m.

7. No outdoor sound amplification shall be direct towards nearby residences. Applicant/business owner shall be mindful of nearby residential uses and control noise levels to avoid causing discomfort and unnecessary loud music. If complaints are received by the City regarding noise impacts associated with the live entertainment, the Applicant shall work with Staff to mitigate the noise-related complaints.

8. If operation of this Entertainment Special Permit causes adverse effects upon adjacent residents, businesses, or operations including, but not limited to noise, loitering, parking or
disturbances, the Entertainment Special Permit shall be brought before the License and Permit Hearing Board for consideration and possible suspension or revocation of the permit at any time.

9. Approval of this request shall not waive compliance with any sections of the Municipal Code, State Fire Marshal’s regulations, 2019 California Building Code, or any other City Ordinances.

10. Applicant/business owner is responsible for securing an annual encroachment permit from the City’s Public Works Department for the use of the outdoor patio and shall be kept current at all times. In addition, Applicant shall post general liability for $1,000,000 naming the City of San Dimas as “ADDITIONAL INSURED” and Workers Compensation Insurance, showing the City of San Dimas as “Certificate Holder.” The endorsement shall be included with the submitted certificate of insurance. Insurance shall remain in full force an defect continuously and a permit shall be revoked upon lapsing.

11. Customized lighting and sound system conducive of a nightclub atmosphere shall be prohibited at all times.

12. The Applicant/business owner shall maintain path of travel/access in compliance with the Americans with Disabilities Act (ADA) standards at all times from and to the patio area to the restaurant.

13. The Entertainment permit shall be renewed annually by the applicant per Municipal Code Section 5.36.010.B.

14. The use of electrical equipment shall be battery operated or if power supply cord is required, it shall be placed in a manner that will not create a safety hazard in the public right-of-way and to the satisfaction of the Director of Public Works.

End of Conditions
Attachment 2

Photos of Outdoor Patio Area
CITY OF SAN DIMAS
Public Works Department

ENCROACHMENT PERMIT

Job Address: 322 S San Dimas Avenue
Location: F/O 322 S San Dimas Ave
Latitude/Longitude: /

Description:
ENCROACHMENT PERMIT TO ALLOW FOR OUTDOOR SEATING IN FRONT OF 322 S SAN DIMAS AVE (RAIL SIDE CAFE) AS SHOWN ON EXHIBIT "A". MUST MAINTAIN ADA PATHWAY CLEARED AT ALL TIMES AS SHOWN ON EXHIBIT "A".

Work Order #

ALL WORK TO COMPLY WITH ATTACHED PUBLIC WORKS GENERAL CONDITIONS

<table>
<thead>
<tr>
<th>Information</th>
<th>Applicant Info</th>
<th>Contractor Info</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name:</td>
<td>RAIL SIDE CAFE</td>
<td></td>
</tr>
<tr>
<td>Address:</td>
<td>RAIL SIDE CAFE</td>
<td></td>
</tr>
<tr>
<td>City, State,</td>
<td>SAN DIMAS CA 91773</td>
<td></td>
</tr>
<tr>
<td>Zip:</td>
<td>9095998637</td>
<td></td>
</tr>
<tr>
<td>License:</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Total Permit Fee: $0.00

SPECIAL CONDITIONS: Conditions per attached Exhibit "B"

This is an excavation/encroachment permit when signed and validated for the correct permit fee. Permission is therefore granted to do such work as indicated in this permit in accordance with, and subject to, all of the provisions of the Municipal code, and related laws. This permit becomes null and void if work is not commenced within 60 days from the date of issuance or if work is suspended at any time during construction for more than 120 days, or if any work is done on the said improvement in violation of any city or county ordinance or state law relating thereto. A permit is required for any material storage or work done in the road right of way. In consideration of the granting of this permit, it is agreed by the applicant that the city and its officials or employees be held harmless by the applicant from any liability or responsibility for any accident, loss or damage to persons or property, happening or occurring as the proximate result of any work undertaken under the terms of this permission. In the event of such accident, the City of San Dimas shall be named as additional insured and the contractor/applicant's insurance coverage shall be primary and City's non-contributory. It is further agreed that if any part of this use of the public way interferes with the safety of the general public, it must be removed or relocated as designated by the public works director at the expense of the permittee or his successor in interest.

Signature indicates agreement to abide by all city and county pollution prevention controls.

Signature of Applicant

Signature

(Print Name)

Attachment 3
PAGE 9
Exhibit "A": OUTDOOR SEATING AREA IN FRONT OF 322 S. SAN DIMAS AVE

NOTES:
1. 4-FOOT MINIMUM ADA WALKWAY MUST BE MAINTAINED AND KEPT CLEAR AT ALL TIMES.
2. 20-FOOT MINIMUM DISTANCE FROM THE FRONT OF PROPERTY TO THE EDGE OF CURB, ALONG SAN DIMAS AVENUE, MUST BE MAINTAINED AT ALL TIMES TO PRESERVE LINE-OF-SIGHT.
3. NO TABLES OR CHAIRS TO BE PLACED WITHIN 4 FEET OF PARKING STALL AT ALL TIMES, AS SHOWN ON EXHIBIT.

OUTDOOR SEATING AREA IN FRONT OF ESTABLISHMENT
- FOURTEEN (14) TABLES
- FIFTY (50) CHAIRS

DATE: MARCH 28, 2022

LEGEND
- EDGE OF BUILDING
- CURB & GUTTER
- STRIPING
- ROW FURNITURE
- LANDSCAPE AREA
- SEATING AREAS
- ADA PATH
- STREET LIGHT

TRAFFIC SIGNAL POLE
FIRE HYDRANT

Attachment 3
PAGE 10
EXHIBIT “B”
Condition for Permit No. PWE22-0098
For Outdoor Seating at 322 S. San Dimas Avenue, San Dimas, CA

CITY OF SAN DIMAS
PUBLIC WORKS DEPARTMENT
(909) 394-6240

Railside Cafe located at 322 S. San Dimas Avenue SHALL HEREBY ABIDE by all the following conditions for encroachment permit issued for outdoor seating.

FIRST: That the business owner shall at all times maintain the American Disabilities Act (ADA) path of travel (as shown on Exhibit “A”) cleared for use of the sidewalk by the general public. In addition, ADA designated areas shall also be maintained for the disabled.

SECOND: Outdoor seating area items shall not obstruct any entries, exits or block any public safety measures or extend into the safe line-of-sight distances at intersections as referenced in the report and exhibit dated June 26, 2014 prepared by the traffic engineer.

THIRD: The business owner shall be responsible for maintaining all outdoor seating furniture and items.

FOURTH: The business owner shall ensure the outdoor seating area is continuously cleaned daily of debris and litter.

FIFTH: In addition to the above conditions, the business owner shall post general liability for $1,000,000 naming the City of San Dimas as “ADDITIONAL INSURED” and Workers Compensation Insurance, showing the City of San Dimas as “Certificate Holder.” The endorsement shall be included with the submitted certificate of insurance.

SIXTH: The business owner shall renew said permit annually and pay a current minimum encroachment fee ($69.00).

SEVENTH: The business owner shall provide a renewed certificate of general liability insurance with the endorsement at the time of renewing the annual permit.

EIGHTH: Any approval granted pursuant these conditions may be modified or revoked at any time and for any circumstances the City deems appropriate, including failure to comply with the guidelines herein and/or failure to comply with local, State, or Federal laws and regulations. Upon notification by the City of San Dimas, the business owner shall remove all improvements and uses and return the premises to its previous condition. Subsequent to this authorization, should permanent development standards regulating outdoor display be adopted by the City, the business owner shall be responsible for obtaining the necessary authorizations and/or permits pursuant to those standards. The decision of the Director of Public Works shall be final unless appealed within 14 days of issuance of conditions subject to the provision of Chapter 18.212 of the San Dimas Municipal Code.

IN WITNESS WHEREOF, said business owner has affixed his name and seal.

CITY OF SAN DIMAS:

DIRECTOR OF PUBLIC WORKS

BY: Jordan Nachbaur
NAME (PRINT) owner

SIGNATURE

TITLE

Date

Revised April 22, 2022

Attachment 3
PAGE 11