



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

ACTION DATE: June 5, 2014

TO: Planning Commission

APPLICANT: David Foldes
Cronies Sports Grill
3499 Brokenhill Street
Newbury Park, CA 91320

CASE NOS.: 14-CUP-002 and 14-ODP-001

LOCATION: 5687 Kanan Road (Agoura Shopping Center)

REQUEST: Request for Planning Commission to approve a Conditional Use Permit to allow the on-site sale of alcoholic beverages (Type 41 ABC license) for a new restaurant (Cronies Sports Grill); and an Outdoor Dining Permit to allow an outdoor dining area.

ENVIRONMENTAL ANALYSIS: Exempt from the California Environmental Quality Act (CEQA) per Section 15301 of the CEQA Guidelines.

RECOMMENDATION: Staff recommends that the Planning Commission approve Conditional Use Permit Case No. 14-CUP-002 and Outdoor Dining Permit Case No. 14-ODP-001, based on the findings of the attached draft Resolution.

ZONING DESIGNATION: CS-MU (Commercial Shopping Center – Mixed Use)

GENERAL PLAN DESIGNATION: CS-MU (Commercial Shopping Center – Mixed Use)

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 Alcoholic Beverage Control (ABC) licenses.

ABC defines on-sale alcoholic beverage establishments as “any establishment where in 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, David Foldes, of Cronies Sports Grill restaurant is requesting the Planning Commission’s 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 (Cronies Sports Grill) and within a proposed outdoor dining area in the Agoura Meadows Shopping Center located at 5687 Kanan Road. The parcel is zoned Commercial Shopping Center-Mixed Use (CS-MU).

The shopping center, which was built in 1981, is located at the southwest corner of Kanan Road and Thousand Oaks Boulevard. The existing restaurant space is approximately 4,070 square feet, located on the north end of the shopping center’s main building, and was previously occupied by Angel Café restaurant. Angel Café had a type 41 ABC licenses to sell beer and wine on the premises. However, that license was surrendered to ABC at the end of their lease. Other restaurants (Round Table Pizza and Half Time Sports Grill and Creamery) occupied this tenant space over the years and had a license to sell beer and wine for on-site consumption (license type 41). Several restaurants in the Agoura Meadows Shopping Center and Twin Oaks Shopping Center (across the street) have ABC license to sale alcoholic beverages for on-site consumption, including the Latigo Kid, Italia Deli, and Maria’s Italian Restaurant.

In addition to the Conditional Use Permit, the applicant is requesting approval of an Outdoor Dining Permit to install a new 400 square foot outdoor dining area that would include 8 portable tables and 24 portable chairs in front of the proposed Cronies Sports Grill restaurant and would be shaded by an existing awning. The applicant proposes that the new 10 x 40 foot outdoor dining area be separated from the adjacent walkway by a 3 foot high wrought iron fence. Barriers are required to separate pedestrians from the alcohol consumption area. A 6.5 foot wide walkway will provide adequate access around the outdoor dining area and will comply with minimum access requirements. Staff recommends that the outdoor dining area be enhanced with landscaping, such as potted plants, to screen the area and provide additional visual separation, subject to the Planning Director’s review and approval. The proposed restaurant hours of operation are from 8:00 a.m. to 11:00 p.m. Sunday through Thursday, and from 8:00 a.m. to 12:30 a.m. Friday and Saturday.

On May 13, 2014, the applicant submitted plans to the Building and Safety Department for plan check, for minor alterations to the inside of the restaurant which include using previous seating areas for the expansion of the kitchen area and the installation of new walk-in coolers. No building permits have been issued to date for this remodel. Business signs are being reviewed administratively by the Planning Department. The parking requirement is based on the seating

and waiting area of the restaurant. The seating and waiting floor area (restaurant as well as new outdoor dining area) will remain relatively unchanged (from 2,129 square feet to 2,114 square feet) because the additional seating in the outdoor dining area will make-up for the loss of seating inside the restaurant, due to the interior changes. Therefore, no additional parking is required by Municipal Code 9654.6.B.

Attached are copies of the floor plan, photographs of the tenant storefront and photographs of another Cronies Sports Grill in another city.

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 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.

Land uses adjacent to the Agoura Meadows Shopping Center include a commercial shopping center (Twin Oaks Shopping Center) to the north and across Thousand Oaks Boulevard and single-family residential neighborhoods to the west, south, and across Kanan Road to the east. The nearest residential neighborhood is located to the west of the shopping center, with the nearest dwelling unit approximately 230 feet from the restaurant location, and is behind the center and separated by a storm drain channel. Another residential neighborhood is located approximately 525 feet to the east property line of the shopping center and is separated by the shopping center parking lot and Kanan Road. Staff finds that these distances and site characteristics provide adequate buffers between the restaurant and residentially-zoned properties and the sale of alcohol would be for on-site consumption only.

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 and proposed outdoor dining area that is allowed within the Commercial Shopping Center-Mixed Use (CS-MU) zone. The nearest residential neighborhood is located approximately 230 feet to the west of the restaurant on the other side of the flood control channel. In addition, there is no school or park located within 500 feet of the site. According to the Los Angeles County Sheriff Department, they have not experienced recent problems in the Agoura Meadows Shopping 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 restaurants in the Agoura Meadows Shopping Center and Twin Oaks Shopping Center (across the street) share a same or similar ABC license, including the Latigo Kid, Italia Deli, and Maria's Italian Restaurant.

The proposed project consists of adding a type 41 license to a new restaurant and constructing an outdoor dining area, and no building addition is proposed, and no additional seating capacity is being provided. Existing parking capacity has been determined to be adequate for the proposed project. As such, staff finds the project to be exempt from the California Environmental Quality Act (CEQA), per Section 15301 of the CEQA Guidelines, and no negative declaration or environmental impact report is required.

III. RECOMMENDATION

Staff recommends that the Planning Commission approve Conditional Use Permit Case No. 14-CUP-002 and Outdoor Dining Permit Case No. 14-ODP-001, subject to conditions.

IV. ATTACHMENTS

- Exhibit A: Draft Resolution and Conditions of Approval
- Exhibit B: Vicinity Map
- Exhibit C: Reduced Copy of Site and Floor Plan
- Exhibit D: Photographs of tenant storefront, and another Cronies Sports Grill in another city.

Case Planner: Renee Madrigal, Associate Planner

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF AGOURA HILLS, APPROVING CONDITIONAL USE PERMIT CASE NO. 14-CUP-002 TO ALLOW THE ON-SITE SALE OF ALCOHOLIC BEVERAGES (TYPE 41 ABC LICENSE) FOR A NEW RESTAURANT (CRONIES SPORTS GRILL); AND APPROVING OUTDOOR DINING PERMIT CASE NO. 14-ODP-001 TO ALLOW AN OUTDOOR DINNING AREA FOR THE RESTAURANT LOCATED AT 5687 KANAN ROAD

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 David Foldes, with respect to real property located at 5687 Kanan Road, (Assessor's Parcel No. 2053-007-030), requesting approval of a Conditional Use Permit (Case No. 14-CUP-002) to allow the on-site sale of alcoholic beverages (Type 41 ABC license) for an new restaurant (Cronies Sports Grill); and an Outdoor Dining Permit (Case No. 14-ODP-001) to allow an outdoor dining area in the Agoura Meadows Shopping Center, adjacent to the restaurant. A public hearing to consider Case Nos. 14-CUP-002 and 14-ODP-001 was duly held on June 5, 2014, at 6:30 p.m. in the City 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 duly presented to and considered by the Planning Commission at the aforesaid public hearing.

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 Section 9673.2.E of the Agoura Hills Municipal Code, 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, within a retail center located in the Commercial Shopping Center-Mixed Use (CS-MU) zone. The CS-MU zone allows for restaurant uses, and the on-site sale of alcoholic beverages is allowed pursuant to the approval of this Conditional Use Permit.

B. The proposed use, as conditioned, is compatible with the surrounding properties, and with the other uses in the shopping center. The restaurant shares tenant spaces with other retail, office and restaurant uses in the center. No sensitive use exists in the shopping center or in the vicinity of the site.

C. The proposed use, as conditioned, and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare. In addition to the on-sale of alcoholic beverages within the restaurant, pursuant to this Conditional Use

Permit, alcoholic beverages will be served within a new outdoor dining area adjacent to the tenant space. The California Department of Alcoholic Beverage Control regulates the sales and dispensing of alcohol inside as well as outside and enforces its own public safety regulations.

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 outdoor dining area. The restaurant is a permitted use in CS-MU zone, and the on-site sale of alcohol is allowed pursuant to this Conditional Use Permit and CS-MU zone. No Variance request is considered as part of this application. Thus, the proposed use will comply with the Zoning Code.

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, as conditioned, is consistent with the goals, objectives and policies of the General Plan. The proposed use meets the Goal No. LU-2.2 of the General Plan Land Use and Community Form Element, which is to provide for and encourage the development of a broad range of uses in Agoura Hills' commercial centers that reduce the need to travel to adjoining communities and that capture a greater share of local spending.

Section 4. Based on the evidence presented at the public hearing, including the staff report and oral and written testimony, the Planning Commission finds, pursuant to Section 9396.3 of the Agoura Hills Municipal Code, that:

A. 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 these types of uses are located 1,223 feet and 1,260 feet away respectively.

B. 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 230-foot of separation exists between the shopping center and the nearest residential neighborhood to the west. The restaurant and this residential neighborhood are separated by a Los Angeles County Flood Control Channel easement.

C. 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 and defined outdoor area, which will remain compatible with the City's Architectural and Design Standards and Guidelines and as conditioned, will comply with the provisions of the City's outdoor dining design and operational standards (Section 9395.1 of the Zoning Ordinance).

D. 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 physical changes to the site are proposed with this application.

E. 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 is only permitted between the hours of 8:00 a.m. to 12:30 a.m. Friday and Saturday and from 8:00 a.m. to 11:00 p.m. Sunday through Thursday, which will minimize the potential for impacts on the quiet enjoyment of the neighborhood beyond the normal business operations.

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

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

Section 5. 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 and within an outdoor dining area within an existing shopping center without significant expansion of space.

Section 6. Based on the aforementioned findings, the Planning Commission hereby approves Case Nos. 14-CUP-002 and 14-ODP-001, subject to the attached conditions, with respect to the property described in Section 1 hereof.

Section 7. 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 5th day of June 2014, by the following vote to wit:

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

Michael Justice, Chairperson

Mike Kamino, Secretary

CONDITIONS OF APPROVAL
(Case Nos. 14-CUP-002 and 14-ODP-001)

STANDARD CONDITIONS

1. This 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. Except as modified herein, the approval of this action is limited to and requires complete conformation to the approved labeled exhibits: Site plan and Floor Plan.
3. The approval of this permit shall not be effective for any purpose until the applicant and property owner have agreed in writing that they are aware of, and accept all Conditions of this Permit with the Department of Planning and Community Development.
4. It is hereby declared to be the intent that if any provision of this Permit is held or declared 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. Unless this permit is used within two (2) years from the date of City approval, Case Nos. 14-CUP-002 and Case No. 14-ODP-001 will expire. A written request for a one (1) year extension may be considered prior to the expiration date.

BUILDING AND SAFETY DEPARTMENT CONDITIONS

7. All new exterior materials used for eaves, sidings, porch, patio, carport and other similar structures shall meet the Very High Fire Hazard Severity Zone (VHFHSZ) as outlined in Chapter 2 of Article VIII in the Agoura Hills Municipal Code (AHMC).
8. The project must comply with Federal, State and Local accessibility requirements.
9. As part of the permitting process and prior to permit issuance, two (2) full sets of construction plans shall be submitted to the Building Department for plan review and approval.
10. The applicant shall provide detail information and dimensions for areas related to accessibility requirements to assure code compliance. Some of these areas include: accessible table and sitting space for indoor and outdoor dining areas, men and women bathrooms, finished surfaces and signage.

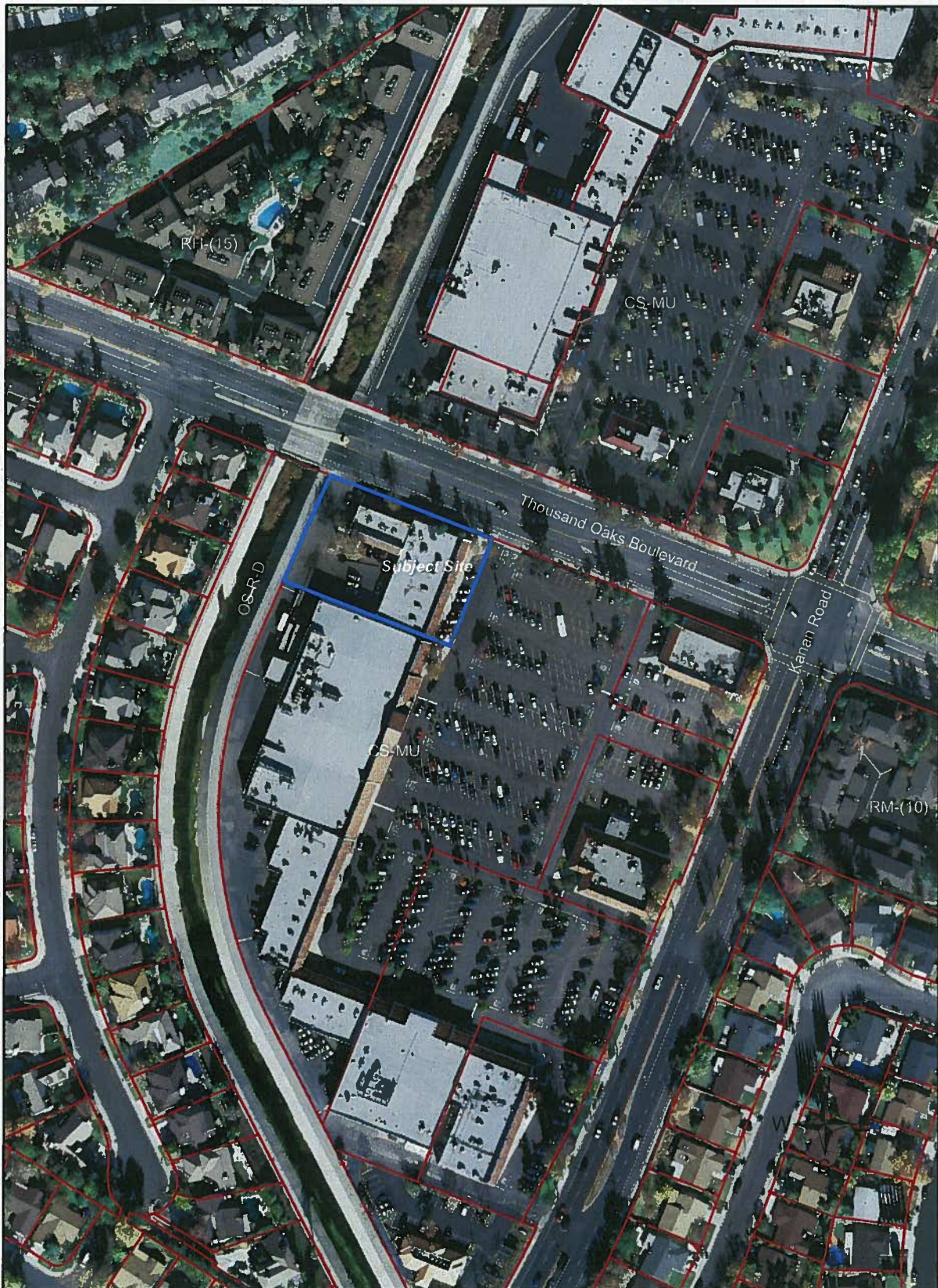
11. The applicant shall provide an accessible path of travel from the public right of way and the parking stall to the project entrance. The parking stall shown on the plan is not currently an accessible stall. If proposed as an accessible stall, the applicant shall identify and include the design of the parking and the curb cut ramp on the plan.
12. The applicant shall provide, at time of submittal, an existing floor plan and unreasonable hardship form for accessibility.

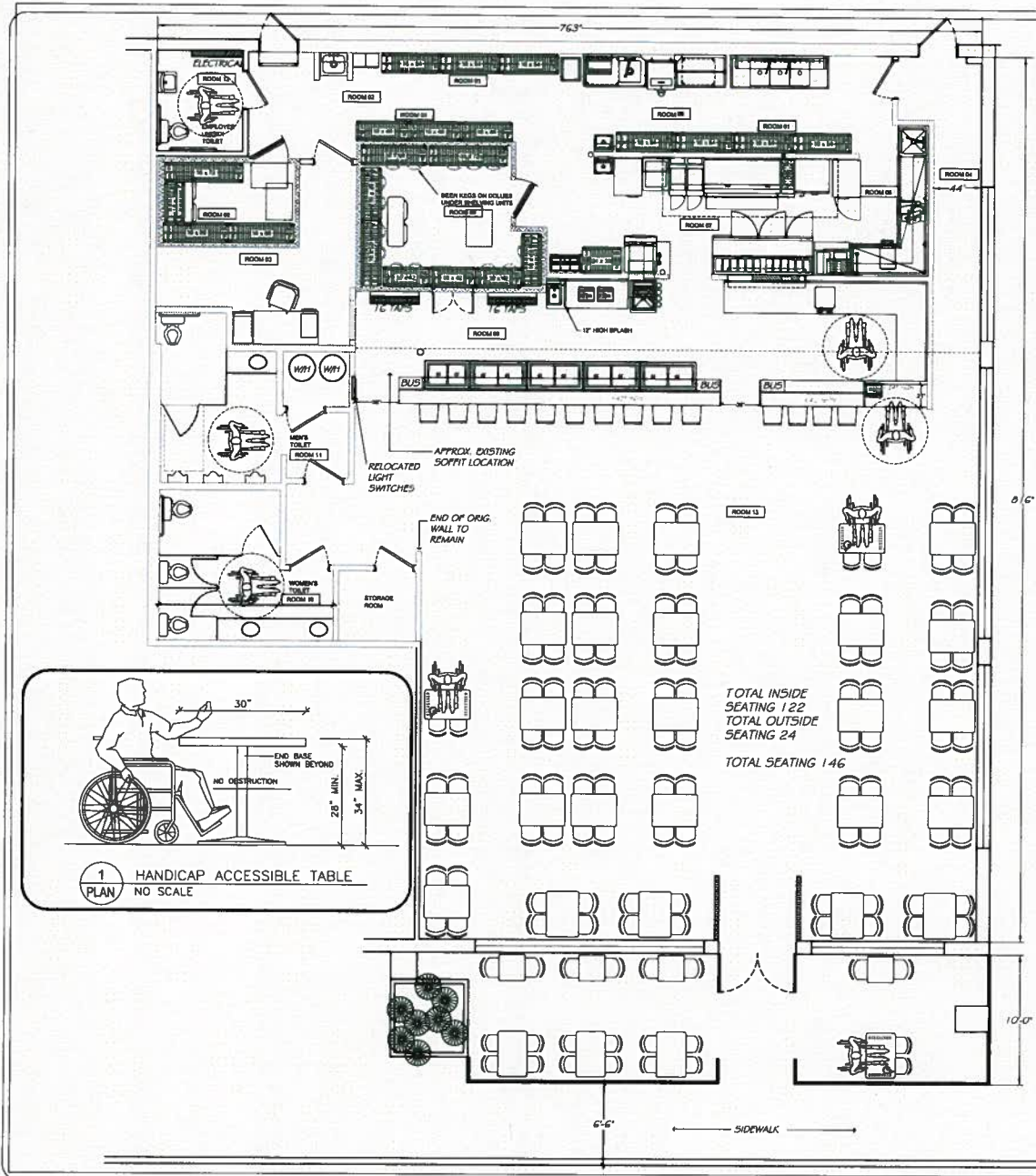
SPECIAL CONDITIONS

13. The applicant shall comply with all requirements of the California Department of Alcohol Beverage Control.
14. This permit shall be valid strictly for license type 41 as defined by the California Department of Alcohol Beverage Control.
15. The approved hours of operation are from 8:00 a.m. to 11:00 p.m. Sunday through Thursday, and from 8:00 a.m. to 12:30 a.m. Friday and Saturday.
16. Business signage shall be in compliance with the City Municipal Code.
17. Live entertainment is not permitted as part of this approval.
18. The service of alcoholic beverages outside of the restaurant is subject to the California Department of Alcoholic Beverage Control's approval.
19. The outdoor dining area shall be enhanced with landscaping, such as potted plants, to screen the area and provide additional visual separation, subject to the review and approval by the Director of Planning and Community Development.
20. 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.
21. 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.

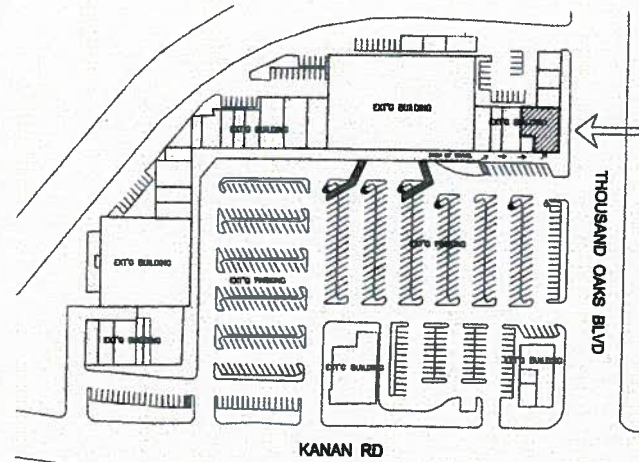
END

Conditional Use Permit Case No. 14-CUP-002 and
Outdoor Dining Permit Case No. 14-ODP-001





VICINITY MAP



SITE MAP



DRAWN: PAUL MAX
DATE: 03-15-14

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CRONIES SPORTS GRILL
5627 KANAN RD.
AGOURA HILLS, CALIFORNIA 91301

Revisions	Description

EQUIPMENT P.P.

Sheet of PLANNING-01



5687 Kanan Road
Agoura Hills, CA 91301
Existing

A photograph of the exterior of a building with a red tiled roof and a red awning. The building has a sign that reads "Cronies Sports Grill". The building is surrounded by trees and a parking lot. The sky is clear and blue.

Cronies Sports Grill

3687 Kanan Road
Agoura Hills, CA 91301
Proposed

