CITY OF
AGOURA HILLS

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

ACTION DATE:	December 4, 2014
TO:	Planning Commission
APPLICANT:	Lyndon Golin 26901 Agoura Road, Suite 150 Calabasas Hills, CA 91301
CASE NO.:	CUP-01012-2014
LOCATION:	29045 Agoura Road (Regency Shopping Center)
REQUEST:	Request for Planning Commission to approve a Conditional Use Permit to allow the on-site sale and consumption of beer and wine (Alcoholic Beverage Control license type 41) in an existing movie theater (Regency Agoura Hills Stadium 8).
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. CUP-01012-2014, subject to conditions, based on the findings of the attached draft Resolution.
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 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, Lyndon Golin of Regency Theatres, is requesting the Planning Commission's approval of a Conditional Use Permit to obtain a license type 41 from ABC for the on-site sale and consumption of beer and wine inside the existing Regency Agoura Hills Stadium 8 movie theater located at 29045 Agoura Road, in the Regency Center. The parcel is zoned Planned Development/Agoura Village Specific Plan (PD-AVSP).

Regency Theatres is located within a multi-tenant commercial shopping center at the northwest corner of Agoura Road and Cornell Road. The theater includes eight auditoriums with a total of 1,183 seats with a footprint of 33,000 square feet and 35,351 square feet in size. The first floor includes the lobby, restrooms and a concession stand along with eight theater auditoriums ranging in size from 111 seats to 232 seats. The second floor consists of a projector room and restrooms. The existing building will not be expanded as part of this proposal, nor will the overall seating increase in the theater auditoriums. No additional parking is required for this application.

Concessions are currently served from a concession stand in the main lobby. There are no concession or alcoholic service areas on the second floor. The applicant is proposing to convert a secondary concession stand next to Auditorium #3, as shown on the Main Floor Plan (Sheet 1) that is currently not in use, into a bar for the serving of beer and wine along with food items, such as salads, sandwiches, wraps and pizzas. The applicant is also proposing the sale of beer and wine for consumption by movie theater patrons inside the main lobby, bar area and eight theater auditoriums. As proposed, beer and wine would only be sold from the proposed bar and would be served in special glasses that are easily distinguishable from the other non-alcoholic beverages sold. Per standard requirements of ABC, staff recommends the applicant be conditioned to require that the purchase of beer or wine occur in conjunction with the ordering of food to prevent the use turning into a bar. Additionally, the draft conditions of approval place limitations on the size and number of beer and wine that can be sold at one time. No more than two alcoholic beverages shall be sold or served to any one person during any transaction. Beer shall not be served in a size that exceeds 16 ounces, and wine shall not be served in a size that exceeds 8 ounces, which allows the operator to monitor the alcoholic sales and consumption by patrons. It is also recommended that the auditoriums be monitored for drinking activity/behavior by theatre staff every 30 minutes and recorded through a guard monitoring system.

Proposed hours of beer and wine sales are consistent with the hours of theater operations, which is from 12:00 p.m. through 10:00 p.m., each day of the week.

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. Although serving alcoholic beverages in movie theatres has gained in popularity in recent years, the Conditional Use Permit allows for review by the Planning Commission and allows the Commission to impose any appropriate conditions to be 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 Zoning Ordinance also requires the Planning Commission to make additional findings relative to alcohol beverage sales and service.

Staff finds the proposed use to be consistent with the intent of the ordinance and with the findings. The proposed on-site sale of alcoholic beverages will occur inside an existing movie theater that is allowed within the Planned Development (PD) zone (Agoura Village Specific Plan Area). The nearest residential property is located approximately 400 feet away to the east of the retail center, on the south side of Agoura Road. There also is a storage facility caretaker unit located on the parcel to the west, adjacent to the center. The nearest residential street is Vejar Drive, located approximately 1,600 feet east of the theater. 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 Regency Shopping Center related to the consumption of alcoholic beverages.

Based on the above analysis, staff finds the proposed request to allow the on-site sale of beer and wine (Type 41 ABC license) will not negatively impact surrounding properties or neighborhoods and will be compatible with neighboring uses.

The proposed project consists of approving a CUP for the on-site sale of alcohol pursuant to a type 41 ABC license in an existing theater. No building addition or expansion is proposed. Also, no additional seating capacity is proposed and the existing on-site parking capacity has been determined to be adequate for the proposed project. As such, staff finds the proposed project to be exempt from the California Environmental Quality Act, per CEQA Guidelines Section 15301, and no negative declaration or environmental impact report is required.

III. RECOMMENDATION

Staff recommends that the Planning Commission approve Conditional Use Permit Case No. CUP-01012-2014, subject to conditions.

IV. ATTACHMENTS

Exhibit A: Draft Resolution and Conditions of Approval
Exhibit B: Letter from Applicant
Exhibit C: Vicinity Map
Exhibit D: Reduced Copy of Site and Floor Plan
Exhibit E: Businesses with Approved Alcohol Beverage Licenses Map
Exhibit F: Photograph of Theater

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. CUP-01012-2014 TO ALLOW THE ON-SITE SALE OF BEER AND WINE (ABC LICENSE TYPE 41) AT AN EXISTING MOVIE THEATER (REGENCY AGOURA HILLS STADIUM 8) LOCATED AT 29045 AGOURA ROAD, AND MAKING A FINDING OF EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

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 Lyndon Golin, with respect to real property located at 29045 Agoura Road (Assessor's Parcel No. 2061-006-044), requesting approval of a Conditional Use Permit (Case No. CUP-01012-2014) to allow the on-site sale of beer and wine (ABC license Type 41) in an existing movie theater (Regency Agoura Hills Stadium 8) in the Regency Shopping Center. A public hearing to consider Case No. CUP-01012-2014 was duly held on December 4, 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 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 sale of alcoholic beverages will occur in a tenant space occupied by an existing movie theater, within a retail center located in the Planned Development (Agoura Village Specific Plan) zone. The Planned Development zone allows for theater use, 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 proposed ancillary on-site sale and consumption of beer and wine will be compatible with the continuation of the existing theater use and the existing uses in the shopping center and surrounding neighborhood. 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. The beer and wine sales will be ancillary to the movie theater operations, and the on-site consumption of beer and wine will be consumed within an existing movie theater. The beer and wine will be

served in special containers that are easily distinguished from non-alcoholic beverages sold in conjunction with food items. The conditions of approval place limitations on the size and number of drinks that can be sold at one time. Auditoriums will be monitored for drinking activity/behavior by an employee of the theater at least once every 30 minutes.

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 beer and wine in an existing movie theater and no additional parking is required for this request. The movie theater is a permitted use in the PD (Agoura Village Specific Plan) zone, and the on-site sale of alcohol is allowed pursuant to this Conditional Use Permit and the PD 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. The Regency Agoura Hills Stadium 8 Theater is the only movie theater in the city and the proposed on-site sale of alcoholic beverages expands options for customers of the theater. 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 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 because the existing movie theater is located within an established shopping center and is not immediately adjacent to these uses. In addition, the theater is screened by structures and separated by a parking lot and streets.

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 residential areas. All consumption of alcohol for the requested use will occur within the enclosed movie theaters. A caretaker unit is located in a storage facility, on the north side of Agoura Road and west of the retail center, and separated from the retail center by fencing and Medea Creek. A minimum 400-feet of separation exists between the retail center and the nearest single-family residence located on the south side of Agoura Road, east of Cornell Road. The nearest residential street is Vejar Drive, located on the south side of Agoura Road, 1,600 feet east of the retail center.

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 movie theater.

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. No consumption of alcohol within areas outside of the establishment is approved with this permit.

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 existing movie theater is permitted between the hours of 11:30 a.m. to 10:30 p.m., each day of the week. The fact that alcohol will only be served until 10:30 p.m. will minimize the potential for impacts to the quiet enjoyment of the neighborhood.

F. The requested use will not contribute to an undue concentration of alcoholic beverage establishments in the area. The movie theater is within a multi-tenant retail center with three existing restaurants (Boar Dough, Agoura Sushi, and Exotic Thai Bistro) that are permitted for the on-site sale of alcoholic beverages. The addition of alcohol service to the theater will not create an undue concentration of alcohol beverage establishments in the area, but the Department of Alcoholic Beverage Control (ABC) is responsible for determining whether the type of request is within the acceptable levels of license 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 an existing movie theater and involves only a negligible change beyond the existing use.

Section 6. Based on the aforementioned findings, the Planning Commission hereby approves Case No. CUP-01012-2014, subject to the attached Conditions of Approval, which are attached hereto and incorporated herein by reference.

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 4th day of December 2014, by the following vote to wit:

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

_____
Michael Justice, Chairperson

_____
Doug Hooper, Secretary

CONDITIONS OF APPROVAL
(Case No. CUP-01012-2014)

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. 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.

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 No. CUP-01012-2014 will expire. A written request for a one (1) year extension may be considered prior to the expiration date.

SPECIAL CONDITIONS

7. The applicant shall comply with all requirements of the California Department of Alcohol Beverage Control.

8. This permit shall be valid strictly for license type 41 as defined by the California Department of Alcohol Beverage Control.

9. The approved hours of operation for serving alcohol are from 12:00 p.m. to 10:00 p.m., each day of the week.

10. 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.

11. In accordance with Municipal Code 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 percent or more in the floor area devoted to alcohol sales, or 100 square feet, whichever is greater.
    C. The establishment expands a customer service area primarily devoted to the service of alcohol and/or increases the number of customer seats primarily devoted to the service of alcohol.
    D. The alcoholic beverage license has either been revoked or suspended for any period by ABC.

12. Alcohol sales shall be limited to movie theater patrons only.

13. Alcoholic beverages shall be served in distinguishable containers that significantly differ in appearance from those containers used for non-alcoholic beverages.

14. Beer shall not be served in a size that exceeds 16 ounces, and wine shall not be served in a size that exceeds 8 ounces.

15. No more than two alcoholic beverages shall be sold or served to any one person during any transaction.

16. Alcoholic beverages shall be sold in conjunction with food items.

17. An employee of the premises shall enter and monitor the consumption of alcohol in the theater auditoriums on a regular basis, but no less than once every 30 minutes.

18. The consumption of alcoholic beverages shall only be permitted within the theater auditoriums. The consumption of alcoholic beverages within the common public areas outside of the theater auditoriums shall be prohibited unless explicitly authorized otherwise herein, and in association with a special event such as private movie screenings or a film festival.

19. Off-sale of alcohol is prohibited with this permit. No customer shall be allowed to bring an alcoholic beverage container out of the theater.

20. The applicant shall obtain approval from the Los Angeles County Health Department prior to selling any new or additional food items in the theater.

21. Live entertainment is not permitted as part of this approval.

END

REGENCY THEATRES
26901 Agoura Road, Suite 150, Calabasas Hills, CA 91301
Telephone 818-224-3825 * Facsimile 818-224-2173

September 30, 2014

Planning Department
City of Agoura Hills
30001 Ladyface Ct.
Agoura Hills, CA 91301

Re: Regency Agoura Hills Stadium 8 Beer & Wine License

Dear City Planner,

The Regency Agoura Hills Stadium 8, located at 29045 Agoura Rd. in Agoura Hills seeks a Type 41 - Beer & Wine License from ABC and requests permission from the City in the form of a Conditional Use Permit to proceed.

The Regency Agoura Hills Stadium 8 features eight auditoriums with a total of 1200 seats with a footprint of 33,000 square feet. Concessions are currently served from a concession stand in the main lobby. There is a secondary concession stand next to auditorium three that is currently not in use and will be utilized for the serving of Beer & Wine along with food items, such as salads, sandwiches, wraps & pizzas.

Regency currently has two other locations (Rancho Niguel & San Juan Capistrano) that operate with this license. Beer & Wine is served in special glasses, to be easily identified for control. Auditoriums will be patrolled every 30 minutes and recorded through a guard monitoring system.

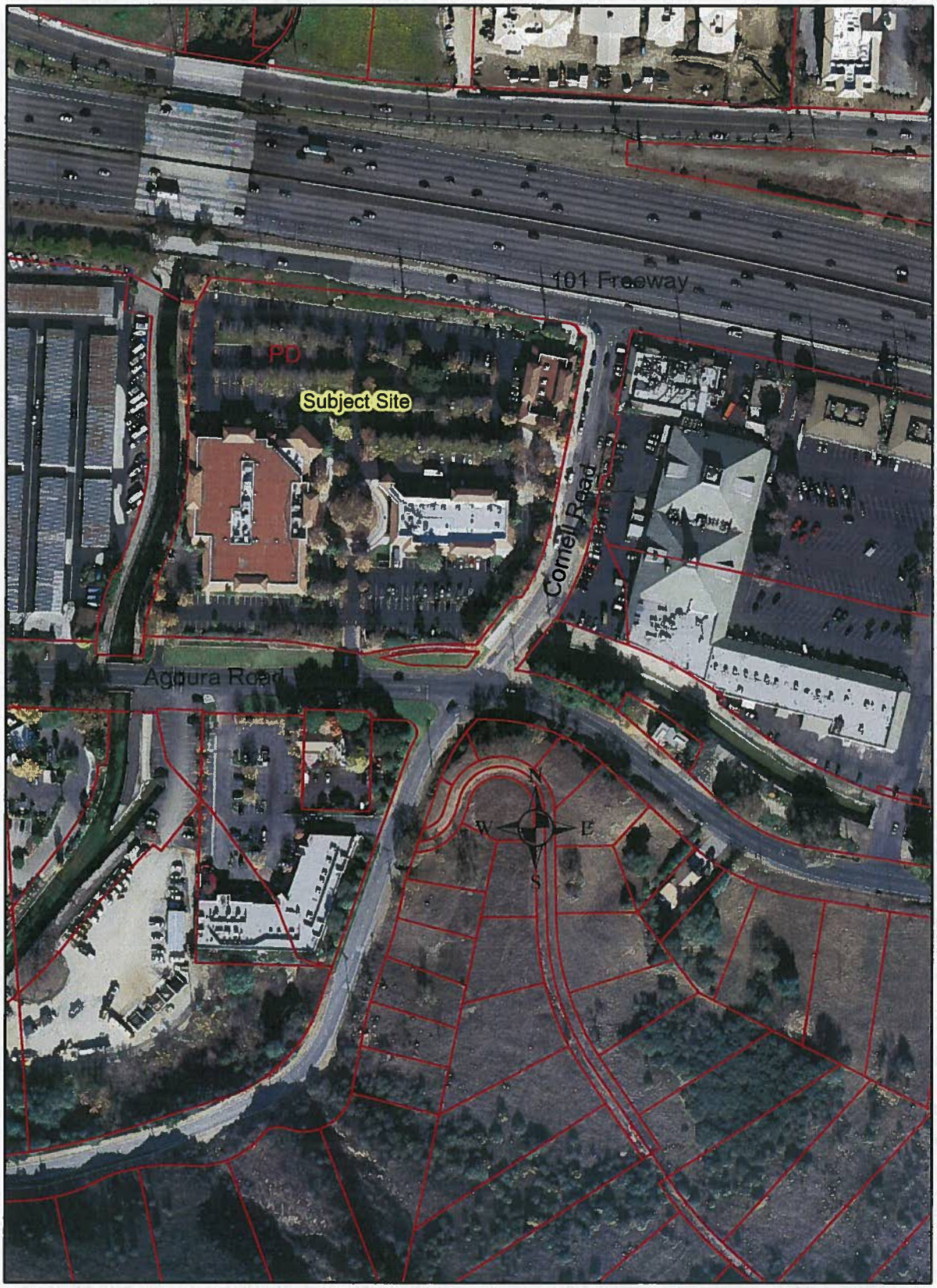
The offering of Beer & Wine in addition to prepared food items to Regency Agoura Hills Stadium 8's clientele will provide a more enjoyable movie going experience and allow the theater to be more competitive in the marketplace.

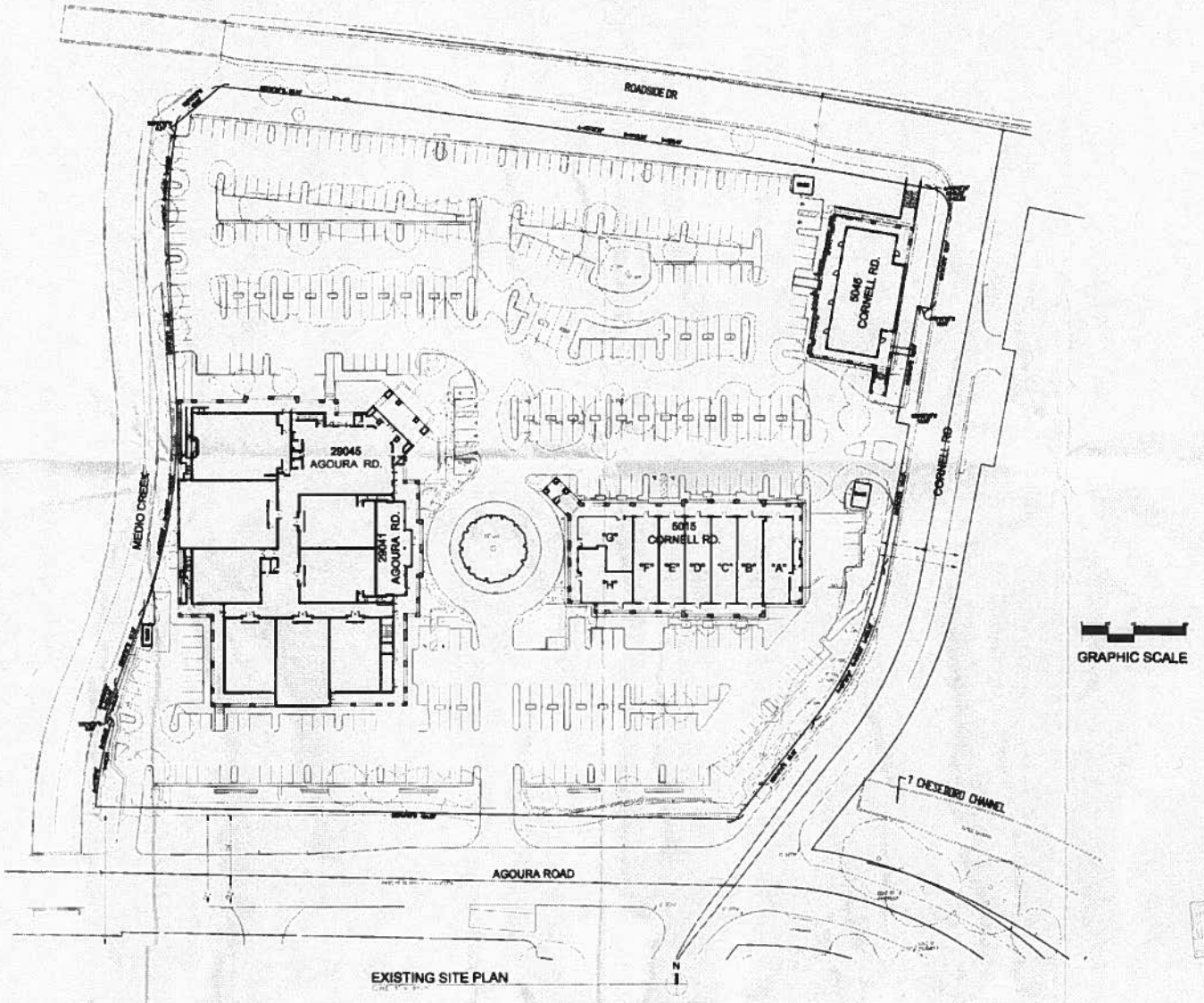
Thanks for your consideration.

Kindest Regards,

Lyndon Golin
President

Conditional Use Permit Case No. CUP-01012-2014





EXISTING SITE PLAN

GRAPHIC SCALE

REVISIONS

AGOURA OAKS SHOPPING CENTER

AGOURA HILLS, CA.

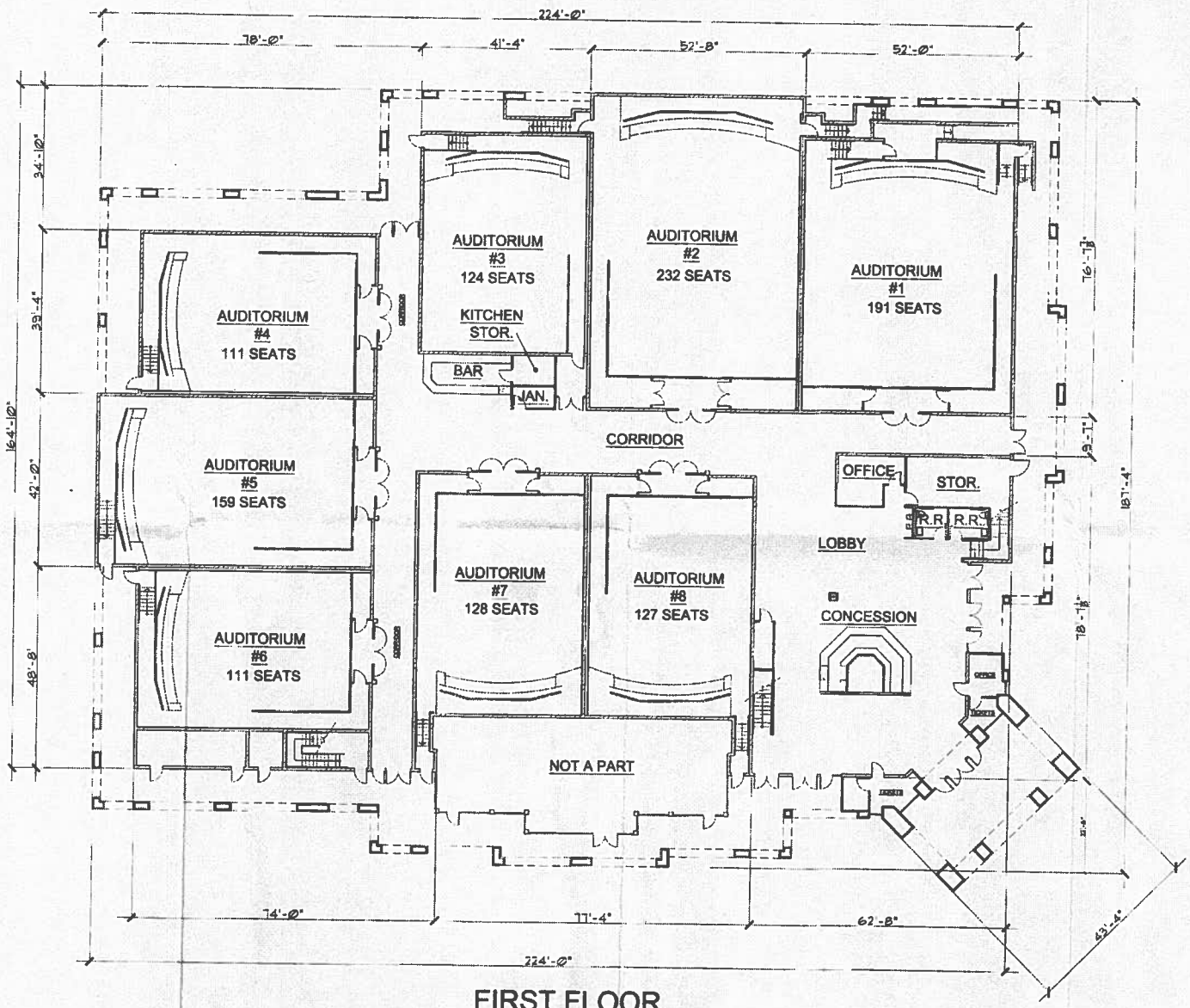
Heathcote & Associates

Architecture

3398 Willow Lane
Westlake Village
California Suite 200
Phone 805-497-4700

DATE
JANUARY 15, 2010
JOB NO.
1001
SHEET

LEASE



FIRST FLOOR

USE AREA = 33,001 SQ. FT.

Kenney & Lee architecture group, inc.

(970) 663-0548

CUP Submittal Set

Agoura Hills 8

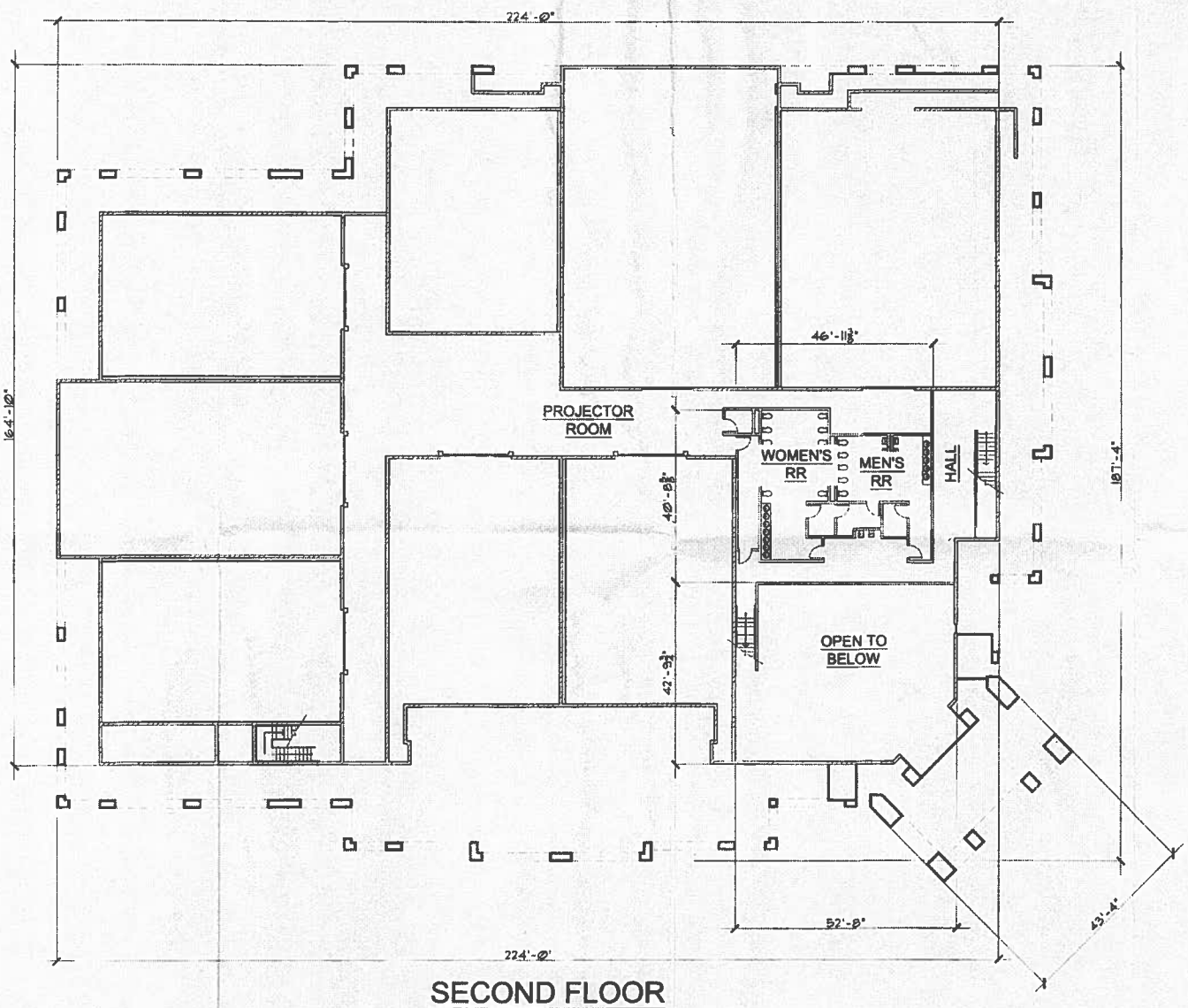
22648 Agoura Rd.
Agoura Hills, California

REGENCY THEATRES

MAIN FLOOR PLAN

Loveland, Colorado

sheet 1



SECOND FLOOR

USE AREA = 2,350 SQ. FT.

Kenney & Lee architecture group, inc.

(970) 663-0848

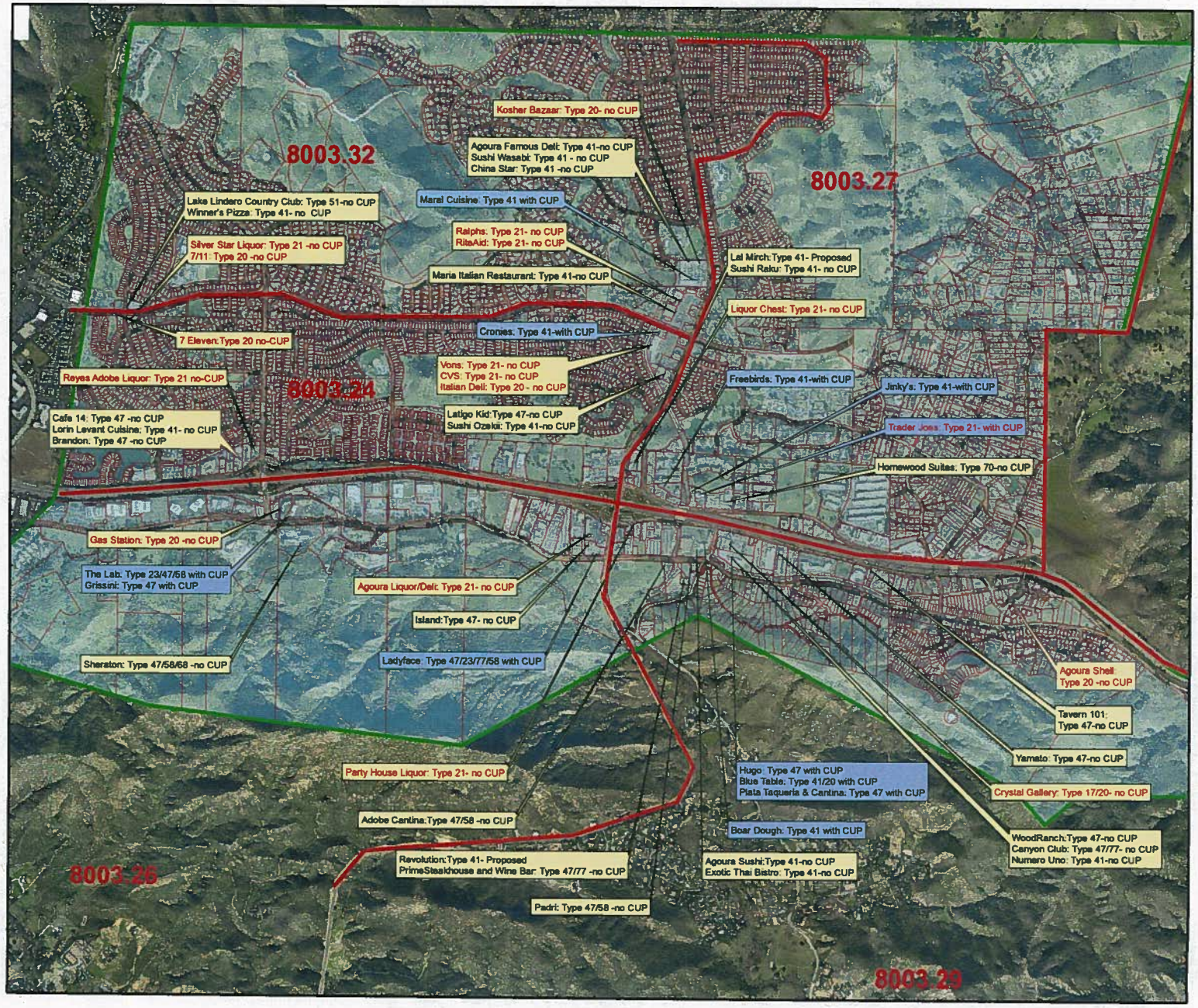
Agoura Hills 8

UPPER FLOOR PLAN

Loveland • Colorado

sheet 2

City of Agoura Hills
ABC Issued Licenses
City Issued CUPs as of October 2014 (Per 7/09 Ordinance)



City Issued CUPs:

Trader Joes:	09-CUP-006
Ladyface Ale:	09-CUP-008
Grissini:	09-CUP-009
Hugo:	10-CUP-005
Jinky's:	10-CUP-007
The Lab:	11-CUP-001
Freebirds:	12-CUP-003
Rio de Brazil:	12-CUP-004 exp.
Blue Table:	12-CUP-005
Maral Cuisine:	13-CUP-001
Latigo Kid:	13-CUP-006
Boar Dough:	13-CUP-008
Cronies:	14-CUP-002

Census Tract Number/Boundary

WITH CUPs

On-Sale Licenses

Off-Sale Licenses

WITHOUT CUPs

On-Sale Licenses

Off-Sale Licenses

N
W
E
S


REGENCY
THEATRES
2014. 11. 20