



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

ACTION DATE: December 1, 2011

TO: Planning Commission

APPLICANT: Cyrena Nouzille
29281 Agoura Road
Agoura Hills, CA 91301

CASE NO.: 11-CUP-004

LOCATION: 29281 Agoura Road
(A.P.N. 2061-004-034)

REQUEST: Request for approval of a Conditional Use Permit to allow live entertainment in an existing restaurant.

ENVIRONMENTAL ANALYSIS: Exempt from CEQA per Section 15301 of the CEQA Guidelines

RECOMMENDATION: Staff recommends that the Planning Commission approve Conditional Use Permit Case No. 11-CUP-004, subject to conditions, based on the findings in the attached draft Resolution.

ZONING DESIGNATION: SP (Agoura Village Specific Plan)

GENERAL PLAN DESIGNATION: PD (Planned Development)

I. PROJECT DESCRIPTION AND BACKGROUND

The applicant, Cyrena Nouzille, owner of Ladyface Alehouse and Brasserie Restaurant/Microbrewery, is requesting a Conditional Use Permit for live musical entertainment as an ancillary use to an existing restaurant. The restaurant is located at 29281 Agoura Road, in the Agoura Pointe Shopping Center. The restaurant occupies the entire 3,200 square foot building, and provides 1,563 square feet of seating floor area. The site is located in the SP (Agoura Village Specific Plan) zone.

The restaurant opened for business in December of 2009. For the past two years, under a Temporary Use Permit, occasional live musical entertainment has been administratively allowed by the City throughout the year inside the restaurant, and outside on the restaurant patio, during regular business hours. The applicant states in her attached letter (Exhibit A), that the temporary live entertainment has been met with positive response from customers. Several genres of music from country, folk, rock, blues, bluegrass, and jazz have been featured, and are proposed by the applicant under the requested Conditional Use Permit. Typically these musicians may consist of one to four-piece ensembles featuring acoustic instruments such as guitars, mandolins, or horns in combination with vocals. The majority of the musicians the restaurant hosted were locals, some being students from the area's high school, or teachers at local music stores.

Although live entertainment is ancillary to dining, the Zoning Ordinance requires the submittal of a Conditional Use Permit to be considered by the Planning Commission to ensure compatibility with neighboring uses and to apply appropriate conditions of approval. The shopping center is located at the northwest corner of Agoura Road and Kanan Road. The parcel is bordered by an office building to the west, Kanan Road to the east, vacant land to the south, and Kanan Village Shopping Center to the north.

II. STAFF ANALYSIS

The applicant proposes the live entertainment consist of acoustic instruments, such as guitars, mandolins, piano, violins, saxophones or horns, in combination with vocals. The restaurant's daily hours of operation are 11:00 a.m. to 2:00 a.m., Monday through Sunday. The restaurant would like to be able to provide live musical performance between the hours of 11:00 a.m. and 2:00 a.m. on all days of the week, at their discretion.

The applicant also notes in her letter that unlike entertainment venues, musical performances will be intermittent and event driven. The hours will depend on the nature of the event. Sunday Jazz, for example, might be 5:00 p.m. through 11:00 p.m. during the summer months, a fiddle player may play two sets somewhere between from 11:30 a.m. and 9:00 p.m. on Saint Patrick's Day, a wedding rehearsal lunch may want an acoustic guitar duo from noon until 3:00 p.m., or a private party might end at 2:00 a.m. Therefore, musical performances could conceivably be desired anytime during hours of restaurant operation. The applicant would like to cater to many different circumstances and, therefore, is requesting flexible hours for the performances. The applicant is agreeable to serve food throughout the performances, since live entertainment would be considered ancillary to the dining. As such, no additional parking spaces are required per the Zoning Ordinance.

The proposed live entertainment will occur in, and be ancillary to, an existing restaurant, which is a permitted use in the Agoura Village Specific Plan. No changes to the building are proposed. As shown on the floor plan (Exhibits B), various areas in the restaurant are proposed for the staging of the music performers, and are intermixed with the dining areas. Only one location would be used for a given event, but the applicant wants flexibility on the locations. The size of the space would be limited to 300 square feet. Neither a stage or dance floor area is proposed. In addition, the restaurant would not require any coverage charges for the music performances.

The nearest developed residential properties are located more than 700 feet to the north, and are adequately buffered and separated by the 101 Freeway and developed commercial properties. Therefore, staff finds the proposed use will not negatively impact surrounding residential neighborhoods. The patio area that will be providing the entertainment is parallel with Agoura Road and vacant properties are north of Agoura Road. The building buffers some of the noise.

The most recent live entertainment permit issued by the Planning Commission was for The Sunset Room in the Agoura Village Shopping Center. Previous live entertainment permits issued in the area include the Padri Restaurant located at 29008 Agoura Road and the Canyon Club at Whizin's Market Place, both to the east of the site. The three aforementioned Conditional Use Permits are currently active.

Due to their special characteristics, conditional uses require special consideration so that they may be located properly with respect to the objectives of the zoning regulations and with respect to their effects on surrounding properties. If the Planning Commission wishes to approve the proposed Conditional Use Permit, they may impose any reasonable conditions found necessary to meet these objectives. Such conditions may include such limitations as the number of performers, the days and hours of the performances, noise restrictions, the location of performance area, a monitoring report, and the like. The draft conditions prepared for the Planning Commission's consideration are intended to ensure the performances are ancillary to the restaurant. Staff would also remind the Commission that Conditional Use Permits apply to the land. Thus, the restaurant may be operated under different ownership in the future and the Conditional Use Permit could be used for any type of live entertainment that is within the context of the approved conditions.

III. ENVIRONMENTAL REVIEW

The project consists providing live entertainment in an existing eating establishment without expansion of the space and is, therefore, exempt from the California Environmental Quality Act, as defined in Section 15301 (Class 1), and does not require the adoption of an environmental impact report or negative declaration.

III. RECOMMENDATION

Staff finds the proposed live entertainment would be complementary to the existing restaurant use. The proposed music would be primarily acoustic in nature and would take place within the tenant's space, which would reduce the potential for impacts to nearby businesses. Limits on the type of music, hours of operations and related restrictions would be included as project conditions of approval.

Based on the above analysis, staff recommends that the Planning Commission approve Conditional Use Permit Case No. 11-CUP-004, subject to findings and conditions in the attached draft Resolution.

IV. ATTACHMENTS

- Draft Resolution and Conditions of Approval for the Conditional Use Permit
- Exhibit A: Applicant's Letter
- Exhibit B: Proposed Project Plans
- Exhibit C: Vicinity/Zoning Map
- Exhibit D: Photographs of the Site

CASE PLANNER: Renee Madrigal, Associate Planner

DRAFT RESOLUTION NO. ____

A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF AGOURA HILLS
APPROVING A CONDITIONAL USE PERMIT
CASE NO. 11-CUP-004

THE PLANNING COMMISSION OF THE CITY OF AGOURA HILLS HEREBY FINDS, RESOLVES AND ORDERS AS FOLLOWS:

Section 1. An application was duly filed by Cyrena Nouzille of the Ladyface Alehouse and Brasserie, with respect to the real property located at 29281 Agoura Road, Assessor's Parcel Numbers 2061-004-034, requesting approval of a Conditional Use Permit for musical live entertainment in conjunction with an existing restaurant. A public hearing was duly held on December 1, 2011 at 6:30 p.m. in the Council Chambers, City Hall at 30001 Ladyface Court, Agoura Hills, CA 91301. Notice of the time, date and place and purpose of the aforesaid was duly given.

Section 2. Evidence, both written and oral, was duly presented to and considered by the Planning Commission of the aforesaid Public Hearing.

Section 3. The Planning Commission finds, pursuant to the Agoura Hills Zoning Ordinance, Section 9673.2.E, that:

A. The proposed use, as conditioned, is consistent with the objectives of the Zoning Ordinance and the purposes of the district in which the use is located in that live entertainment is permitted in the Agoura Village Specific Plan, subject to approval of a Conditional Use Permit.

B. The proposed use, as conditioned, is compatible with the surrounding area in that there are no residential uses in the immediate surrounding area and live entertainment is currently permitted in neighboring restaurants within the Agoura Village Overlay District.

C. The proposed use and the conditions under which it would be operated or maintained will not be detrimental to the public health and safety, or welfare. The live entertainment will serve as an ancillary use to the restaurant, thereby not creating any additional parking demand. The entertainment will consist of one to eight-piece ensembles providing music during the dining hours.

D. The proposed use, as conditioned, will comply with each of the applicable provisions of the Zoning Ordinance in that the entertainment will be located in a delineated area which would be approximately 300 square feet located inside the restaurant or on the outdoor patio. The entertainment is to remain ancillary to the dining and a menu is available until closing.

E. The distance from other similar and like uses is sufficient to maintain the diversity in the area as the other live entertainment uses in the area and in other parts of the city offer different types of live entertainment and are regulated under separate Conditional Use Permits.

F. The proposed use, as conditioned, is consistent with the goals, objectives, and policies of the General Plan in that the live entertainment offers a land use which serves the diverse need of the Agoura Hills residents, as called for in the Land Use Element of the City's General Plan.

Section 4. The Planning Commission finds that the proposed amendment to be categorically exempt from the requirements of the California Environmental Quality Act, per Section 15301 of the CEQA Guidelines, in that the project involves live entertainment inside an existing structure.

Section 5. Based on the aforementioned findings, the Planning Commission hereby approves the amendment to Conditional Use Permit Case No. 11-CUP-004, with respect to the property described in Section 1.

PASSED, APPROVED and ADOPTED this 1st day of December 2011, by the following vote to wit:

AYES: (0)
NOES: (0)
ABSTAIN: (0)
ABSENT: (0)

Steve Rishoff, Chairperson

ATTEST:

Mike Kamino, Secretary

CONDITIONS OF APPROVAL (Case No. 11-CUP-004)

STANDARD CONDITIONS

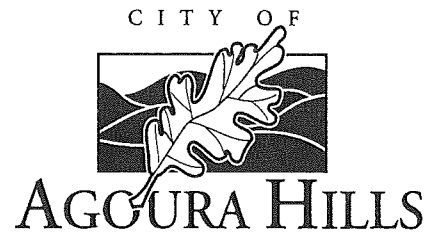
1. This action shall not be effective for any purpose until the applicant has agreed in writing that the applicant is aware of, and accepts all Conditions of this Permit with the Department of Planning and Community Development.
2. Except as modified herein, the approval of this action is limited to and requires complete conformation to the labeled exhibits approved by the Planning Commission.
3. It is hereby declared to be the intent that if any provision of this Permit is held or declared to be invalid, the Permit shall be void and the privileges granted hereunder shall lapse.
4. It is further declared and made a Condition of this action that if any Condition herein is violated, the Permit shall be suspended and the privileges granted hereunder shall lapse; provided that the applicant has been given written notice to cease such violation and has failed to do so for a period of thirty (30) days.
5. All requirements of the Zoning Ordinance and of the specific zoning designation of the subject property must be complied with unless set forth in the Conditional Use Permit.
6. Unless this permit is used within two (2) years from the date of City approval, Case No. 11-CUP-004 will expire. A written request for a one (1) year extension may be considered prior to the expiration date.

SPECIAL CONDITIONS

7. The entertainment shall be limited to one area, no larger than 300 square feet in size, inside the restaurant or on the outdoor patio, as delineated in the Floor Plan.
8. The maximum number of musical performers is eight.
9. Performances shall be limited to the hours of 11:00 a.m. and 2:00 a.m. Monday through Sunday.
10. Full food service must be available during all live entertainment.
11. Areas for dancing are not permitted.
12. No cover charges may be imposed.
13. There shall be no noise audible over 50 dB beyond the property line per the Zoning Ordinance.
14. The front door shall be closed during the time of live entertainment.

15. If complaints are received regarding excessive noise, loitering and parking/traffic safety issues and the like associated with the live entertainment use, the Planning Commission may initiate a public hearing to reconsider the Conditional Use Permit.
16. The applicant shall allow inspection of premises by City Staff during normal business hours. A monitoring report on the applicant's compliance with the conditions of approval shall be prepared by the City Staff to the Planning Commission no later than 6 months after initial operation and at anytime thereafter as deemed necessary by the City.

END



**CONDITIONAL USE PERMIT
CASE NO. 11-CUP-004,**

**FOR THE PROPERTY LOCATED AT
29281 AGOURA ROAD, AGOURA HILLS**

EXHIBIT A

APPLICANT'S LETTER

Ladyface Ale Companie - Alehouse & Brasserie®
29281 Agoura Road, Agoura Hills, CA 91301
Conditional Use Permit Proposal for Live Entertainment
Project Description and Background

Ladyface Ale Companie - Alehouse & Brasserie® seeks a Conditional Use Permit for live musical entertainment at its present location on Agoura Road. For the past two years through a Temporary Use Permit, we have periodically enhanced our guests' experience in our restaurant by hosting musical performances, which have been met with a very positive response in the community. Our music has been primarily in the genre of jazz, though several styles of music (country, folk, rock, blues, bluegrass) have been featured, and are proposed under the granting of this permit. Typically these musicians will consist of one to four-piece ensembles featuring acoustic instruments such as guitars, mandolins, piano, violins, saxophones or horns in combination with vocals. More often than not, musicians we have hosted are locals, some being students from the area's high schools or teachers at local music stores. We feel that the employment of local musicians is among the main reasons for its popularity.

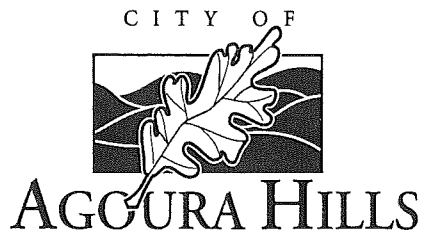
Ladyface Alehouse & Brasserie would like to have the flexibility to host inside or outside on the patio space, as well as hours of the performances. Ensembles would typically start playing in the early evening, around 7 PM and be wrapped up by 11 PM. One of the most popular performances has been to offer jazz music on a Sunday in the late afternoon, and conceivably on special occasions, music after midnight. Ladyface is a stand-alone, single-occupancy building, with its only neighboring businesses across driveways and parking lots. It is one of the few restaurants that has a patio facing an open space area, geographic attraction or similar scenic view within the city's borders. The combination of dining outdoors and listening to talented live musicians makes for a convivial outing with friends and family.

In May 2010, Ladyface hosted the Stage 8 Mayor's Reception for the Tour of California featuring a student jazz combo, and many of the City's staff attended. Similarly, on a cold Winter's night, envision guests huddled over hot soup listening to a solo guitarist singing from a stool in a corner of the dining area. These events are typical of what can be expected on the patio and interior spaces in the future. Our intent is to offer an artistic, eclectic and upscale music selection that will enhance, rather than supercede, the existing business purpose of a high quality restaurant and microbrewery in Agoura Hills. We thank you for the opportunity to offer this experience at Ladyface for our local area *residents*.

Sincerely,



Cyrena Nouzille
Proprietor/General Manager
Ladyface Ale Companie



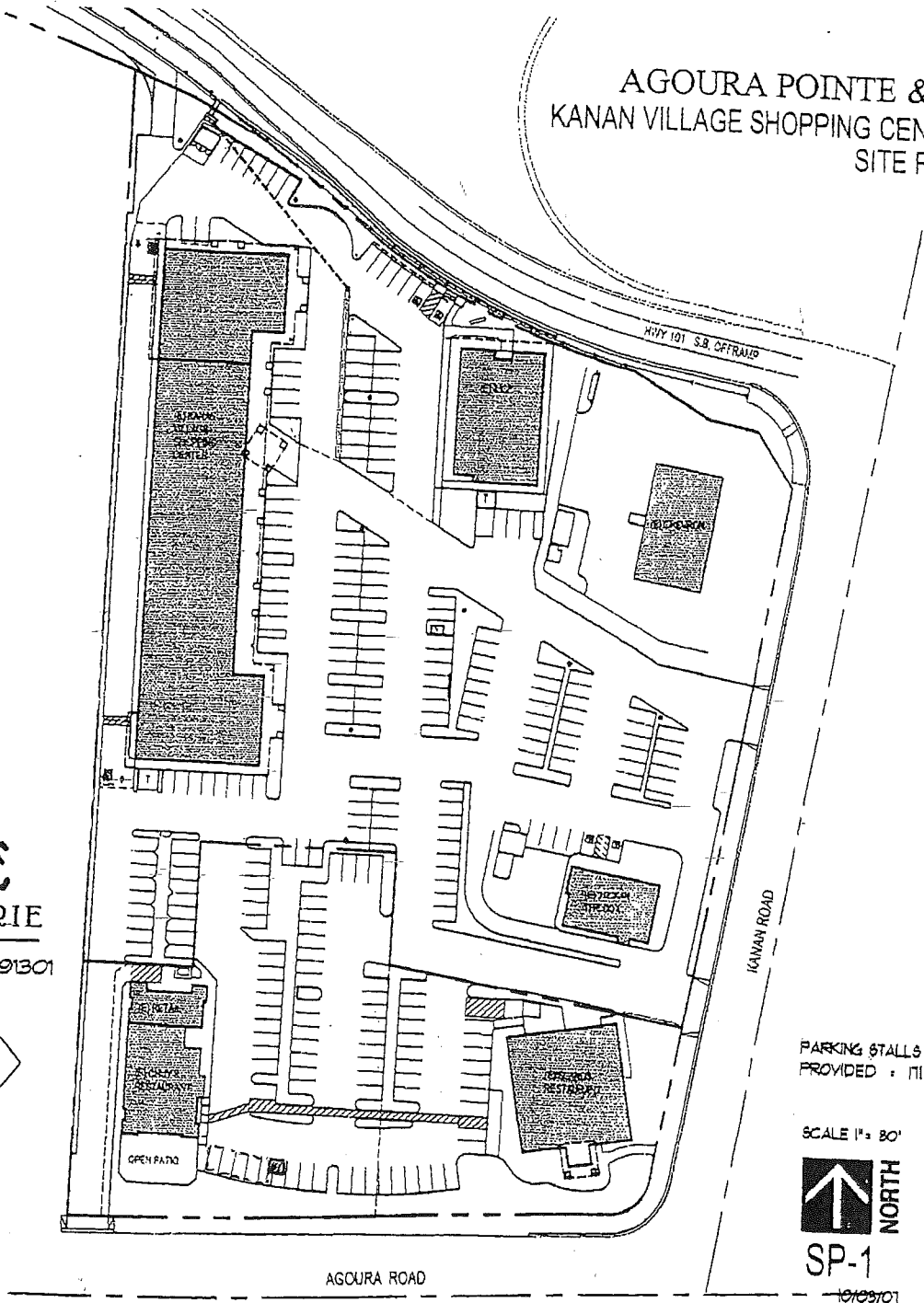
**CONDITIONAL USE PERMIT
CASE NO. 11-CUP-004,**

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EXHIBIT B

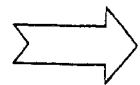
PROPOSED PROJECT PLANS

AGOURA POINTE &
KANAN VILLAGE SHOPPING CENTER
SITE PLAN



LADYFACE
ALEHOUSE & BRASSERIE

29281 AGOURA ROAD, AGOURA HILLS 91301



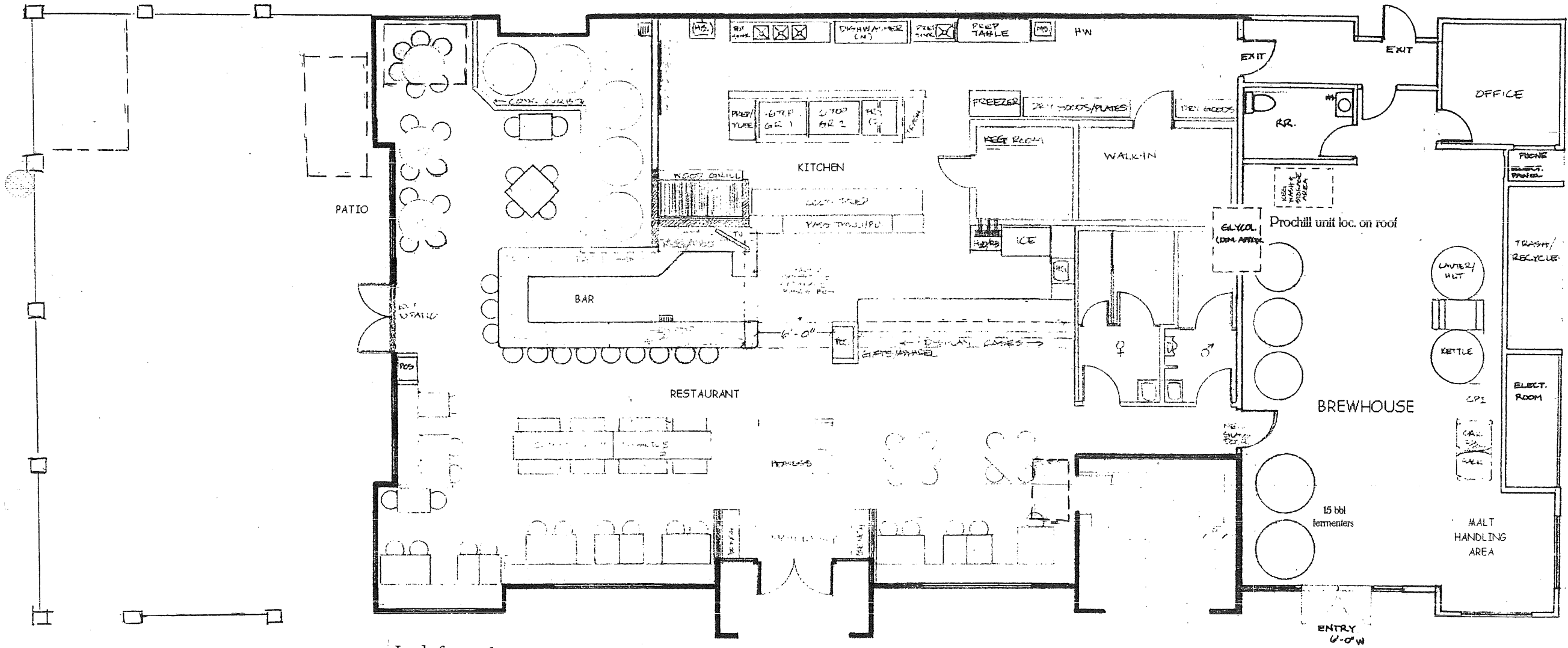
PARKING STALLS
PROVIDED = 111

SCALE 1" = 80'



SP-1

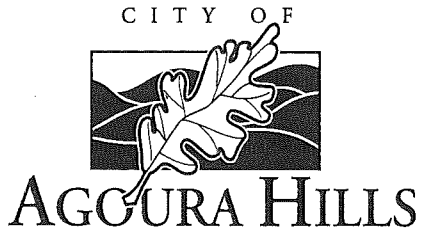
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Ladyface Ale Company
 29281 Agoura Road
 Agoura Hills, CA 91301

MUSIC
 LOCATION

PARKING LOT



**CONDITIONAL USE PERMIT
CASE NO. 11-CUP-004,**

**FOR THE PROPERTY LOCATED AT
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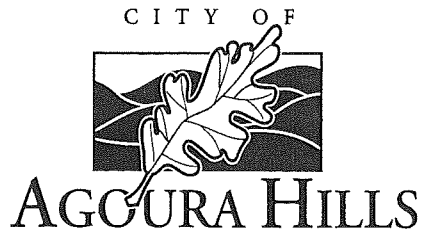
EXHIBIT C

VICINITY MAP

CITY OF AGOURA HILLS
CONDITIONAL USE PERMIT CASE NO. 11-CUP-004
(A.P.N. 2061-004-034)

Vicinity/Zoning Map





**CONDITIONAL USE PERMIT
CASE NO. 11-CUP-004,**

**FOR THE PROPERTY LOCATED AT
29281 AGOURA ROAD, AGOURA HILLS**

EXHIBIT D

PHOTOGRAPHS OF THE SITE



