



---

## DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

---

ACTION DATE: October 17, 2013

TO: Planning Commission

APPLICANT: Charles Bruchez  
483 Bernini Court  
Oak Park, CA 91377

CASE NO.: 13-CUP-008

LOCATION: 5015 Cornell Road, Building C, Unit G  
(A.P.N. 2061-006-044)

REQUEST: Request for a Conditional Use Permit to allow the on-site sale of beer and wine alcoholic beverages (Type 41 ABC license) for a new restaurant (Boar Dough Tasting Room).

ENVIRONMENTAL ANALYSIS: Exempt from CEQA per Section 15301 of the CEQA Guidelines (Existing Facilities)

RECOMMENDATION: Staff recommends that the Planning Commission approve Conditional Use Permit Case No. 13-CUP-008, subject to conditions.

ZONING DESIGNATION: PD (Planned Development - Agoura Village Specific Plan)

GENERAL PLAN DESIGNATION: PD (Planned Development)

### **I. PROJECT DESCRIPTION AND BACKGROUND**

On July 8, 2009, the City Council adopted an ordinance that requires an approval of a Conditional Use Permit from the Planning Commission for new on-sale and off-sale alcoholic beverage establishments, and changes to existing California Department of Alcoholic Beverage Control (ABC) licenses.

ABC defines on-sale alcoholic beverage establishments as “any establishment where alcoholic beverages are sold, served, or given away to be consumed on the premises, and which has obtained or intends to obtain an Alcoholic Beverage Control license type 40, 41, 42, 47, 48, 51, 52, 61, and/or 75. References to an on-sale alcoholic beverage establishment shall include any immediately adjacent area that is owned, leased, or rented, or controlled by the permittee. It shall also include any facility, inclusive of a portion thereof, which is rented out for special event functions wherein alcoholic beverages are sold or given away on the premises and are to be consumed on the premises.”

The applicant/owner, Charles Bruchez, of Boar Dough Tasting Room restaurant, is requesting approval of a Conditional Use Permit to obtain a license type 41 from ABC for the sale and consumption of beer and wine inside a new eating establishment (Boar Dough Tasting Room) located at 5015 Cornell Road (Building C, Unit G), in the Regency Center. The previous restaurants, Johnny Rockets and Agoura Hills Diner, did not have ABC licenses to sell alcoholic beverages on the premises.

## **II. STAFF ANALYSIS**

The City Council’s decision to initiate and approve the Alcoholic Beverage Establishment Ordinance was to achieve greater control over potential nuisance-type issues related to alcoholic beverage establishments, such as noise, particularly related to the proximity to residential areas, as well as overall safety issues, and any impacts related to the concentration of such businesses. The Conditional Use Permit allows for review by the Planning Commission and any appropriate conditions, including hours of operation, included on a case-by-case basis, following a public hearing. Accordingly, in addition to the findings currently required for approval of a Conditional Use Permit, the new Ordinance also requires the Planning Commission to make additional findings relative to alcohol beverage sales and service.

The new Boar Dough pizza and wine tasting restaurant will be located within the multi-tenant commercial shopping center and will occupy approximately 1,430 square feet of existing restaurant space that was previously occupied by Johnny Rockets and Agoura Hills Diner. The tenant space includes 733 square feet of seating floor area with a sit-down bar area where beer and wine are proposed to be served. No additional parking is required for this request. The restaurant will be open daily from 11:30 a.m. to 2:00 a.m. No live entertainment or outdoor seating is proposed at this time.

Staff finds the proposed use to be consistent with the intent of the ordinance and with the findings. The proposed on-sale of alcoholic beverages will occur inside a new restaurant that is allowed within the Planned Development (PD) zone (Agoura Village Specific Plan area). With the exception of a storage facility caretaker residence located on the south side of Agoura Road, adjacent to and east of the retail center, the nearest residential neighborhood is located approximately 1,500 feet to the east of the restaurant on Vejar Drive. In addition, there is no school or park located within 500 feet of the site. Although there are restaurants located in the vicinity of the retail center that do serve alcohol, according to the Los Angeles County Sheriff Department, they have not experienced recent problems in the Regency Center related to the

consumption of alcoholic beverages. Based on the above analysis, staff finds the proposed request to allow on-site sale of alcoholic beverages (Type 41 ABC license) will not negatively impact surrounding properties or neighborhoods. Other businesses in the center share a similar type 41 ABC license, including the Agoura Sushi and Exotic Thai Bistro Restaurant.

The proposed project is categorically exempt from the requirements of the California Environmental Quality Act as an existing facility, per CEQA Guidelines Section 15301.

### **III. RECOMMENDATION**

Staff recommends that the Planning Commission approve Conditional Use Permit Case No. 13-CUP-008, subject to conditions of approval.

### **IV. ATTACHMENTS**

- Draft Resolution and Conditions of Approval
- Vicinity/Zoning Map
- Reduced Site and Floor Plan
- Photographs

**CASE PLANNER:** Renee Madrigal, Associate Planner

DRAFT RESOLUTION NO. \_\_\_\_

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF AGOURA HILLS, CALIFORNIA APPROVING CONDITIONAL USE PERMIT CASE NO. 13-CUP-008 FOR THE PROPERTY LOCATED AT 5015 CORNELL ROAD, BUILDING C, UNIT G

THE PLANNING COMMISSION OF THE CITY OF AGOURA HILLS DOES HEREBY RESOLVE, FIND, DETERMINE, AND ORDER AS FOLLOWS:

Section 1. An application was duly filed by Charles Bruchez, with respect to the property located at 5015 Cornell Road, Building C, Unit G (Assessor's Parcel No. 2061-006-044), requesting the approval of a Conditional Use Permit (Case No. 13-CUP-008) to allow the on-site sale and consumption of alcoholic beverages (ABC License Type 41) in an existing restaurant. A public hearing was duly held on October 17, 2013, at 6:30 p.m. in the Council Chambers of City Hall, 30001 Ladyface Court, Agoura Hills, California. Notice of the time, date, place and purpose of the aforesaid meeting was duly given and published as required by state law.

Section 2. Evidence, both written and oral, including the staff report and supporting documentation, was presented to and was considered by the Planning Commission at the aforesaid public meeting.

Section 3. Based on the evidence presented at the public hearing, including the staff report and oral and written testimony, the Planning Commission finds, pursuant to the Agoura Hills Municipal Code Sections 9673.2.E and 9396.3, 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. The on-sale of alcoholic beverages will occur on-site in a tenant space occupied by a restaurant, which is permitted in the Planned Development-Agoura Village Specific Plan zone.

B. The proposed use, as conditioned, is compatible with the surrounding properties, and with the other uses in the shopping center. The restaurant tenant space is located in a retail center which include other retail, office and restaurant uses in the center. Sufficient separation exists with potential sensitive uses in the vicinity of the site, including the residential and office uses east of the shopping center.

C. The proposed use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare. The alcoholic beverages are to be consumed inside the restaurant.

D. The proposed use, as conditioned, will comply with each of the applicable provisions of the Zoning Ordinance. This permit allows for the on-site sale of alcoholic beverages in a restaurant and no additional parking is required for this request. No Variance request is considered as part of this application.

E. The distance from other similar and like uses is sufficient to maintain the diversity of the community. In this case, diversity of restaurants rather than the number of restaurants increase the viability of these businesses. The request is subject to the Alcoholic Beverage Control agency's final determination for concentration of licenses.

F. The proposed use is consistent with the goals, objectives and policies of the General Plan. The specialty restaurant adds to the diversity of the eating establishments within the center and the community.

G. The requested use at the proposed location will not adversely affect the use of a school, park, playground or similar use within a 500-foot radius as the restaurant is located within an established shopping center and is not immediately adjacent to these uses and is screened by structures and a parking lot.

H. The requested use, as conditioned, at the proposed location is sufficiently buffered by private improvements from residentially zoned areas within the immediate vicinity so as not to adversely affect said areas. A minimum 1,500 feet of separation exists between the shopping center and the nearest residential neighborhood to the east.

I. No improvements are proposed to the exterior of the structure, therefore, no visual impacts are expected on the immediate neighborhood and the project will not cause blight or property deterioration, or substantially diminish or impair property values within the neighborhood. The sale of alcoholic beverages will occur within an existing restaurant.

J. The upkeep and operating characteristics are compatible with and will not adversely affect the livability or appropriate development and use of abutting properties and the surrounding neighborhood. No consumption of alcohol within areas outside the establishment is approved with this permit.

K. The proposed hours of alcohol beverage sales, as conditioned, ensure that activities related to the project are compatible with the quiet enjoyment of the neighborhood. The on-site sale of alcoholic beverages in the restaurant, between the proposed daily business hours of 11:30 a.m. and 2:00 a.m., will minimize the potential for impacts on the quiet enjoyment of the neighborhood beyond the normal business operations.

L. The requested use will not contribute to an undue concentration of alcoholic beverage establishments in the area. The restaurant is within a multi-tenant retail center. Although other restaurants with ABC licenses exist in the retail center, the number of establishments in the retail center has not changed and ABC is responsible for determining whether the type of requests is within acceptable levels of licenses concentration.

M. The requested use is not located in a high-crime area, or where a disproportionate number of police calls occur.

Section 4. The project is exempt from the California Environmental Quality Act, as defined in CEQA Guidelines Section 15301 (Class 1) and does not require the adoption of an environmental impact report or negative declaration. The project is a request to allow on-site consumption of beer and wine inside a new restaurant within an existing shopping center without expansion of space.

Section 5. Based on the aforementioned findings, the Planning Commission hereby approves Case Nos. 13-CUP-008, subject to the attached conditions, with respect to the property described in Section 1 hereof.

Section 6. The Secretary of the Planning Commission shall certify to the passage, approval, and adoption of this resolution, and shall cause this resolution and his certification to be entered in the Book of Resolutions of the Planning Commission of the City.

PASSED, APPROVED, and ADOPTED this 17<sup>th</sup> day of October 2013, by the following vote to wit:

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

\_\_\_\_\_  
Michael Justice, Chairperson

\_\_\_\_\_  
Mike Kamino, Secretary

## **CONDITIONS OF APPROVAL (Case No. 13-CUP-008)**

### **STANDARD CONDITIONS**

1. The decision, or any aspect of the decision, can be appealed to the City Council within fifteen (15) days from the date of Planning Commission action, subject to filing the appropriate forms and related fees.
2. This action shall not be effective for any purpose until the applicant has agreed in writing that the applicant is aware of, and accept all, Conditions of Approval of this permit with the Department of Planning and Community Development. Any conditions on such acceptance or challenges, including the filing of legal action, relating to the permit or the conditions shall be treated as a failure to meet this Condition and shall nullify and void this permit.
3. 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 on October 17, 2013.
4. 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.
5. 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.
6. 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.
7. Unless this permit is used within two (2) years from the date of City approval, Case No. 13-CUP-008 will expire. A written request for a one (1) year extension may be considered prior to the expiration date.

### **SPECIAL CONDITIONS**

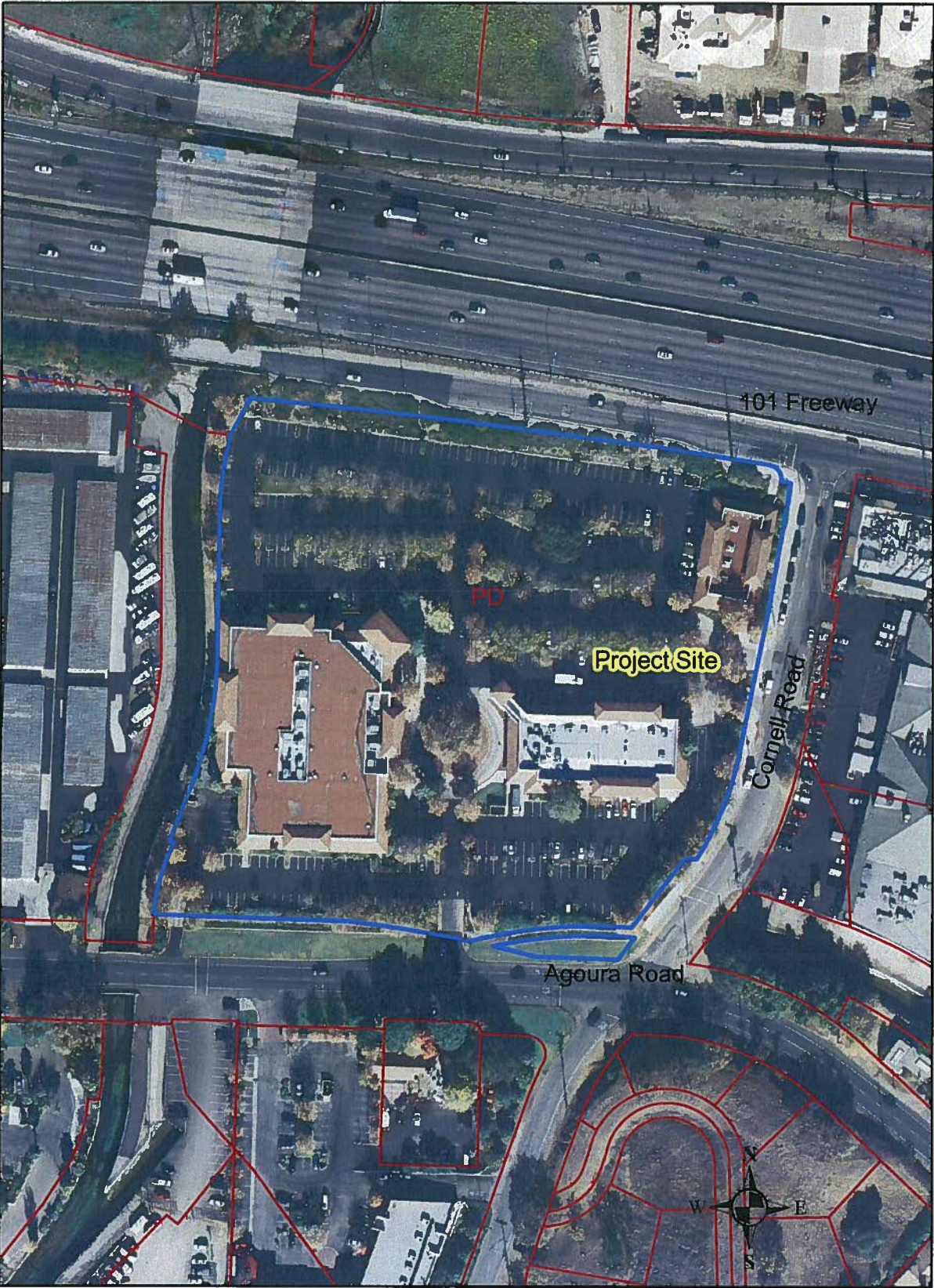
8. The applicant shall comply with all requirements of the California Department of Alcohol Beverage Control.
9. This permit shall be valid strictly for license type 41 as defined by the California Department of Alcohol Beverage Control.
10. No additional signage is made part of this approval.

11. Live entertainment is not permitted as part of this approval.
12. No outdoor dining is permitted as part of this approval.
13. The Director of Planning and Community Development is authorized to prepare a letter of Public Necessity for this approval, if required by the California Alcohol Beverage Control.
14. In accordance with Zoning Ordinance Section 9710, reconsideration of the Conditional Use Permit by the City shall be required when any of the following conditions of the business apply:
  - A. The establishment changes its type of retail liquor license with the Department of Alcoholic Beverage Control;
  - B. There is substantial modification to the mode or character of operation, including, but not limited to, any increase of 20% or more in the floor area.
  - C. The alcoholic beverage license has either been revoked or suspended for any period by ABC.
15. The applicant shall identify how the Occupant Load was determined. Based on the Occupant Load and the ABC license, the applicant shall provide an adequate number of restroom fixtures which meets accessibility requirements.

END



Conditional Use Permit Case No. 13-SPR-008  
Vicinity Map

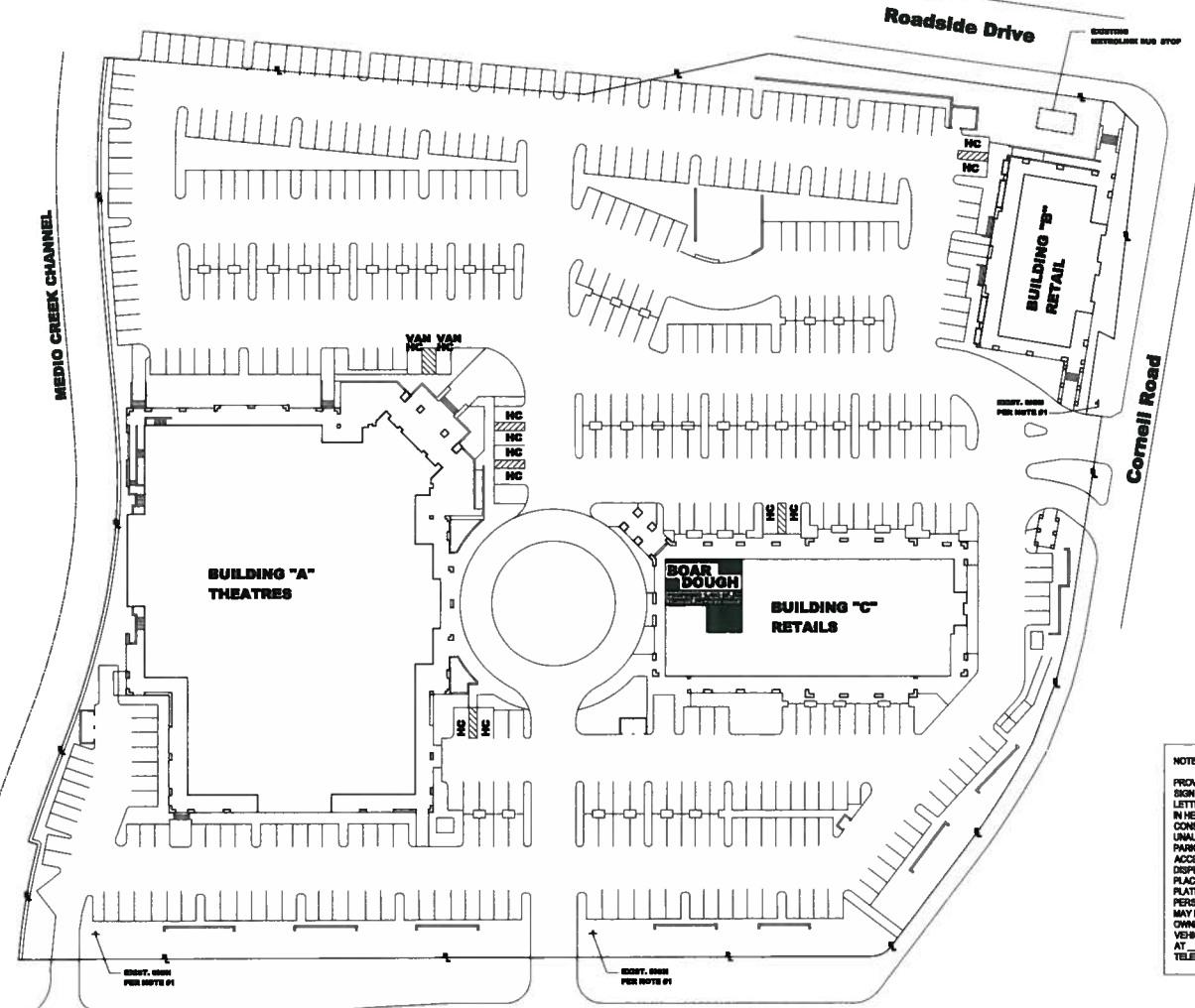




# Proposed TENANT IMPROVEMENT

Agoura Hills Cinema Center - 5015 Cornell Rd, Building C, Suite G, AGOURA HILLS, CA 91301

**A SIMOS DESIGN**  
 8480 FOUNTAIN AVENUE  
 WEST HOLLYWOOD  
 CALIFORNIA 90240  
 (714) 252-5477  
 www.asimosdesign.com



## SITE PLAN NOTES

- PROVIDE 2' MIN. FIRE RESISTING ANCHOR SPACER BETWEEN 2" X 4" A & C OCCUPANCIES.
  - POST "NO PARKING - FIRE LANE" SIGNS ALONG VEHICULAR ACCESS ROADS.
  - PROVIDE VEHICULAR ACCESS ROADS SHALL BE PROVIDED WITH A FOOT COUNTERLINE TURNING SPACE PER CODE 03-1.1.
  - THE FIRE DEPARTMENT, ANCHOR AND VEHICULAR ACCESS SHALL BE MAINTAINED AS A MINIMUM WIDTH OF 16 FEET CLEAR TO THE VEHICULAR ACCESS TO VEHICLES TO THE FULL DEPTH OF THE SECTION WALL PER CODE 03-1.1.
  - PROVIDE APPROVED EXTERIOR ILLUMINATION ILLUMINATED SIGN SHALL WHICH ARE PROVIDED FROM SEPARATE SERVICE TIE IN.
  - BUILDING: THE CENTER LINE OF THE ACCESS ROADWAY SHALL BE LOCATED PARALLEL TO AND WITHIN PART OF THE SECTION WALL ON AT LEAST ONE END OF EACH BUILDING.
  - THE FIRE DEPARTMENT VEHICULAR ACCESS ROADWAY MUST BE MAINTAINED AS MINIMUM 16 FEET CLEAR FROM TO THE FULL DEPTH OF THE SECTION WALL PER CODE 03-1.1.
  - ALL VEHICULAR ACCESS ROADS SHALL BE PROVIDED AND MAINTAINED AS TO BE PLACED WITHIN 2' AND LEAST FROM THE CENTER LINE OF THE PROPERTY. THE SIGNAGE SHALL BE A MINIMUM OF 4 FEET HIGH WITH A MINIMUM SPACING WITHIN OF 4' X 4'. PER CODE 03-1.1.
  - THE REQUIRED FIRE FLOW FOR PUBLIC FIRE DEPARTMENTS AT THIS LOCATION IS 500 GPM AT 200 PSI MINIMUM PRESSURE. THE CALCULATION SHALL BE BASED ON A MAXIMUM 1500 GPM WATER FLOW.
- REQUIRED FIRE FLOW: 500 GPM
- ALL FIRE DEPARTMENTS SHALL BE 2" X 4" A & C, BASED ON EXISTING OR APPROVED SIGNAGE. ALL SHALL BE SIGNAGE IN CONFORMANCE WITH FIRE DEPARTMENT REGULATIONS.
  - PORTABLE FIRE EXTINGUISHERS SHALL BE PROVIDED BY FIRE DEPARTMENT FIELD INSPECTOR IN ACCORDANCE WITH FIRE CODE 03-1.1.
  - SUBMITTERS AND CONTRACTORS WITH AN INDIVIDUAL EMERGENCY OF LIFE-SAVING SHALL OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF AGOURA HILLS. ALL PERMITS SHALL BE OBTAINED PRIOR TO THE START OF CONSTRUCTION. PER CODE 03-1.1.
  - PROVIDE AN APPROVED FIRE ALARM SYSTEM, BASED PER APPROVAL FROM THE INSPECTOR.
  - EXISTING SIGNAGE SHALL BE REMOVED OR RELOCATED FROM THE SITE. ANY RELOCATION SHALL BE IN ACCORDANCE WITH THE CITY OF AGOURA HILLS. SIGNAGE SHALL BE 2" X 4" A & C, BASED ON EXISTING OR APPROVED SIGNAGE. ALL SHALL BE SIGNAGE IN CONFORMANCE WITH FIRE DEPARTMENT REGULATIONS.
  - EXISTING SIGNAGE SHALL BE REMOVED OR RELOCATED FROM THE SITE. ANY RELOCATION SHALL BE IN ACCORDANCE WITH THE CITY OF AGOURA HILLS. SIGNAGE SHALL BE 2" X 4" A & C, BASED ON EXISTING OR APPROVED SIGNAGE. ALL SHALL BE SIGNAGE IN CONFORMANCE WITH FIRE DEPARTMENT REGULATIONS.
  - ALL SIGNAGE, INCLUDING EXISTING SIGNAGE AND ALL OTHER EXISTING SIGNAGE, TO BE REMOVED OR RELOCATED FROM THE SITE SHALL BE IN ACCORDANCE WITH THE CITY OF AGOURA HILLS. SIGNAGE SHALL BE 2" X 4" A & C, BASED ON EXISTING OR APPROVED SIGNAGE. ALL SHALL BE SIGNAGE IN CONFORMANCE WITH FIRE DEPARTMENT REGULATIONS.
  - COMPLY WITH ALL CITY OF AGOURA HILLS FIRE DEPARTMENT REGULATIONS. ALL SHALL BE SIGNAGE IN CONFORMANCE WITH FIRE DEPARTMENT REGULATIONS.

## SITE DATA

**PROJECT ADDRESS:**  
 5015 CORNELL RD, BUILDING C, SUITE G  
 AGOURA HILLS, CALIFORNIA 91301

**LEGAL DESCRIPTION:**  
 PORTION OF LOT 14, 16 AND INTERLOCK ARVEN SUBDIVISION  
 LOT 14 - 11.80 AC. 10 PAGES EXC.  
 LOT 16 - 11.80 AC. 10 PAGES EXC.  
 PER 100-200-000-000

**PROJECT DESCRIPTION:**  
 PROPOSED TENANT IMPROVEMENT FOR BUILDING C OCCUPANCY  
 BUILDING C OCCUPANCY TYPE: IS  
 BUILDING C OCCUPANCY TYPE: IS  
 PROPOSED OCCUPANCY TYPE: IS

**BUILDING CODE FLOOR AREA CALCULATIONS:**  
 BUILDING AREA: 1,200 SF  
 COVERED AREA: 1,200 SF  
 UNCOVERED AREA: 1,200 SF  
 TOTAL NET FLOOR AREA: 3,600 SF

**BUILDING PARKING CALCULATIONS:**  
 PROPOSED PARKING: 468 SPACES  
 REQUIRED PARKING: 468 SPACES

**BUILDING OCCUPANT LOAD CALCULATIONS:**  
 EXISTING OCCUPANT LOAD PER BUILDING C OF 0 - 47 (5 EMPLOYEES)  
 PROPOSED OCCUPANT LOAD PER BUILDING C OF 0 - 47 (5 EMPLOYEES)

**TYPE OF CONSTRUCTION:**  
 EXISTING BUILDING TYPE: IS IN CONSTRUCTION - ONE STORY  
 FULLY OPERATIONAL BUILDING

**BUILDING CODE INFORMATION:**  
 APPLICABLE CODE: 2022 IBC WITH CALIFORNIA AND CFC  
 BASED ON THE CITY OF AGOURA HILLS

**CONSTRUCTION TYPE:** TYPE IIB FULLY FIRE RESISTANT

**OWNER:**  
 Mr. Charles Bruckner  
 489 Barnini Court  
 Oak Park, CA 91377  
 (714) 936-8524x34

**PROJECT:**  
 PROPOSED TENANT IMPROVEMENT  
 BOAR DOUGH TASTING ROOM  
 AGOURA HILLS CINEMA CENTER  
 5015 CORNELL RD, BUILDING C, SUITE G  
 AGOURA HILLS, CA 91301

REVISION	SCHEDULE	DATE
1	ISSUE FOR PERMITS	01-13-2025

PROJECT NO.:	113011-1
PLOT DATE:	08-28-2024
SCALE:	AS SHOWN ON PLOTS
DRAWN BY:	AS SHOWN ON PLOTS
<b>SITE PLAN</b>	
DISCIPLINE:	GROUP:
SHEET NO.:	01

**NOTE # 1:**  
 PROVIDE AN ADDITIONAL SIGN - 17" X 22" IN SIZE THE LETTERING NOT LESS THAN 1" IN HEIGHT WHICH CLEARLY & CONSPICUOUSLY STATES "UNAUTHORIZED VEHICLE PARKED IN DESIGNATED ACCESSIBLE SPACES NOT DISPLAYING DISTINGUISHING PLACARDS OR LICENSE PLATES ISSUED FOR PERSONS WITH DISABILITIES MAY BE TOWED AWAY AT OWNER'S EXPENSE. TOWED VEHICLE MAY BE RECLAIMED AT \_\_\_\_\_ OR BY TELEPHONING \_\_\_\_\_"

**CURRENT PARKING TABULATION:**

8'X18' PARKING STALLS	434 SPACES
8'X15' COMPACT PARKING STALLS	22 SPACES
HANDICAP VAN PARKING STALLS	12 SPACES (2 VAN)
<b>TOTAL PARKING</b>	<b>468 SPACES</b>

**LEGEND:**  
 HC = ADA PARKING STALLS  
 C = COMPACT PARKING STALLS  
 TV = TRUCKS/EMERGENCY



SCALE: 1" = 40'

## C.U.P. INDEX SHEET











NO.	TITLE	SHEET #	NOTE
1	INDEX SHEET	1	
2	PLAN	2	
3	SECTION	3	

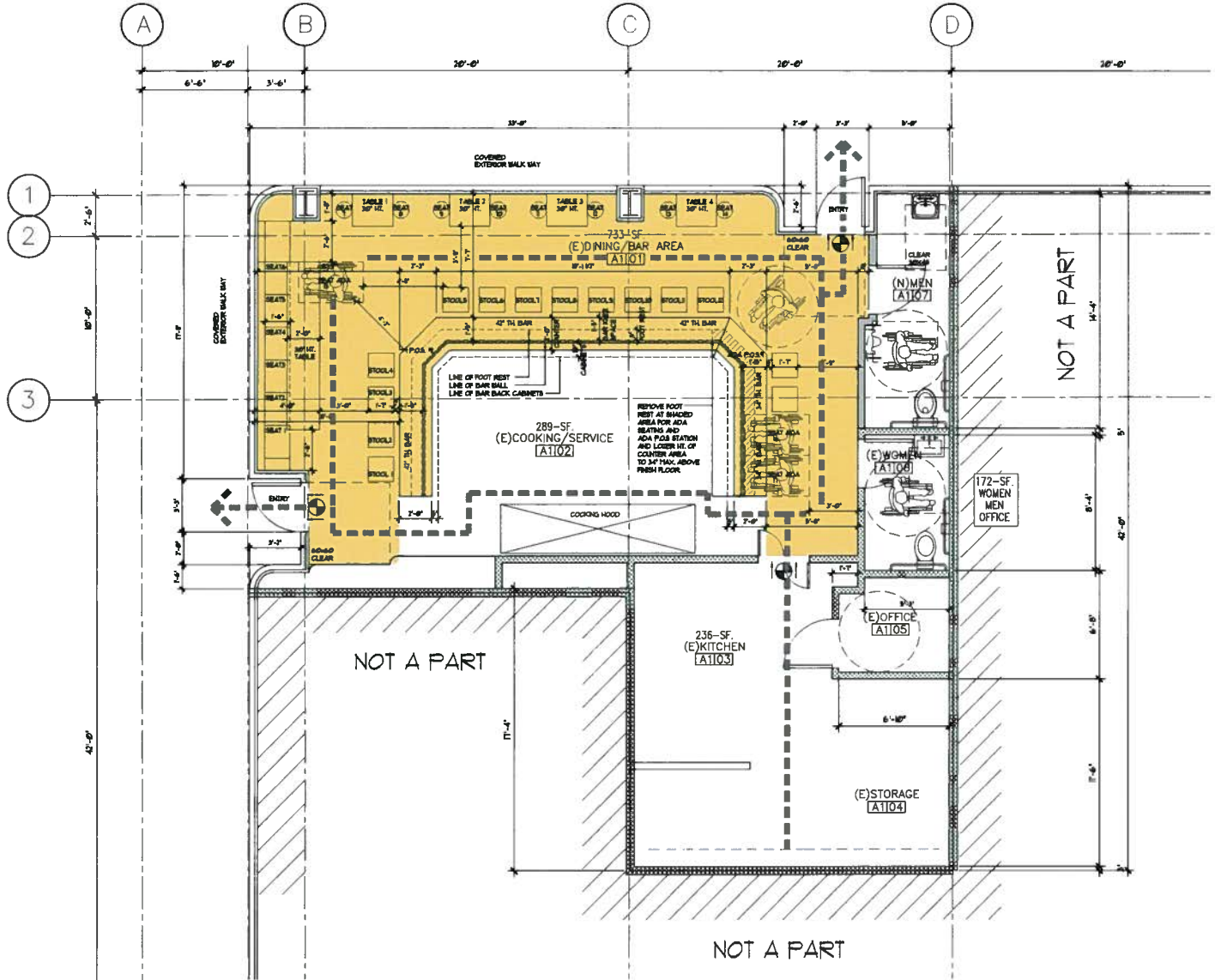
## DRAWING SYMBOLS



# SITE PLAN

**LEGEND**

-  DEMO WALL
-  EXISTING PARTITION WALL
-  NEW PARTITION WALL
-  AREA OF FLOOR SLAB
-  EXISTING PLAN OF WALLS
-  ADA CLEARANCE  
SEE PLAN FOR DIMS
-  DOOR SWING AT CEILING
-  TABLE
-  BAR STOOL
-  BENCH SEATING



**FLOOR PLAN**



**NORTH**

SCALE: 3/8" = 1'-0"





Agoura  
Hills  
Drive

nce

ICE  
MAY BE APPLIED  
TO THIS SURFACE  
AT ANY TIME  
WITHOUT NOTICE





Sushi Su

