



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

ACTION DATE: May 21, 2015

TO: Planning Commission

APPLICANT: Inessa Gilman
4366 Forman Avenue
North Hollywood, CA 91602

CASE NO.: CUP-01088-2015

LOCATION: 29020 Agoura Road, Suite A10 (Agoura Village Shopping Center)

REQUEST: Request for Planning Commission to approve a Conditional Use Permit to allow live musical entertainment in an existing restaurant (Revolution Speakeasy).

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-01088-2015, subject to conditions, based on the findings of the attached draft Resolution.

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

GENERAL PLAN DESIGNATION: PD (Planned Development)

I. PROJECT DESCRIPTION AND BACKGROUND

The applicant, Inessa Gilman, owner of Revolution Speakeasy restaurant, is requesting the Planning Commission's approval of a Conditional Use Permit for live musical entertainment as an ancillary use to their restaurant located at 29020 Agoura Road.

The 2,092 square foot restaurant is located within the Agoura Village Shopping Center, at the southwest corner of Agoura Road and Cornell Road. The restaurant shares tenant spaces with other retail and restaurant uses in the shopping center. The parcel is zoned Planned Development-Agoura Village Specific Plan (PD-AVSP).

On November 20, 2014, the Planning Commission adopted Resolution No. 14-1114 (attached), approving a Conditional Use Permit to allow the on-site sale and consumption of alcoholic beverages for the restaurant. Condition No. 10 of Resolution No. 14-1114 states that live entertainment is not permitted as part of the approval. The applicant is now requesting approval of a Conditional Use Permit from the Planning Commission to allow live musical entertainment inside their restaurant.

Revolution Speakeasy opened for business in March of 2015, and currently operates as a full-service restaurant with a full customer bar. It is open for lunch and dinner seven days a week, from 11:30 a.m. to 3:00 p.m. on Monday, and 11:30 a.m. to 1:00 a.m. Tuesday through Sunday. The applicant is proposing to provide live entertainment intermittently during the business hours to enhance the dining experience for restaurant customers. As noted in the applicant's attached project description, the proposed entertainment would be ancillary to the restaurant and in the form of 1920-1930 style jazz genre performed by either a single musician (piano), or a three piece acoustic combo jazz band (stand-up bass, piano and snare drums), augmented by a vocal performance from time to time. The music is intended to be soft and soothing, creating a pleasant atmosphere for the guests. No dance floor or amplification of music are requested by the applicant. In addition, the restaurant would not require any coverage charges for the music performances. The live music entertainment is proposed on all days of the week, with the entertainment hours being at the applicant's discretion.

Although live entertainment is ancillary to dining, the Zoning Ordinance requires the submittal of a Conditional Use Permit to be reviewed and approved by the Planning Commission to ensure compatibility with neighboring uses and to apply appropriate conditions of approval.

II. STAFF ANALYSIS

The proposed live entertainment is a permitted use in the PD-AVSP zone. The applicant is not proposing to increase the floor area or seating area in the restaurant, nor will a dance floor area, stage, or any other physical alterations be made to the restaurant. As such, no additional parking spaces are required per the Zoning Ordinance. The applicant is requesting live entertainment be allowed within a 66 square-foot (6'X11') area specified on the floor plan (Exhibit D), at the southwest corner of the dining area in the restaurant.

The nearest residential property is located approximately 400 feet to the east of the retail center, and a caretaker unit in the storage facility west of the Regency Center on the north side of Agoura Road is located approximately 188 feet from the retail center. The nearest residential street is Vejar Drive, located 1,600 feet east of the restaurant. According to the Los Angeles County Sheriff Department, they have not experienced recent problems in the Agoura Village Shopping Center related to live entertainment.

Previous live entertainment permits issued in the area by the Planning Commission include Ladyface Alehouse and Brasserie Restaurant/Microbrewery (in the Agoura Pointe Shopping Center), Prime Steak House (in the same shopping center), Padri Restaurant (directly north of the shopping center), and Canyon Club (in the Whizin Market Square). The four 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. To minimize potential impacts to surrounding businesses and properties, and in keeping with the applicant's desire to provide ancillary ambience music for restaurant patrons during normal business hours, staff recommends the Planning Commission adopt the following conditions approval that are also included within the attached Draft Resolution:

- The entertainment shall be conducted indoors and limited to one area, no larger than 66 square feet in size, inside the restaurant, as delineated on the Floor Plan.
- The maximum number of musical performers is four, which includes a vocalist.
- Amplified music is prohibited.
- Performances shall be limited to the following hours: 11:30 a.m. to 3:00 p.m. on Monday; and 11:30 a.m. to 1:00 a.m. on Tuesday through Sunday.
- Full food service must be made available during all live entertainment.
- Areas for dancing are not permitted.
- No cover charges may be imposed.
- The front door shall be closed during the time of live entertainment.
- 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.

Staff would also remind the Commission that Conditional Use Permits apply to the tenant space. Thus, the tenant space may be occupied by a different restaurant 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 proposed project consists of providing live entertainment in an existing eating establishment without expansion of the space. 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.

IV. RECOMMENDATION

Staff finds the proposed live entertainment would be complementary to the existing restaurant use. The proposed acoustic music would take place within the tenant's space, which would reduce the potential for impacts to nearby businesses and properties. Therefore, staff recommends that the Planning Commission approve Conditional Use Permit Case No. CUP-01088-2015, subject to conditions.

V. ATTACHMENTS

- Exhibit A: Draft Resolution and Conditions of Approval
- Exhibit B: Applicant's Project Description Letter
- Exhibit C: Vicinity Map
- Exhibit D: Reduced Copy of Site Plan and Floor Plan
- Exhibit E: Photographs
- Exhibit F: Resolution No. 14-1114

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-01088-2015 TO ALLOW LIVE MUSICAL ENTERTAINMENT IN AN EXISTING RESTAURANT (REVOLUTION SPEAKEASY) LOCATED AT 29020 AGOURA ROAD, SUITE A10, 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 Inessa Gilman, with respect to real property located at 29020 Agoura Road, Suite A10, (Assessor's Parcel No. 2061-031-023), requesting approval of a Conditional Use Permit (Case No. CUP-01088-201) to allow live musical entertainment in an existing restaurant (Revolution Speakeasy) in the Agoura Village Shopping Center. A public hearing to consider Case No. CUP-01088-2015 was duly held on May 21, 2015, 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 live musical entertainment will occur within an existing restaurant, within a retail center located in the Planned Development (Agoura Village Specific Plan) zone. The Planned Development zone allows live entertainment in conjunction with a restaurant use 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 and restaurant uses in the center. There are no residential uses in the immediate surrounding area and live entertainment is currently permitted in neighboring restaurants in the Agoura Village Specific Plan area. Live music will take place entirely inside the restaurant. No amplification of music shall be allowed. As such, the surrounding commercial uses will not be impacted by this proposal.

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 live

entertainment will take place entirely inside the restaurant. The live entertainment will serve as an ancillary use to the restaurant, thereby not creating any additional parking demand.

D. The proposed use, as conditioned, will comply with each of the applicable provisions of the Zoning Ordinance. This permit allows for live music in a restaurant and no additional parking is required for this request. The restaurant is a permitted use in the PD (Agoura Village Specific Plan) zone, and live entertainment as an ancillary use to the restaurant is allowed pursuant to this Conditional Use Permit and the PD zone.

E. The distance from other similar and like uses is sufficient to maintain the diversity of the community. Other live entertainment uses in the area (Ladyface Alehouse and Brasserie Restaurant/Microbrewery, Prime Steak House, Padri Restaurant, and Canyon Club) 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. 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. 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 live musical entertainment inside an existing restaurant.

Section 5. Based on the aforementioned findings, the Planning Commission hereby approves Case No. CUP-01088-2015, 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 21st day of May 2015, by the following vote to wit:

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

Linda Northrup, Chairperson

Doug Hooper, Secretary

CONDITIONS OF APPROVAL
(Case No. CUP-01088-2015)

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-01088-2015 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 conducted indoors and limited to one area, no larger than 66 square feet in size, inside the restaurant, as delineated in the Floor Plan.
8. The maximum number of musical performers is four, which includes a vocalist.
9. Amplified music is prohibited.
10. Performances shall be limited to the following hours: 11:30 a.m. to 3:00 p.m. on Monday; and 11:30 a.m. to 1:00 a.m. on Tuesday through Sunday.
11. Full food service must be made available during all live entertainment.

12. Areas for dancing are not permitted.
13. No cover charges may be imposed.
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.

END

revolution

[s p e a k e a s y]

Revolution Speakeasy
29020 Agoura Road, Agoura Hills CA 91301
Conditional Use Permit Proposal for Live Entertainment

Revolution Speakeasy is a family owned restaurant, bar and lounge – all in one. Our 'speakeasy' concept offers eclectic cuisine and uniquely innovative cocktails in a relaxed cozy environment, doing away with mundane, predictable and played out.

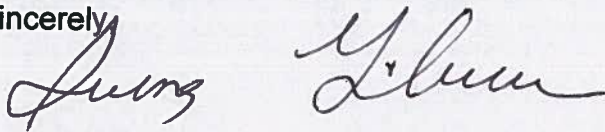
From the very first day (we have only been opened for six weeks) we have gotten all five star reviews on Yelp and Facebook. Not one person left our establishment unsatisfied, and we boast a high percentage of return customers. The word is getting around and we are welcomed in the community. Our place is truly unique and fills the niche in Agoura Hill night life as well as a lunch destination.

Many of our customers commented on how much they would love to have a live entertainment in our establishment, and how greatly their experience would be enhanced. Thus we would like to acquire a Conditional Use Permit for live musical entertainment in our venue. The music will be in the form of 1920-1930 style jazz genre performed by either a single musician (piano) or a three piece acoustic combo jazz band (stand up bass, piano, snare) augmented by a vocal performance from time to time. The music will be soft and soothing creating a pleasant atmosphere for our guests.

Our neighbors (Prime and Padri's) offer live entertainment in their outside patios, however our entertainment will be provided and contained within the boundaries of our dining facility.

Our intent is to offer artistic and upscale music selection originated at the time of prohibition to be in concert with the original concept of our establishment. We thank you for the opportunity to offer this memorable experience at Revolution Speakeasy.

Sincerely,



Inessa Gilman
President
Revolution Speakeasy, Inc.

Conditional Use Permit Case No. CUP-01088-2015



OCCUPANCY LOAD			
AREA	AREA (SQ. FT.)	OCCUPANCY FACTOR	OCCUPANCY
BAR/DINING ROOM	891	1.0	891
KITCHEN	596	1.0	596
BATHROOMS	125	1.0	125
OFFICE AND CIRCULATION	356	1.0	356
TOTAL	1968		1968

NOTE: 1:20 RATIO FOR ACCESSIBLE SEATING MIN# = 7

SCHEDULE OF FINISHES			
AREA	FLOOR	WALL	CEILING
BAR/DINING ROOM	V/D FLOORING	PAINTED BR/WALL	1-000 V/V MIMBLE ACUSTICAL, FILE
KITCHEN	QUARRY TILE	PAINTED BR/WALL	1-000 V/V MIMBLE ACUSTICAL, FILE
BATHROOMS	CERAMIC TILE	PAINTED BR/WALL	1-000 V/V MIMBLE ACUSTICAL, FILE
OFFICE AND CIRCULATION	V/D FLOORING	PAINTED BR/WALL	1-000 V/V MIMBLE ACUSTICAL, FILE

AREA:

SERVICEABLE AREA:

BAR/ DINING ROOM: 891 SF

SUPPORT AREA:

BAR: 124 SF

KITCHEN: 596 SF

BATHROOMS: 125 SF

OFFICE AND CIRCULATION: 356 SF

TOTAL SF: 2,092 SF

PATH OF EGRESS

PROVIDE LOW LEVEL EXIT SIGNS OR PATH MARKERS IN GROUP A, E-1, R-1, R-2, AND R-4 OCCUPANCIES. (1011.7, 1011.8 CBC)

PROVIDE PERMANENT SIGN STATING THE FOLLOWING: THIS DOOR TO REMAIN UNLOCKED AND UNLATCHED DURING BUSINESS HOURS.
SIGN SHOWING MAX. OCCUPANT LOAD TO BE POSTED BY FRONT DOOR
TACTILE EXIT SIGN 60" A.F.F.

EQUIPMENT SCHEDULE

NO.	DESCRIPTION	QTY	UNIT	MANUFACTURER	REMARKS
1	Commercial Dishwasher	1	UNIT	FRIGIDAIRE	18" x 24" x 34"
2	Commercial Range	1	UNIT	FRIGIDAIRE	36" x 24" x 34"
3	Commercial Oven	1	UNIT	FRIGIDAIRE	36" x 24" x 34"
4	Commercial Sink	1	UNIT	FRIGIDAIRE	36" x 24" x 34"
5	Commercial Refrigerator	1	UNIT	FRIGIDAIRE	36" x 24" x 34"
6	Commercial Freezer	1	UNIT	FRIGIDAIRE	36" x 24" x 34"
7	Commercial Dish Rack	1	UNIT	FRIGIDAIRE	36" x 24" x 34"
8	Commercial Dish Rack	1	UNIT	FRIGIDAIRE	36" x 24" x 34"
9	Commercial Dish Rack	1	UNIT	FRIGIDAIRE	36" x 24" x 34"
10	Commercial Dish Rack	1	UNIT	FRIGIDAIRE	36" x 24" x 34"
11	Commercial Dish Rack	1	UNIT	FRIGIDAIRE	36" x 24" x 34"
12	Commercial Dish Rack	1	UNIT	FRIGIDAIRE	36" x 24" x 34"
13	Commercial Dish Rack	1	UNIT	FRIGIDAIRE	36" x 24" x 34"
14	Commercial Dish Rack	1	UNIT	FRIGIDAIRE	36" x 24" x 34"
15	Commercial Dish Rack	1	UNIT	FRIGIDAIRE	36" x 24" x 34"
16	Commercial Dish Rack	1	UNIT	FRIGIDAIRE	36" x 24" x 34"
17	Commercial Dish Rack	1	UNIT	FRIGIDAIRE	36" x 24" x 34"
18	Commercial Dish Rack	1	UNIT	FRIGIDAIRE	36" x 24" x 34"
19	Commercial Dish Rack	1	UNIT	FRIGIDAIRE	36" x 24" x 34"
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25	Commercial Dish Rack	1	UNIT	FRIGIDAIRE	36" x 24" x 34"
26	Commercial Dish Rack	1	UNIT	FRIGIDAIRE	36" x 24" x 34"
27	Commercial Dish Rack	1	UNIT	FRIGIDAIRE	36" x 24" x 34"
28	Commercial Dish Rack	1	UNIT	FRIGIDAIRE	36" x 24" x 34"
29	Commercial Dish Rack	1	UNIT	FRIGIDAIRE	36" x 24" x 34"
30	Commercial Dish Rack	1	UNIT	FRIGIDAIRE	36" x 24" x 34"

FINISH SCHEDULE

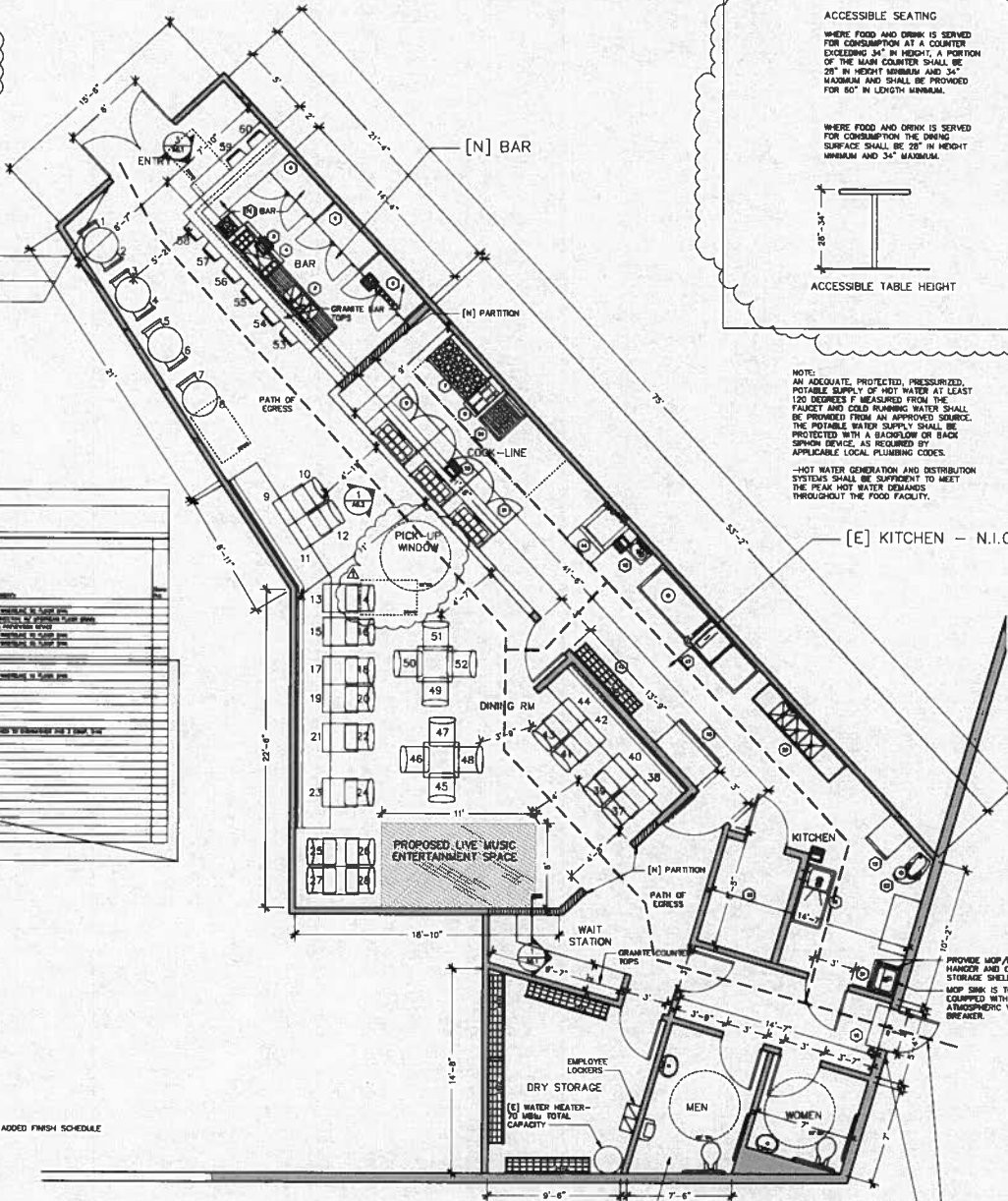
AREA	FLOOR	WALL	CEILING
BAR DINING AREA	V/D FLOORING	PAINTED BR/WALL	1-000 V/V MIMBLE ACUSTICAL, FILE
BACK BAR	QUARRY TILE	PAINTED BR/WALL	1-000 V/V MIMBLE ACUSTICAL, FILE
MAIN DINING AREA	V/D FLOORING	PAINTED BR/WALL	1-000 V/V MIMBLE ACUSTICAL, FILE
KITCHEN	QUARRY TILE	PAINTED BR/WALL	1-000 V/V MIMBLE ACUSTICAL, FILE
OFFICE	V/D FLOORING	PAINTED BR/WALL	1-000 V/V MIMBLE ACUSTICAL, FILE
BATHROOMS	CERAMIC TILE	PAINTED BR/WALL	1-000 V/V MIMBLE ACUSTICAL, FILE
BATHROOM CORRIDOR	V/D FLOORING	PAINTED BR/WALL	1-000 V/V MIMBLE ACUSTICAL, FILE
DRY STORAGE	CERAMIC TILE	PAINTED BR/WALL	1-000 V/V MIMBLE ACUSTICAL, FILE
WALK-IN COOLER	QUARRY TILE	PAINTED BR/WALL	1-000 V/V MIMBLE ACUSTICAL, FILE

SCHEDULE NOTES:

- ALL WALLS AND CEILING IN THE SERVICE, PREPARATION, STORAGE, AND RESTROOM ARE LIGHT AND TO HAVE A MINIMUM 70% LIGHT REFLECTION VALUE (RV)
- FLOOR SEALER TO BE HEALTH DEPT. APPROVED AQUA MIX PENETRATING SEALER.
- BASE COAT TO BE HEALTH DEPARTMENT APPROVED BY T.W. TILE CO. # SUB97/A
- FLOOR SURFACES SHALL BE SLOPED 1/8" APPROXIMATELY 1/4" PER FOOT TOWARDS THE FLOOR DRAIN IN A Z SURROUNDING AREA

1 NEW FLOOR PLAN
SCALE: 1/4"=1'-0"

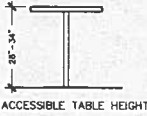
△ ADDED FINISH SCHEDULE



ACCESSIBLE SEATING

WHERE FOOD AND DRINK IS SERVED FOR CONSUMPTION AT A COUNTER EXCEEDING 34" IN HEIGHT, A PORTION OF THE MAIN COUNTER SHALL BE 28" IN HEIGHT MINIMUM AND 34" MAXIMUM AND SHALL BE PROVIDED FOR 50% IN LENGTH MINIMUM.

WHERE FOOD AND DRINK IS SERVED FOR CONSUMPTION THE DINING SURFACE SHALL BE 28" IN HEIGHT MINIMUM AND 34" MAXIMUM.



NOTE: AN ADEQUATE, PROTECTED, PRESSURIZED, POTABLE SUPPLY OF HOT WATER AT LEAST 120 DEGREES F MEASURED FROM THE FAUCET AND COLD RUNNING WATER SHALL BE PROVIDED FROM AN APPROVED SOURCE. THE POTABLE WATER SUPPLY SHALL BE PROTECTED WITH A BACKFLOW OR BAGS SPRING DEVICE AS REQUIRED BY APPLICABLE LOCAL PLUMBING CODES. -HOT WATER GENERATION AND DISTRIBUTION SYSTEMS SHALL BE SUFFICIENT TO MEET THE PEAK HOT WATER DEMANDS THROUGHOUT THE FOOD FACILITY.



5500 HOLLYWOOD BLVD. LOS ANGELES, CA 90068
PH 323.856.1400 FX 323.856.1404

steve@franklinstudiosarch.com

REVOLUTION

29020 AGOURA RD. AGOURA HILLS, CA 91301

RESTAURANT T.I.

All drawings and specifications remain the property of FRANKLIN STUDIOS ARCHITECTURE CORP. No part of this drawing or specification shall be reproduced or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of FRANKLIN STUDIOS ARCHITECTURE CORP.

Issue Date: 10/20/14
Revision: 11/4/14

P.C. CORRECT: 11/4/14

BID SET ISSUE: 10/20/14
REV SET ISSUE:

* All measurements to be field verified.
* If applicable, all electrical and plumbing to be verified with subcontractors.
* Unannotated conditions apply to all work unless otherwise noted.
* Interior design drawings are for design intent only.

NEW FLOOR PLAN

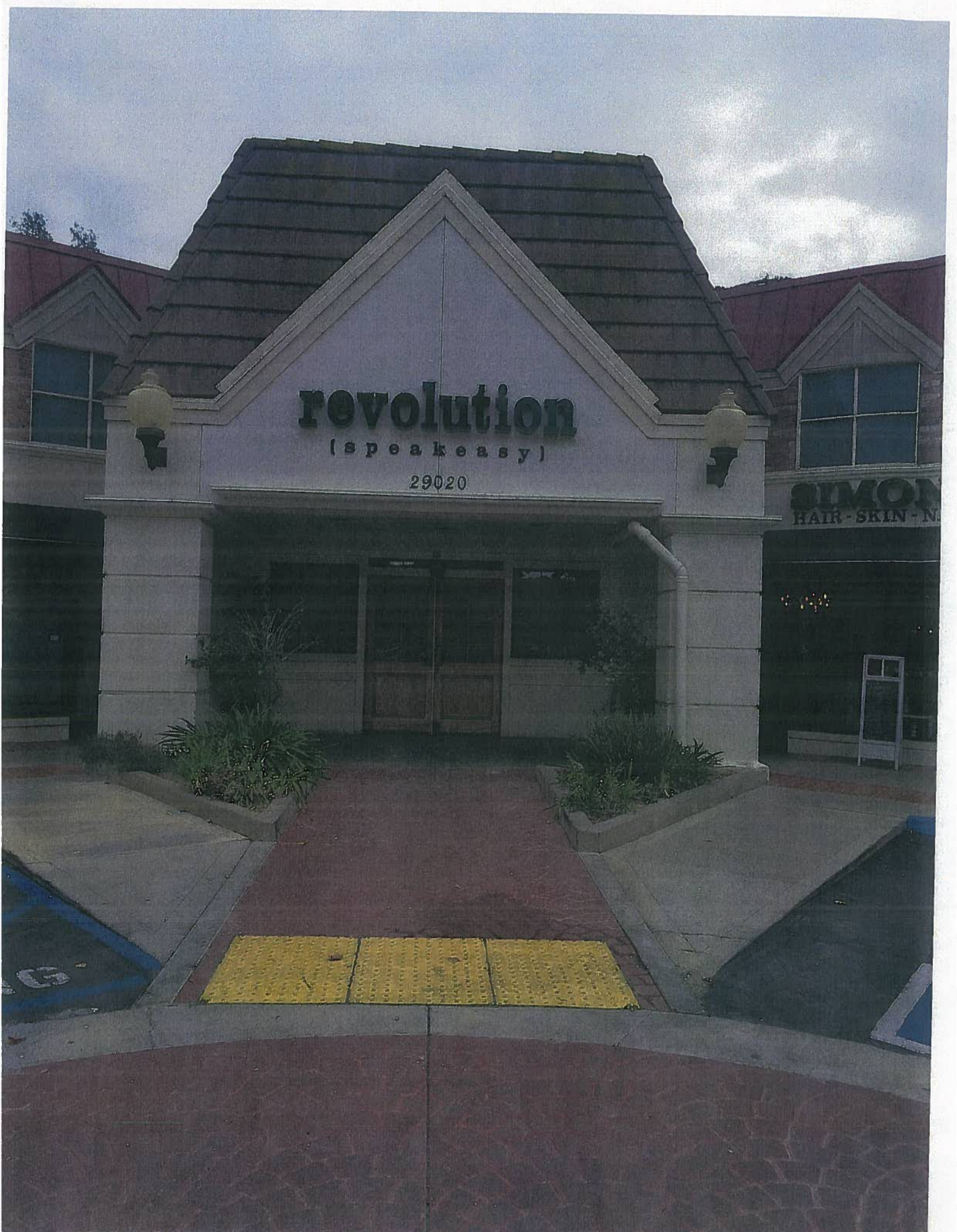
sheet no. A-1.2

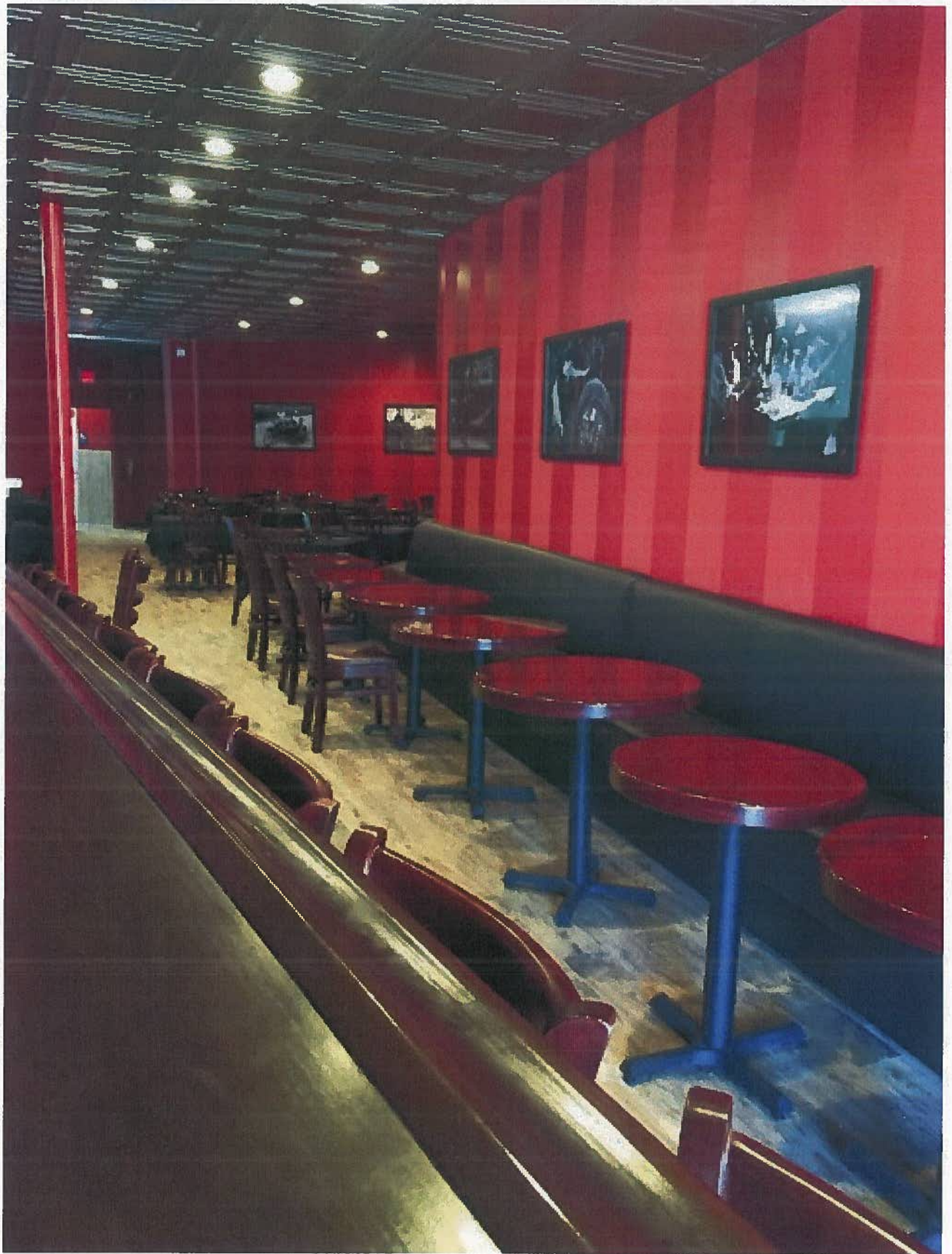
△ ADDED NOTES
TACTILE EXIT SIGN 60" A.F.F. @ LATCH SIDE OF DOOR
REAR EXIT IS 3' x 8'-0" AND IS EQUIPPED WITH PAVED HANDRAIL

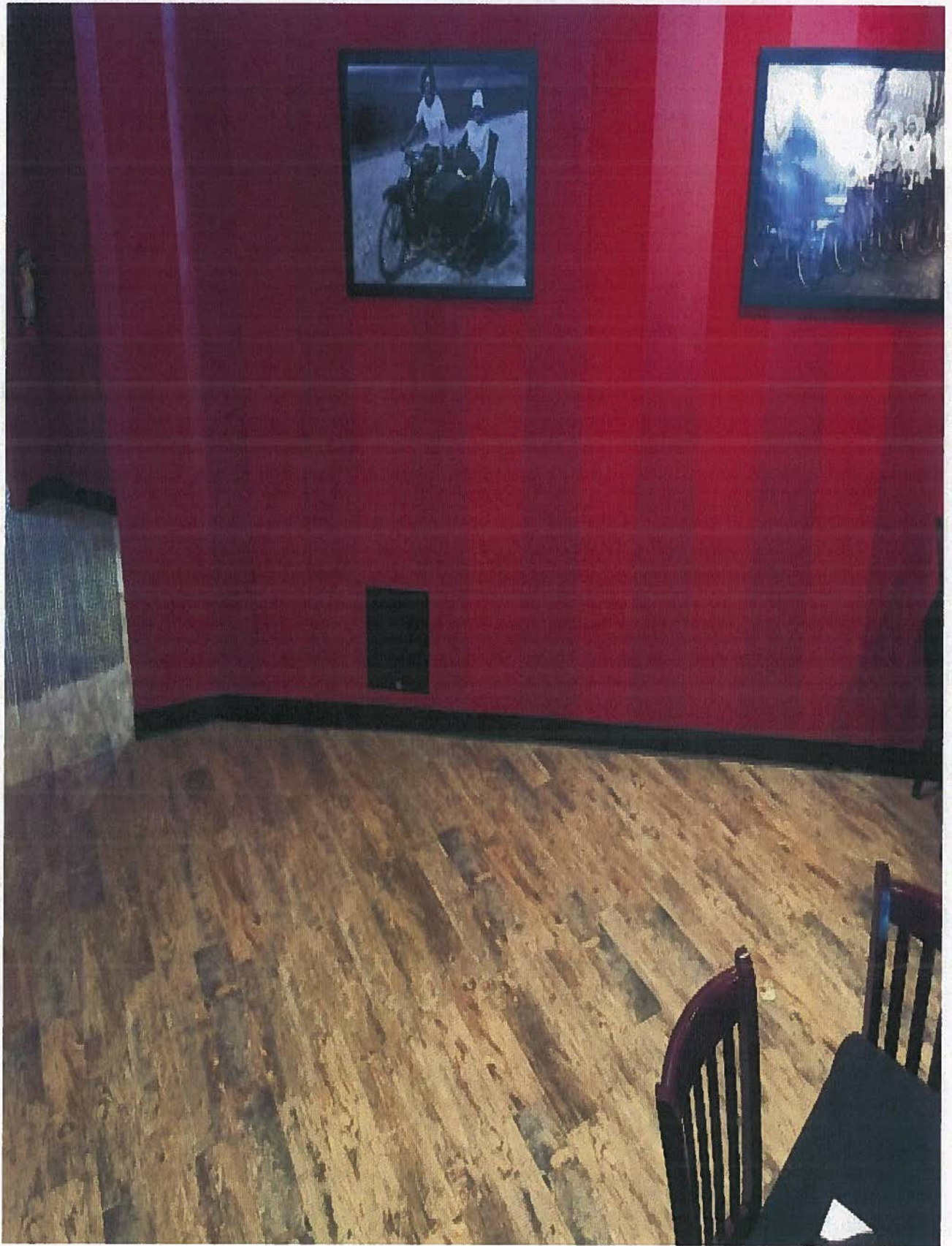
revolution
(speakeasy)

29020

SIMON
HAIR - SKIN - N...







RESOLUTION NO. 14-1114

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF AGOURA HILLS, APPROVING CONDITIONAL USE PERMIT CASE NO. CUP-01013-2014 TO ALLOW THE ON-SITE SALE OF ALCOHOLIC BEVERAGES (ABC LICENSE TYPE 47) FOR A NEW RESTAURANT (REVOLUTION) LOCATED AT 29020 AGOURA ROAD, SUITE A10, 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 Inessa Gilman, with respect to real property located at 29020 Agoura Road, Suite A10, (Assessor's Parcel No. 2061-031-023), requesting approval of a Conditional Use Permit (Case No. CUP-01013-2014) to allow the on-site sale of alcoholic beverages (ABC license Type 47) for a new restaurant (Revolution) in the Agoura Village Shopping Center. A public hearing to consider Case No. CUP-01013-2014 was duly held on November 20, 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 Planned Development (Agoura Village Specific Plan) zone. The Planned Development 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 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. 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. The restaurant 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. 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 the restaurant is located within an established shopping center and is not immediately adjacent to these uses and 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 areas. A minimum 400-foot of separation exists between the retail center and the nearest residential property to the east and 188-foot of separation exists between the retail center and the caretaker unit in the storage facility on the north side of Agoura Road, west of the Regency Center. The nearest residential street is Vejar Drive, located 1,600 feet east of the restaurant.

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.

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 restaurant is only permitted between the hours of

11:30 a.m. to 1:00 a.m. Tuesday through Sunday, and from 11:30 a.m. to 3:00 p.m. on Monday, 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 multi-tenant retail center with only one other restaurant (Prime Steak House) in the center that is permitted for the on-site sale of alcoholic beverages and 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.

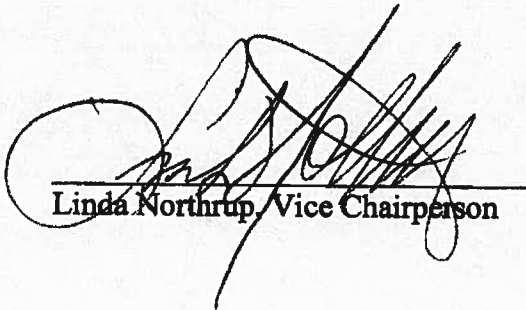
Section 5. The project is exempt from the California Environmental Quality Act, as defined in CEQA Guidelines Section 15301 (Class 1) and does not require the adoption of an environmental impact report or negative declaration. The project is a request to allow on-site consumption of beer and wine and distilled spirits inside a new restaurant.

Section 6. Based on the aforementioned findings, the Planning Commission hereby approves Case No. CUP-01013-2014, 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 20th day of November 2014, by the following vote to wit:

AYES: (4) Northrup, Anstead, O'Meara, and Zacuto
NOES: (0)
ABSENT: (1) Justice
ABSTAIN: (0)



Linda Northrup, Vice Chairperson



Doug Hooper, Secretary

CONDITIONS OF APPROVAL
(Case No. CUP-01013-2014)

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-01013-2014 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 are from 11:30 a.m. to 1:00 a.m. on Tuesday through Sunday, and from 11:30 a.m. to 3:00 p.m. on Monday.
10. Live entertainment is not permitted as part of this approval.
11. 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.

12. 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