



PLANNING DEPARTMENT

ACTION DATE: January 19, 2017

TO: Planning Commission

APPLICANT: Phillipe Gris
Café Bizou
4259 Costello Avenue
Sherman Oaks, CA 91423

CASE NOS.: CUP-01266-2016 and VAR-01267-2016

LOCATION: 30315 Canwood Street, Suites 12, 13 and 14

REQUEST: Request for approval of a Conditional Use Permit to allow the expansion of on-site sale for alcoholic beverages (Type 47 ABC license) for an existing restaurant; a Variance to reduce the required number of on-site parking spaces; and a finding of exemption under the California Environmental Quality Act.

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

RECOMMENDATION: Staff recommends the Planning Commission approve Conditional Use Permit Case No. CUP-01266-2016 and Variance Case No. VAR-01267-2016, subject to conditions and based on the findings of the draft Resolutions.

ZONING DESIGNATION: CRS-FC (Commercial Retail Service-Freeway Corridor Overlay District)

GENERAL PLAN DESIGNATION: CRS - Commercial Retail Service

I. PROJECT DESCRIPTION AND BACKGROUND

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

The Agoura Hills Zoning Ordinance defines an on-sale alcoholic beverage establishment as "any establishment wherein 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, 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."

Phillipe Gris, the owner and applicant of Café Bizou Restaurant, currently has an Alcoholic Beverage Control (ABC) Type 47 license to sell beer, wine and distilled spirits for on-site consumption in the existing restaurant, as a result of the transfer of the license from the former Café 14 restaurant tenant in this same space, which has been vacated. The restaurant is located at 30315 Canwood Street, Suites 13 and 14 within the Reyes Adobe Plaza. The applicant is requesting Planning Commission's approval of a Conditional Use Permit (Case No. CUP-01266-2016) to allow the expansion of on-site sales of alcoholic beverages (Type 47 ABC license) for an existing restaurant to permit the onsite sales, service and consumption of alcoholic beverages within an 850 square-foot new expanded area of the adjacent suite (#12).

The plaza site is zoned Commercial Retail Service-Freeway Corridor Overlay District (CRS-FC). The site contains three buildings that include a variety of retail, office, and restaurant uses. The restaurant space is located at the northwest corner of the plaza. The plaza takes access from Canwood Street to the south. The site is bordered on the south by the U.S. 101 Freeway.

In addition to the Conditional Use Permit, the applicant is requesting approval of a Variance (Case No. VAR-01267-2016) to reduce the required number of on-site parking spaces for the restaurant use.

II. STAFF ANALYSIS

A. ABC License and Conditional Use Permit

The City Council's decision to initiate and approve the ABC Ordinance, codified in Agoura Hills Municipal Code Sections 9396.1 through 9396.3, 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 the Planning Commission to review an application and adopt appropriate conditions on a case-by-case basis, following a public hearing. In addition to the findings currently required for approval of a CUP, the Ordinance also requires the Planning Commission to make additional findings relative to alcohol beverage sales and service.

Café Bizou replaces a former tenant, Café 14 (an existing eating establishment), and would be using the same floor plan layout consisting of 1,750 square feet of existing restaurant, 555 square feet of existing covered patio seating area, and would include an additional 850 square feet of adjacent vacant suite area that expands its eating and consumption of alcoholic beverages area. The total gross floor area for the restaurant and patio area would be 3,155 square feet. The applicant proposes to make interior improvements consisting of a new accessible restroom, storage/office, and interior finishes throughout the restaurant, but maintain the exterior of the building with no changes. The applicant's intent is to apply for an administrative sign permit at a later date.

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 would occur inside an existing restaurant and existing outdoor dining area under new ownership that is allowed within the Commercial Retail Service (CRS) zone. Land uses adjacent to the Reyes Adobe Plaza include a commercial office building to the west, gas station to the east, and residential neighborhoods to the north and east (across Reyes Adobe Road). The nearest residential neighborhood is located to the north of the plaza, with the nearest residential dwelling on Passageway Place approximately 80 feet from the restaurant location. The residences do not have direct access to the project site, and are separated from the plaza by a masonry wall as well as a slope up to the residential neighborhood. The sale of alcohol would be for on-site consumption only. In addition, there is no school or park located within 500 feet of the site. Staff finds that these distances and site characteristics provide adequate buffers between the restaurant and residentially-zoned properties. According to the Los Angeles County Sheriff Department, there have been no recent problems in the Reyes Adobe Plaza 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 47 ABC license) will not negatively impact surrounding properties or neighborhoods. Other restaurants in the plaza have the same or similar ABC license, including Brendan's Irish Pub and Niroj Kurdish Cuisine restaurants.

B. Parking and Variance

As mentioned above, the restaurant would occupy an additional 850 square feet of adjacent suite to expand its seating area. Therefore, the total gross floor area for the proposed restaurant would be 3,155 square feet. The total seating and waiting areas of

the restaurant (including the patio area) would be 2,105 square feet. Only the seating and waiting areas of the restaurant are considered for parking demand purposes in the Zoning Ordinance. Thus, of the total square footage, 2,105 square feet would be subject to the Zoning Ordinance restaurant parking requirement at 15 spaces for each 1,000 square feet of seating and waiting floor area. This would equate to a total demand of 32 parking spaces for the restaurant, whereas, retail use in the same tenant spaces would require approximately 10 spaces. The parking requirements in the Zoning Ordinance are based on typical demand, and do not account for specific conditions at a particular site. The center parking lot's supply of 131 spaces currently is below what each land use/tenant space in the center requires per the Zoning Ordinance. Therefore, any new use/tenant would be challenged to meet the parking requirement of the Zoning Ordinance. Since the proposed use exceeds the allowed on-site parking supply the applicant is requesting a Variance from the Zoning Ordinance Section No. 9654.6.B.

The restaurant would operate Tuesday through Sunday from 4:00 p.m. to 11:00 p.m., and would be closed on Monday. The actual parking demand in the plaza varies depending on the specific tenant and its hours of operation, particularly the peak hours. This variation in peak use allows for shared parking within the plaza. Most tenants operate during the day on weekdays and weekends, and close in the evenings. Café Bizou's peak hours of use would be during evening hours.

A Parking Study (Crown City Engineers, Inc., 11-16-16) was required from the applicant by the City Traffic Engineer in order to determine whether the Reyes Adobe Plaza's on-site parking area would have adequate parking spaces available to accommodate the parking demand at Café Bizou restaurant during the peak demand hours. Parking occupancy counts were conducted on Thursday, June 2, 2016 and Saturday, June 4, 2016. The plaza is currently occupying approximately 97 percent of its floor area square footage.

The Reyes Adobe Plaza on-site parking area provides a total of 131 marked spaces for the customers of its businesses (including 6 handicap spaces). The parking occupancy counts conducted at the plaza's on-site parking area show that the plaza experiences a peak parking demand at 7:00 p.m. on a weekday for a total of 99 spaces, and also at 8:00 p.m. - 9:00 p.m. on a Saturday for a total of 66 spaces. During these hours, approximately 33 spaces will be available for potential restaurant parking on a weekday and approximately 65 spaces will be available on a typical Saturday.

The analysis showed that with the proposed Café Bizou restaurant customer's use of the plaza's on-site parking spaces, the restaurant's needs (after adding parking demands by other existing businesses at the plaza) would be adequately satisfied during all the hours on weekdays and weekends. Currently with the vacant restaurant space, the plaza's maximum parking demand is at 7:00 p.m. on weekdays, which is also the restaurant's peak parking demand hour on weekdays. At that time, approximately 33 spaces will still remain unoccupied, providing a parking surplus of 33 spaces.

Therefore, the proposed restaurant's parking needs of 32 spaces would be adequately satisfied within the available parking spaces in the Reyes Adobe Plaza.

Note that after 7:00 p.m. on weekdays, the total existing parking demand from other businesses declines, although the proposed restaurant's parking demand is expected to stay at its peak. On weekends after 8:00 p.m. the proposed restaurant's parking demand is expected to stay at its peak. However, the total existing parking demand from other businesses on weekends is expected to remain low (i.e., no more than 66 spaces or 50.38 percent occupancy observed at 8:00 p.m.). Since the plaza would not experience a parking shortage during any hour of weekdays or weekends, there would be no parking impact.

C. General Plan Consistency

The proposed use, as conditioned, is consistent with the City's General Plan. The proposed use meets Goal LU-2 and Policy 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.

D. Environmental Review

The project is a request to allow the expansion of on-site sales of alcoholic beverages within a new expanded area of a restaurant, and is exempt from the California Environmental Quality Act (CEQA), per CEQA Guidelines Section 15301 (Class 1). The project would not result in significant impacts to the environment. No exception to this categorical exemption applies as set forth in Section 15300.2 of the CEQA Guidelines, including, but not limited to, Subsection (c), which relates to unusual circumstances that could have a significant effect on the environment.

III. RECOMMENDATION

Based on the above analysis, staff recommends that the Planning Commission approve Conditional Use Permit Case No. CUP-01266-2016 and Variance Case No. VAR-01267-2016, subject to conditions and based on the findings of the draft Resolutions.

IV. ATTACHMENTS

1. Draft Conditional Use Permit Resolution and Conditions of Approval
2. Draft Variance Resolution and Conditions of Approval
3. Vicinity Map
4. Reduced Copy of Architectural Plans
5. Photographs of the Plaza
6. Color Floor Plan

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. CUP-01266-2016 TO ALLOW THE EXPANSION OF ON-SITE ALCOHOLIC BEVERAGE SALES (TYPE 47 ABC LICENSE) FOR A RESTAURANT (CAFÉ BIZOU); AND MAKING A FINDING OF EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

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

Section 1. An application was duly filed by Phillippe Gris with respect to the real property located at 30315 Canwood Street, Suites 12, 13 and 14, Assessor's Parcel Nos. 2054-020-040 and 2054-020-041, requesting approval of a Conditional Use Permit (Case No. CUP-01266-2016) to allow the expansion of on-site alcoholic beverage sales (Type 47 ABC license) for a restaurant (Café Bizou).

Section 2. The project is a request to allow the expansion of on-site sales of alcoholic beverages within a new expanded area of a restaurant, and is exempt from the California Environmental Quality Act (CEQA), per CEQA Guidelines Section 15301 (Class 1). The project would not result in significant impacts to the environment. No exception to this categorical exemption applies as set forth in Section 15300.2 of the CEQA Guidelines, including, but not limited to, Subsection (c), which relates to unusual circumstances that could have a significant effect on the environment.

Section 3. The Planning Commission of the City of Agoura Hills considered the application at a public hearing held on January 19, 2017, at 6:30 p.m. in the City Hall Council Chambers, City Hall, 30001 Ladyface Court, Agoura Hills, California. Notice of the time, date, place and purpose of the aforesaid hearing was duly given and published as required by law.

Section 4. Evidence, both written and oral, including the staff report and supporting documentation, was presented to and considered by the Planning Commission at the aforesaid public hearing.

Section 5. Conditional Use Permit. 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 Section 9673.2.E, that:

A. The proposed use is consistent with the objectives and provisions 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 at a permitted restaurant, which is permitted in the in the Commercial Retail Service (CRS) – Freeway Corridor Overlay (FC) zone.

B. The proposed use, as conditioned, is compatible with the surrounding properties, and with the other uses in the plaza. The restaurant is within the Reyes Adobe Plaza, where retail, office and restaurant uses are permitted. No sensitive use exists in the plaza or in the vicinity of the site, including the residential development to the north and the office uses to the west of the plaza. The residential development to the north has no direct access to the site and is shielded from the proposed use by a masonry wall and slope. Thus, the proposed use is compatible with the surrounding properties.

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. In addition to the on-sale of alcoholic beverages within the restaurant and patio area, pursuant to the Conditional Use Permit, alcoholic beverages will be served within a new dining area adjacent to the existing tenant space. The alcohol beverage use will occur only in conjunction with meals, which will reduce potential public safety hazards related to the consumption of alcoholic beverages on-site. The California Department of Alcoholic Beverage Control regulates the sales and dispensing of alcoholic beverages inside as well as outside and enforces its own public safety regulations.

D. The proposed use, as conditioned, with the exception of the parking Variance, will comply with each of the applicable provisions of the Zoning Ordinance. This permit allows for the expansion of on-site sale of alcoholic beverages at this location, which was previously occupied by a restaurant serving alcohol. The restaurant is a permitted use in the CRS-FC zone, and the on-site sale and consumption of alcoholic beverages is allowed pursuant to a Conditional Use Permit. No exterior changes to the tenant space are proposed, and so no development or design standards are applicable.

E. The distance from other similar and like uses is sufficient to maintain the diversity of the community. Reyes Adobe Plaza currently hosts 24 tenants. With the inclusion of Café Bizou, there will continue to be three (3) restaurants that serve alcohol, representing 20 percent of the uses and so maintaining land use diversity. The request is subject to the Department of Alcoholic Beverage Control's final determination for concentration of licenses.

F. The proposed use, as conditioned, is consistent with the City's General Plan. The proposed use meets Goal LU-2 and Policy 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 6. Alcoholic Beverage Sales Review. 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 Section 9396.3, 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 retail center and is not within a 500-foot radius of these uses and is screened by structures and a parking lot.

B. The 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 80-foot of separation exists between the plaza and the nearest residence in the neighborhood to the north. There is no direct access from the restaurant to the homes to the north, and the plaza is separated from adjacent uses by a masonry wall. The residential neighborhood is also set apart from the plaza by an uphill slope. Furthermore, the restaurant closes at 11:00 p.m., thereby minimizing noise impacts to surrounding tenants and properties.

C. The exterior appearance of the structure will not be altered and so will be the same as the present tenant space; therefore, it will not be inconsistent with the external appearance of the existing commercial structures or those under construction within the immediate neighborhood. The project will not cause blight or property deterioration, or substantially diminish or impair property values within the neighborhood, as the sale and consumption of alcoholic beverages will occur within an existing restaurant space, a covered patio area, and within a new tenant space immediately adjacent to the 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 exterior physical changes to the site are proposed with this application. The on-site consumption of alcoholic beverages will not affect the use of abutting properties because the site is surrounded by other commercial establishments in the Reyes Adobe Plaza. The restaurant use will be held to the same operational standards as the other commercial establishments in the plaza, and will be subject to the City's nuisance laws.

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 4:00 p.m. to 11:00 p.m. Tuesday through Sunday, 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 plaza. Of the 24 existing plaza tenants, only three (3) are restaurants that serve alcohol. Although other restaurants with ABC licenses exist in the plaza, the number of establishments in the plaza has not changed and ABC is responsible for determining whether the type of requests are within acceptable levels of license concentrations.

G. The requested use is not located in a high-crime area, or where a disproportionate number of police calls occur as evidenced by the Sherriff Department.

Section 6. Based on the aforementioned findings, the Planning Commission hereby approves Case No. CUP-01266-2016, 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 its certification to be entered in the Book of Resolutions and the Planning Commission of the City.

PASSED, APPROVED, and ADOPTED this 19th day of January 2017, by the following vote to wit:

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

Curtis Zacuto, Chairperson

Doug Hooper, Secretary

Exhibit A
CONDITIONS OF APPROVAL
(Case No. CUP-01266-2016)

PLANNING DEPARTMENT

1. This decision, or any aspect of this 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. The approval of this permit shall not be effective for any purpose until the applicant has agreed in writing that he is aware of, and accepts, all conditions of this of this permit with the Planning Department.
3. Except as modified herein, the approval of this action is limited to and requires complete conformation to the labeled exhibits: Site Plan and Floor Plan.
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. All requirements of the Zoning Ordinance and of the specific zoning designation of the subject property must be complied with unless set forth in this permit or on the approved Site Plan.
7. Unless this permit is used within two (2) years from the date of City approval, Conditional Use Permit Case No. CUP-01266-2016 will expire. A written request for a one (1) year extension may be considered prior to the expiration date.
8. The applicant shall reimburse the City for any court and attorney's fees which the City may be required to pay as a result of any claim or action brought against the City because of the approval of this application. Although the applicant is the real party in interest in an action, the City may, at its sole discretion, participate in the defense of the action, but such participation shall not relieve the applicant of any obligation under this Condition.
9. The applicant shall defend, indemnify and hold harmless the City, its agents, officers, and employees from and against any claim, action or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul any approval or condition of approval. The City shall notify the applicant of any claim,

action or proceeding and the City shall cooperate in the defense. The City reserves the right, at its own option, to choose its own attorney to represent the City, its officers, employees, and agents in the defense of the matter.

SPECIAL CONDITIONS

1. The applicant shall comply with all requirements of the California Department of Alcohol Beverage Control.
2. This permit shall be valid strictly for license type 47 as defined by the California Department of Alcohol Beverage Control.
3. The approved hours of operation are from 4:00 p.m. to 11:00 p.m. Tuesday through Sunday, and closed on Monday.
4. No additional signage is made part of this approval.
5. Live entertainment is not permitted as part of this approval.
6. The Planning Director is authorized to prepare a letter of Public Necessity for this approval, if required by the California Department of Alcohol Beverage Control.
7. 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 percent or more in the floor area devoted to alcohol sales.
 - C. The off-site or on-site alcoholic beverage establishment expands a customer service area primarily devoted to the sale or service of any alcoholic beverages and/or increases the number of customer seats primarily devoted to the sale or service of any alcoholic beverages.
 - D. The alcoholic beverage license has either been revoked or suspended for any period by ABC.

END

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF AGOURA HILLS, APPROVING VARIANCE REQUEST CASE NO. VAR-01267-2016 TO REDUCE THE REQUIRED NUMBER OF ON-SITE PARKING SPACES FOR A RESTAURANT AT 30315 CANWOOD STREET; AND A FINDING OF EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

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

Section 1. An application was duly filed by Phillipe Gris, with respect to real property located at 30315 Canwood Street, Suites 12, 13 and 14, Assessor's Parcel Nos. 2054-020-040 and 2054-020-041, requesting approval of a Variance (Case No. VAR-01267-2016) from Zoning Ordinance Section 9676.2.B.3.e to reduce the required number of on-site parking spaces.

Section 2. The project is a request to reduce the required number of on-site parking spaces, and is exempt from the California Environmental Quality Act (CEQA), per CEQA Guidelines Section 15301 (Class 1). The project would not result in significant impacts to the environment. No exception to this categorical exemption applies as set forth in Section 15300.2 of the CEQA Guidelines, including, but not limited to, Subsection (c), which relates to unusual circumstances that could have a significant effect on the environment.

Section 3. The Planning Commission of the City of Agoura Hills considered the application at a public hearing held on January 19, 2017, at 6:30 p.m. in the City Hall Council Chambers, City Hall, 30001 Ladyface Court, Agoura Hills, California. Notice of the time, date, place and purpose of the aforesaid hearing was duly given and published as required by law.

Section 4. Evidence, both written and oral, including the staff report and supporting documentation, was presented to and considered by the Planning Commission at the aforesaid public hearing.

Section 5. 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 Section 9676.2.E of, that:

A. Because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the Zoning Ordinance deprives the property of privileges enjoyed by other property owners in the vicinity and under identical zoning classification. The strict application of the parking requirement would deprive the existing eating establishment from expanding

into the adjacent suite. The restaurant will be open Tuesday through Sunday from 4:00 p.m. to 11:00 p.m. and closed on Monday. The Parking Demand Study shows that the proposed Café Bizou restaurant's parking needs would be adequately satisfied on weekdays and weekends with the available parking spaces in the Reyes Adobe Plaza, and the plaza would not experience parking shortage during any hour of weekdays or weekends.

B. The granting of the Variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and in the zone in which the subject property is situated. The restaurant is a permitted use in the Commercial Retail Service, Freeway Corridor Overlay zone. The Parking Demand Study has shown that there will be adequate parking for all plaza tenants at all times, including the project restaurant. The majority of plaza tenants, which are not restaurant uses, have a lower parking demand than the proposed project.

C. The strict interpretation and enforcement of the provisions of the Zoning Ordinance would result in practical difficulty or unnecessary hardship inconsistent with the objectives of the Zoning Ordinance. Permitted uses, such as a restaurant, are allowed by right in the plaza regardless of the hours of operation. While the Zoning Ordinance Parking Standards specify a certain ratio of spaces that are expected to be necessary to accommodate the use and the project does not meet the code required amount of spaces, the actual need for spaces at a given time can vary. The Parking Demand Study demonstrates that, based on the mix of tenants and their peak hours of use, there would always be sufficient parking available, including with the subject restaurant. The Zoning Ordinance does not take into consideration the times when the parking is not occupied and so results in unnecessary hardship on the restaurant when it can be demonstrated that the supply is available and the tenants in the plaza can all operate with sufficient parking.

D. The granting of the Variance will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements of aesthetic value in the vicinity. The request will not impact the on-site parking layout and circulation throughout the plaza. No exterior improvements are proposed. Access to the tenant space and around the plaza will continue to be provided. There will be sufficient parking for all tenants, given the varying peak hours of usage of the tenants, including the project restaurant, as determined by the Parking Demand Study.

E. The granting of the Variance will be consistent with the character of the surrounding area. The request will not impact the on-site parking layout and circulation throughout the plaza. No exterior improvements are proposed. Access to the tenant space and around the plaza will continue to be provided.

Section 4. Based on the aforementioned findings, the Planning Commission hereby approves Case No. VAR-01267-2016, subject to the attached Conditions, with respect to the property described in Section 1 hereof as Exhibit B..

Section 5. 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 19th day of January 2017, by the following vote to wit:

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

Curtis Zacuto, Chairperson

Doug Hooper, Secretary

Exhibit A
CONDITIONS OF APPROVAL
(Case No. VAR-01267-2017)

PLANNING DEPARTMENT

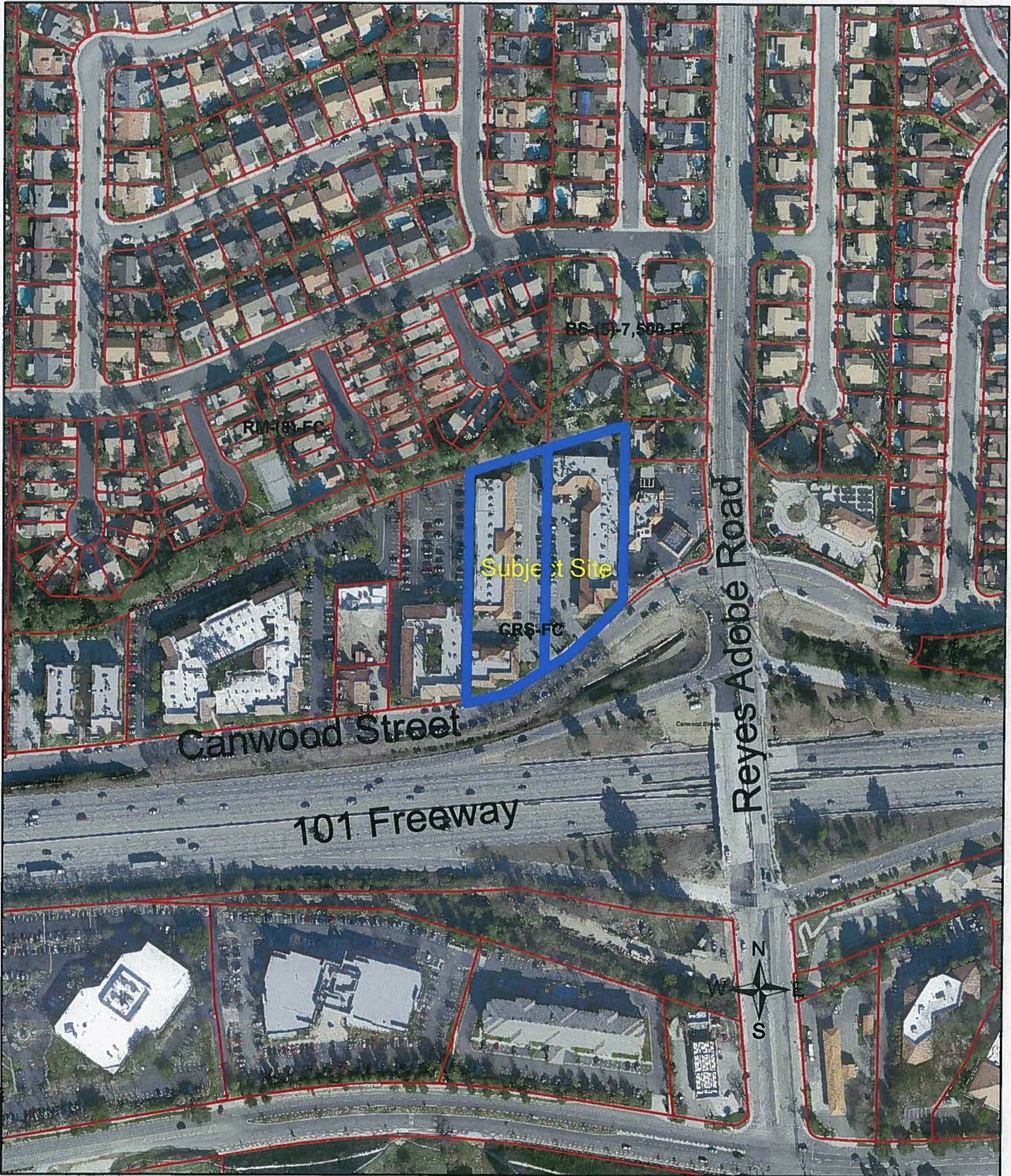
1. This decision, or any aspect of this decision, can be appealed to the City Council within fifteen (15) days from the date of Planning Commission action, subject to filing the appropriate forms and related fees.
2. The approval of this permit shall not be effective for any purpose until the applicant has agreed in writing that he is aware of, and accepts, all conditions of this of this permit with the Planning Department.
3. Except as modified herein, the approval of this action is limited to and requires complete conformation to the labeled exhibits: Site Plan and Floor Plan.
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. All requirements of the Zoning Ordinance and of the specific zoning designation of the subject property must be complied with unless set forth in this permit or on the approved Site Plan.
7. Unless this permit is used within two (2) years from the date of City approval, Conditional Use Permit Case No. CUP-01267-2016 will expire. A written request for a one (1) year extension may be considered prior to the expiration date.
8. The applicant shall reimburse the City for any court and attorney's fees which the City may be required to pay as a result of any claim or action brought against the City because of the approval of this application. Although the applicant is the real party in interest in an action, the City may, at its sole discretion, participate in the defense of the action, but such participation shall not relieve the applicant of any obligation under this Condition.
9. The applicant shall defend, indemnify and hold harmless the City, its agents, officers, and employees from and against any claim, action or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul any approval or condition of approval. The City shall notify the applicant of any claim,

action or proceeding and the City shall cooperate in the defense. The City reserves the right, at its own option, to choose its own attorney to represent the City, its officers, employees, and agents in the defense of the matter.

SPECIAL CONDITIONS

1. The approved hours of operation are from 4:00 p.m. to 11:00 p.m. Tuesday through Sunday, and closed on Monday.

Case Nos. CUP-01266-2016 and
VAR-01267-2016 (Gris)



Utilities and Services

Telephone
 Pacific Bell - 800/316-2398
 Verizon - 800/463-8000

Natural Gas
 Southern California Gas Company
 Regional Headquarters
 6520 Wilshire Avenue
 Chatsworth, CA
 Telephone (805) 477-2286
 Website: www.socalgas.com

Electricity
 Southern California Edison
 P.O. Box 800
 Rosemead, CA 91771
 (800) 485-4336
 Website: www.sce.com

Water Service
 Los Angeles Municipal Water District
 4321 Las Vegas Road
 Chatsworth, CA 91302-1054
 (805) 411-5252
 Website: www.lamwd.net

Cable Television:
 Charter Cable - 800/964-4844
 Adelphia Cable - 800/427-3731

Trash Pick-up
 G.L. Rubbia / Waste Management
 18196 Las Angeles Avenue
 San Valley, CA 92586
 (909) 475-1171
 (951) 523-9490



Tenant Improvement
Reyes Adobe Plaza
 30315 Canwood St., #14 Agoura Hills, CA 91301-4319

State Requirements

- At the time of permit issuance, contractor shall show their valid workers' compensation insurance certificate.
- All work shall conform to all requirements of State of California title 24 regarding the information indicated on these plans. It is the responsibility of the individual approving the construction to ensure that the work is done in accordance with Code requirements prior to requesting inspection.
- Concrete or masonry concrete may be placed into the public way or any other drainage system. Provisions shall be made to retain concrete wastes on site until they can be disposed of as solid waste.
- Reinforcing and other materials may not be stacked from the site by vehicle trails. The construction entrance roadway must be established on an 18" thick subgrade to be placed into the public way. Additional deposits must be used as described and may not be washed down by site or other means.
- Reinforcing and other materials may not be stacked from the site by vehicle trails. The construction entrance roadway must be established on an 18" thick subgrade to be placed into the public way. Additional deposits must be used as described and may not be washed down by site or other means.
- Storage of earth and other construction related materials must be protected from being transported from the site by the forces of wind or water.
- Trucks and construction related solid wastes must be deposited into a covered receptacle to prevent contribution of rainwater and disposal by wind.
- Fuels, oils, lubricants and other toxic materials must be stored in accordance with their labeling and are not to contribute to the soil and surface waters. All separated storage containers are to be protected from the weather. Spills must be cleaned up immediately and disposal of in a proper manner. Spills may not be washed into the drainage system.

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Cafe Bizou
 30315 Canwood St. #14
 Agoura Hills,
 CA 91301-4319

Issue	Date
Planning Dept. Submittal	7.12.16
Planning Dept. Corrections	9.21.16
Building Dept./Plan Check	12.22.16

Cafe Bizou

T1.1

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Symbols and Legends

- 4 Grid Line
- Building Section
- Section Identification Number
- Sheet where section is drawn
- Wall Section
- Section Identification Number
- Sheet where section is drawn
- Interior Elevation
- Enlarged Plan or Detail
- Door Number
- Detail Identification
- Detail where used is drawn
- Revision Number
- Sheet Revision - Consecutively Numbered
- Room Tag
- Room Number
- Floor Level
- Window Tag
- Construction Note
- Thermostat
- Earth Fill
- Gravel
- Concrete
- Asphalt
- Stone
- Carpet
- Concrete Masonry
- Self Insulation
- Rigid Insulation
- Steel
- Brick Masonry
- Gypsum Board
- Wood Blocking
- Plywood
- Wood Veneer
- Continuous Wood Blocking
- Ceramic Tile
- Glass / Cladding
- Plaster
- Mixed Block / Gypsum Board

General Notes

General Conditions
 Contractor and subcontractor will conform to the landowner's "General Terms and Conditions" document for all phases of construction, safety, payment, and project procedures. Contractors must conform to General Conditions, Schedule of Value requirements for all applications for permits.

1. Permits and Fees
 The contractor shall apply for and pay for all utility markers, permits, sewer charges and the like. Building permits, sewer operation charges and other city, county and state charges in connection with all of tenant's work shall be an expense reimbursable to the landowner at cost.

Contractor shall record a "Notice of Completion" with the local jurisdiction. A copy must be submitted to the landowner and landlord.

2. Construction Requirements
 All materials, workmanship, and construction shall conform to the codes referenced in these general notes and to all codes, regulations, laws, and ordinances of having jurisdiction over the work.

On site verification and verification of elevations and dimensions and quantities shall be the responsibility of the contractor and his sub-contractors. Any discrepancies between drawings and as-built conditions shall be brought to the architect's attention. Retain dimensions take precedence over scaled dimensions.

The general contractor shall take all precautionary steps to protect the landowner's and landlord's facilities and the facilities of others affected by tenant's work and properly advise same.

The contractor shall be required to maintain continuous protection of adjacent premises in such a manner as to prevent any damage to such adjacent property and the improvements thereon or therein by reason of the performance of the work, and promptly to repair any such property or improvements as damaged to the condition here in. The contractor shall be required to properly protect the work with lights, guardrails, and barricades and secure all parts of the work against accident.

Contractor must clean work areas before leaving project on a daily basis. Cleaning standards will be enforced by the landlord. If cleaning standards are not maintained, the landlord will clean areas at contractor's expense.

3. Temporary Facilities
 The contractor shall provide the minimum facilities as required by health and safety laws and shall remove such facilities at the completion of the project or when no longer necessary.

Temporary utilities and any other services to the disturbed premises not otherwise provided by landlord shall be the responsibility of the contractor. Contractor is expressly limited temporary power including all temporary power lines, transformers and electrical distribution in the general contractor's responsibility.

The contractor shall not permit trash to accumulate either in area or anywhere on site.

4. Completion of Work
 The contractor shall provide the tenant and landlord a list of fixtures installed in the project and also supply instructions as to the use of such fixtures or systems if applicable.

Upon completion of the work, warranties covering one year minimum on all work and equipment shall be assigned by contractor to tenant, subject, however, to the right of contractor to hold and within such minimum unless the tenant shall default. The contractor shall be responsible for the replacement or repair without additional charge to tenant of any and all work done or furnished by through such contractor or subcontractor which shall become defective within (1) year after substantial completion of the work. The correction of such work shall include without additional charge to the tenant, all additional expenses and damages in connection with such removal, replacement of or any part of the work or any part of the buildings which may be damaged or disturbed thereby.

All warranties or guarantees as to materials or workmanship with respect to work shall be contained in the contract or subcontract which shall be made to the benefit of the landowner and landlord.

The contractor shall furnish the tenant and landlord with the numbers of lines and access statements. In such lines as may be required by tenant and landlord, there all possess parking lot and building materials in connection with the tenant's work showing that of said portions have been compensated in full.

5. Clean-up
 The contractor shall remove all trash and debris to centrally located trash receptacles during the construction of the defined areas of general construction services. General clean-up by the contractor's responsibility and the site shall be maintained in an orderly, neat, and clean condition through the project development.

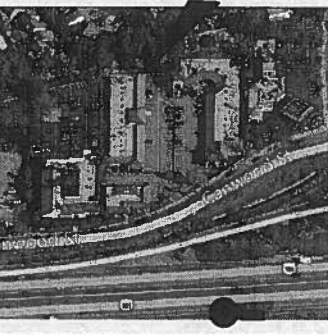
6. Erosion and Sediment Control
 Sedimentation from areas disturbed by construction shall be retained on site and stabilization of soil shall be properly maintained to minimize transport from the site to streets, drainage facilities or adjacent properties via runoff, vehicle tracking, or wind.

7. Construction Materials Control
 Construction-related materials, wastes, spills or releases shall be retained on site to minimize transport from site to streets, drainage facilities or adjoining properties by wind or runoff. Runoff from equipment and vehicle tracking shall be contained or stabilized until sediments have been removed and pollutants.

Vicinity Map



Key Plan



Scope of Work

The Scope of work consists of the separation of an existing restaurant into an adjacent tenant space.

The tenant improvements will consist of a new accessible rest room, a new Ladies Restroom, a modification to an existing rest room, new ceiling, lighting, and ceiling throughout area of separation and the modification of an existing rest room. No exterior improvement is proposed.

Project Data

Project Address : 30315 Canwood St., #14 Agoura Hills, CA 91301-4319

Assessor's Parcel Number : 288420-040

Property Boundary Description
 TRACTOR FOR DEED SEE ASSASSORS MAPS FOR DEED OF CONFIRMATION

Landlord:
 The Brewer Group
 30315 Canwood St. Suite 22
 Agoura Hills, CA 91301
 Contact: Nancy Dodson

Tenant:
 Philip Ode
 Cafe Bizou
 Tel: 818 788-2028

Zone:
 CR3 Commercial Residential

Type of Construction :
 Type V-B Non-Residential

Stories :
 One

Area Separation
 None

Occupancy: A-3 Restaurant
Hours of Operation: Tuesday-Sunday 4pm - 11pm

Seating Calculation
 Seating Tables: 71
 Shared Bar: 2
 Shared bar seats: 8
 Total: 125

Area Calculation
 Seating Table: 3,284 sq ft
 Shared Bar: 187 sq ft
 Total: 3,144 sq ft

Common Path of Travel
 For "A" occupancy non-sprinkled
 Maximum distance to front door 75 ft.
 Two exits required.

Code Requirements :
 All work shall conform to the following codes:
 2013 CA Building Code (CBC) with Agoura City amendments
 2013 California Mechanical Code (CMC)
 2013 California Electrical Code (CEC)
 2013 California Fire Code (CFC)
 2013 California Energy Code
 2013 LA County Fire Code
 2013 Green Bldg. Code
 2013 California Health Code
 2013 California Municipal Code

Fire Resistive Requirements:
 1. Seating with -welder - 0-N
 2. Seating with -welder - 0-N
 3. Non-burning with -welder - 0-N
 4. Structural frame - 0-N
 5. Partitions - cement - 0-N
 6. Floor & non-ceiling - 0-N
 7. Roof & roof-ceiling - 0-N

Fire Protection Notes

1. Provide 2A 10BC dry chemical recharging rated extinguishers to be located within 30 to 75 feet maximum from every "R" rated area for recharging using manufacturer's instructions.
2. Contractor shall submit the egress plans to the local AHJ and obtain permit for the fire protection conditions prior to the start of work if required.
3. Emergency lighting shall be installed such that it will provide a light level of 1 footcandle at floor level.
4. Exit signs and exit signs shall be provided with letters a minimum height of 3" x 4" at required exits.

Sheet Index

Title: T1.1 Title Sheet

Architectural:
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 A1.2 Site Details
 A2.01 Deck Floor Plan
 A2.1 Proposed Floor Plan
 A2.02 Deck Ceiling Plan
 A2.2 Proposed Ceiling Plan
 A2.3 Skylight (Structural) Details
 A4.1 Exterior Elevations
 A4.2 Proposed Ceiling Plan
 A4.3 Rest Room Details and Signage
 A4.4 Rest Room Elevations and Notes
 A7.1 Door Schedule, Details and Signage
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 ED-1 Equipment Schedule and Kitchen Finishes

Mechanical:
 M1.0 Legend, Notes, and Schedule
 M2.0 Mechanical Floor Plans
 M3.0 Mechanical Details

Electrical:
 E-0.1 Notes and Symbols
 E-0.4 Panel Schedule
 E-1.0 Power Plan
 E-2.0 Lighting Plan
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 E-4.2 Out Sheet
 E-7.0 Title - 24
 E-7.1 Title - 24
 E-7.2 Title - 24

Plumbing:
 P1.0 Legend, Notes, Schedule,
 P2.0 Plumbing Floor Plan
 P3.0 Plumbing Details

Approval Required

Planning Dept.
 Building Dept.
 Health Dept.
 Fire Dept.
 Los Angeles Municipal Water District



Café Bizou

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CA 91301-4319

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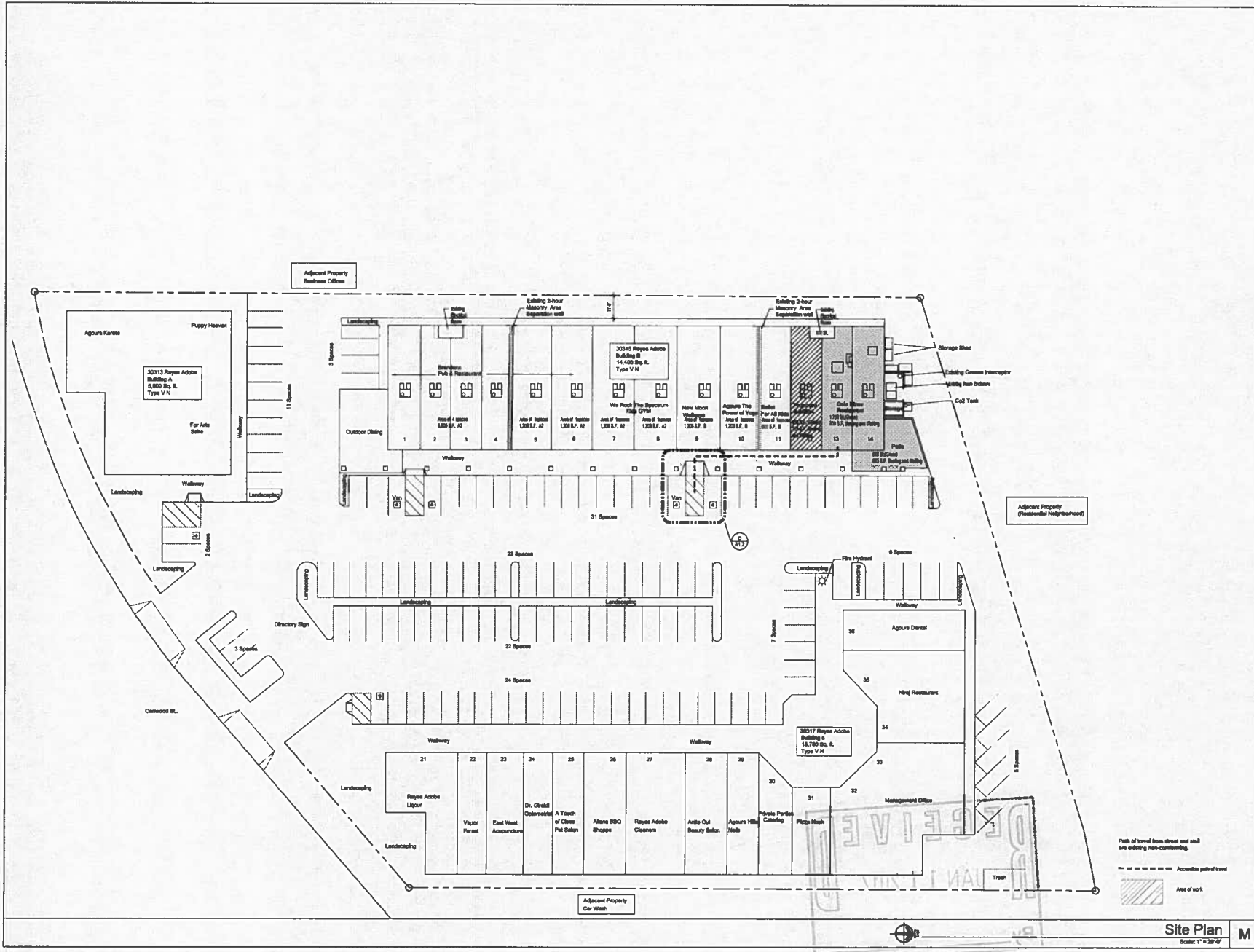
Café Bizou

A1.1

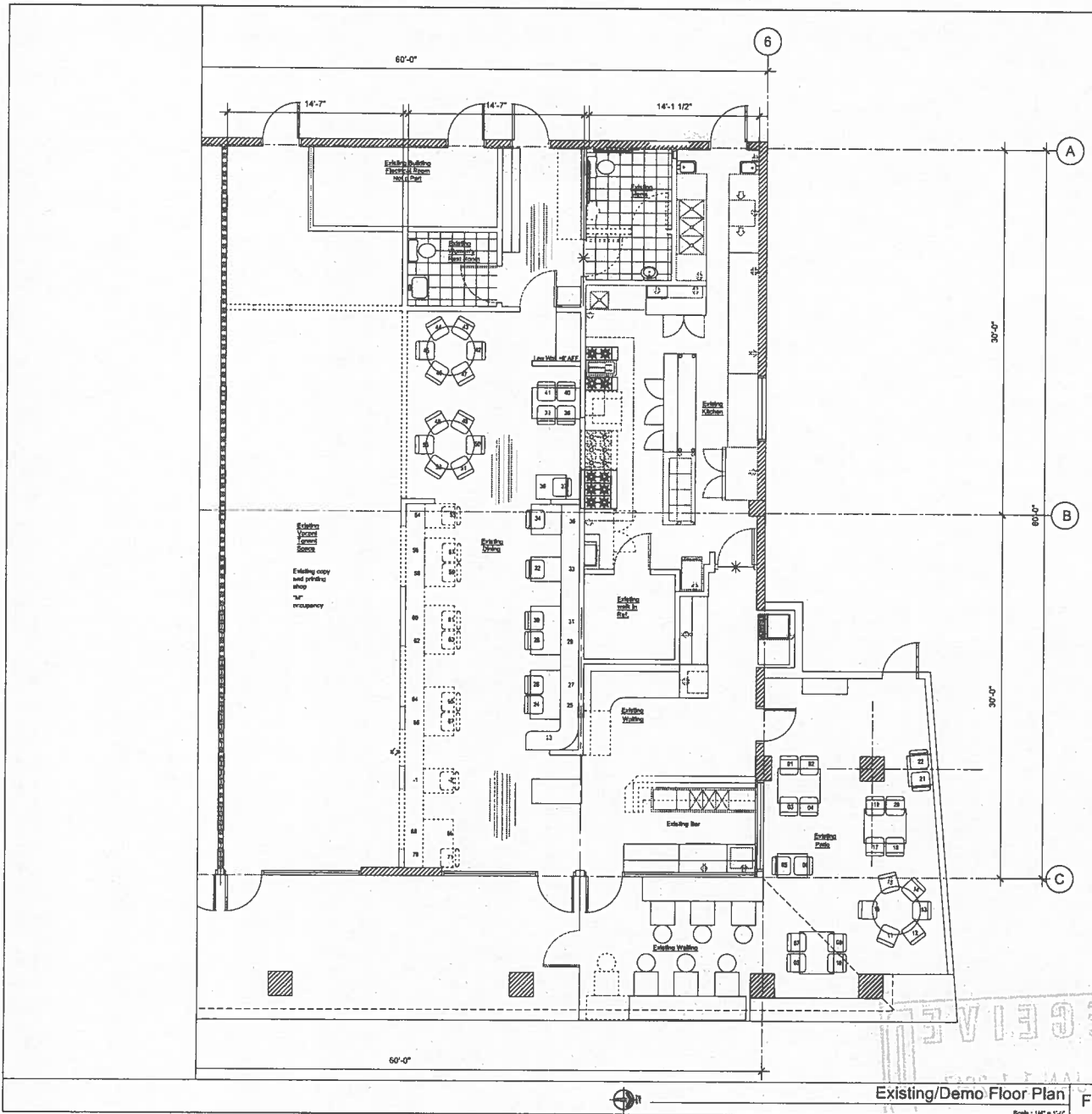
Site Plan

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Site Plan
Scale: 1" = 30'-0"



Demo Wall Legend

Description	Symbol
Existing Masonry walls	
Existing Demolish wall	
Existing steel wall	
Existing Windows	
Demo wall	
Rebate existing	
115v. Duplex	
115v. Fourplex outlet	
Voice/data	
Wall switch	

Existing/Demo Floor Plan

Scale: 1/8" = 1'-0"

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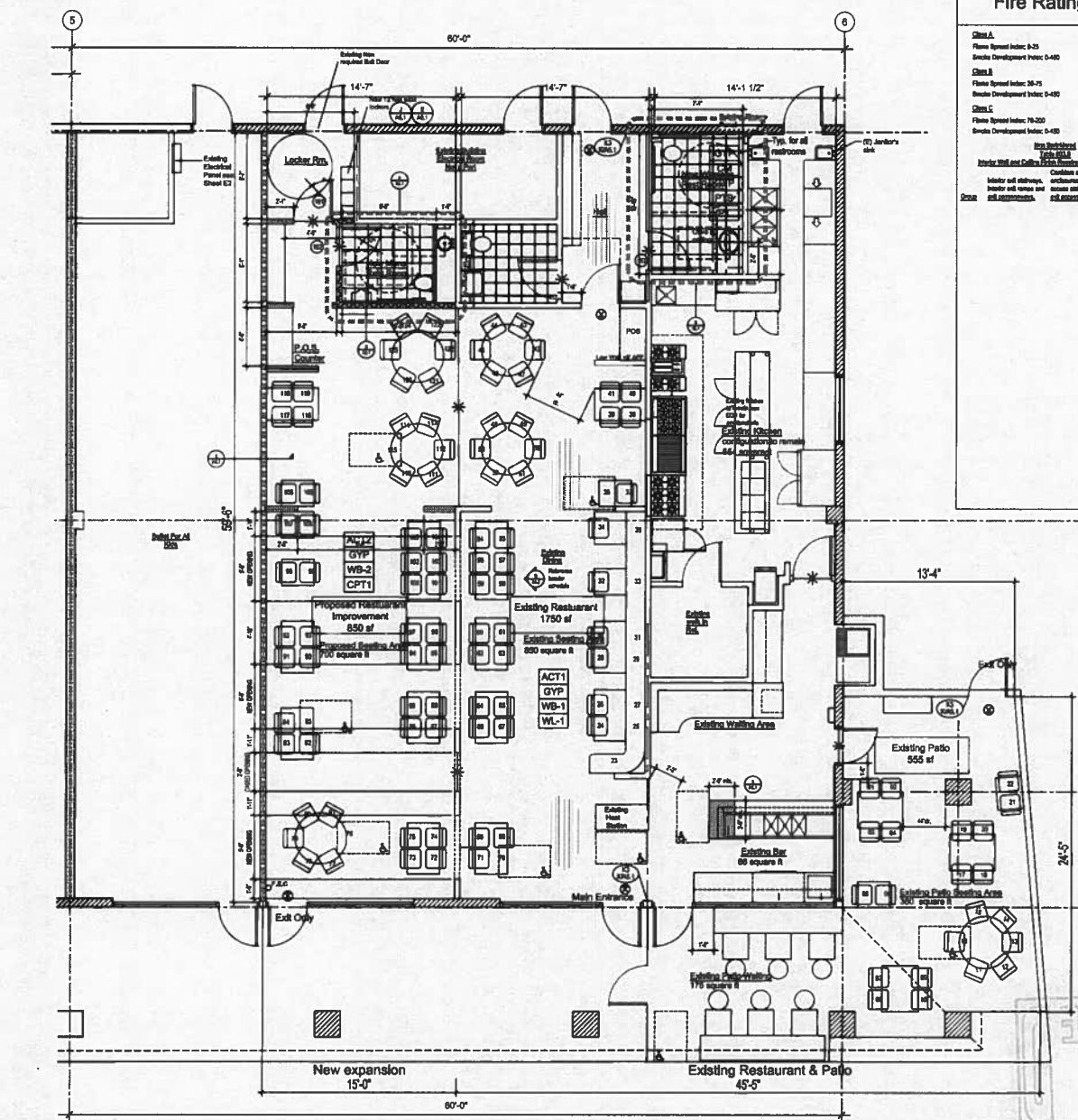
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A2.01

Existing / Demo Floor Plan

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Proposed Floor Plan
Scale: 1/8" = 1'-0"

Fire Rating Table		Plumbing Analysis																																																																							
<p>Class A Flame Spread Index: 0-25 Smoke Development Index: 0-400</p> <p>Class B Flame Spread Index: 26-75 Smoke Development Index: 0-400</p> <p>Class C Flame Spread Index: 76-200 Smoke Development Index: 0-400</p> <p>Non-Combustible Type I, II, III</p> <p>Interior Wall and Ceiling (Requirements by Occupancy) Conditions and clearances for exit access, stairways and exit access doors. Stairs and Exit Access Doors</p> <p>Other Interior wall, ceiling and floor construction.</p>		<table border="1"> <thead> <tr> <th>Function of Space</th> <th>Area</th> <th>Load Factor</th> <th>Connections</th> <th>WPA, WPM</th> <th>WPA, WPM</th> <th>WPA, WPM</th> <th>WPA, WPM</th> <th>WPA, WPM</th> <th>WPA, WPM</th> </tr> </thead> <tbody> <tr> <td>Dining Area & Patio</td> <td>2,147 SF</td> <td>SF / 30 =</td> <td>72</td> <td>38</td> <td>38</td> <td>1:1-48</td> <td>1:1-25</td> <td>1</td> <td>1</td> </tr> <tr> <td>Restroom Area</td> <td>127 SF</td> <td>N/A</td> <td>0</td> <td>0</td> <td>0</td> <td></td> <td></td> <td></td> <td>238-63</td> </tr> <tr> <td>Office Area</td> <td>88 SF</td> <td>SF / 100 =</td> <td>.88</td> <td>1</td> <td>1</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Kitchen Area</td> <td>664 SF</td> <td>SF / 200 =</td> <td>3.32</td> <td>1</td> <td>1</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Circulation Area</td> <td>190 SF</td> <td></td> <td>0</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Total</td> <td>3114 SF</td> <td></td> <td>78</td> <td>38</td> <td>38</td> <td>1</td> <td>1</td> <td>2</td> <td>1</td> </tr> </tbody> </table>		Function of Space	Area	Load Factor	Connections	WPA, WPM	WPA, WPM	WPA, WPM	WPA, WPM	WPA, WPM	WPA, WPM	Dining Area & Patio	2,147 SF	SF / 30 =	72	38	38	1:1-48	1:1-25	1	1	Restroom Area	127 SF	N/A	0	0	0				238-63	Office Area	88 SF	SF / 100 =	.88	1	1					Kitchen Area	664 SF	SF / 200 =	3.32	1	1					Circulation Area	190 SF		0							Total	3114 SF		78	38	38	1	1	2	1
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Wall Legend

Description	Graphic Symbol	Symbol Legend
Existing 1 hr. wall	[Symbol]	[Symbol]
Existing 2 hr. wall	[Symbol]	[Symbol]
Existing Overlaid wall	[Symbol]	[Symbol]
Existing Overlaid wall New sound insulation & new green led on wet side.	[Symbol]	[Symbol]
Existing stud wall New sound insulation & new green led on wet side.	[Symbol]	[Symbol]
New 3-5/8" stud @ 16" o.c. with 5/8" gyp. bd. both sides, 8" above finish ceiling & sound batt insulation.	[Symbol]	[Symbol]
Stud wall to 8" above ceiling w/ 3-1/2" sound batt insulation & 5/8" gyp. bd. both sides	[Symbol]	[Symbol]
8" 2x6 @ 16" o.c. stud wall to deck, 15% w/ 3-1/2" sound batt insulation & 5/8" gyp. bd. both sides	[Symbol]	[Symbol]
Existing Windows	[Symbol]	[Symbol]
Line of Objects overhead	[Symbol]	[Symbol]
Signage see sheet AS.1	[Symbol]	[Symbol]
Indicate floor material change	[Symbol]	[Symbol]
Existing New	[Symbol]	[Symbol]
Thermostat	[Symbol]	[Symbol]
Wall outlet	[Symbol]	[Symbol]
80-Load Switching per 110.14	[Symbol]	[Symbol]
Occupancy Sensor	[Symbol]	[Symbol]
New Chalk	[Symbol]	[Symbol]
1 1/2" Depth	[Symbol]	[Symbol]
1 1/2" Perimeter outlet	[Symbol]	[Symbol]
Valuette	[Symbol]	[Symbol]
Date	[Symbol]	[Symbol]
Clear space/door clearance	[Symbol]	[Symbol]

All dimensions to face of finish unless noted otherwise.

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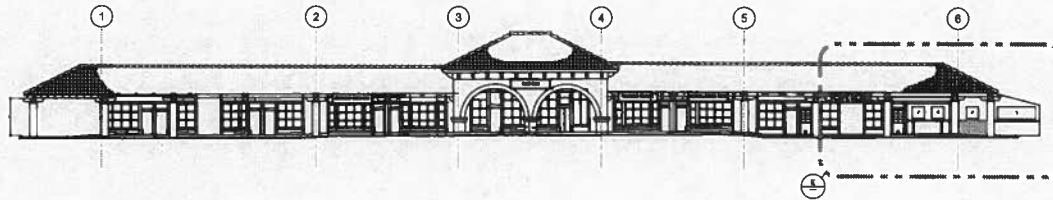
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A2.1

Proposed Floor Plan

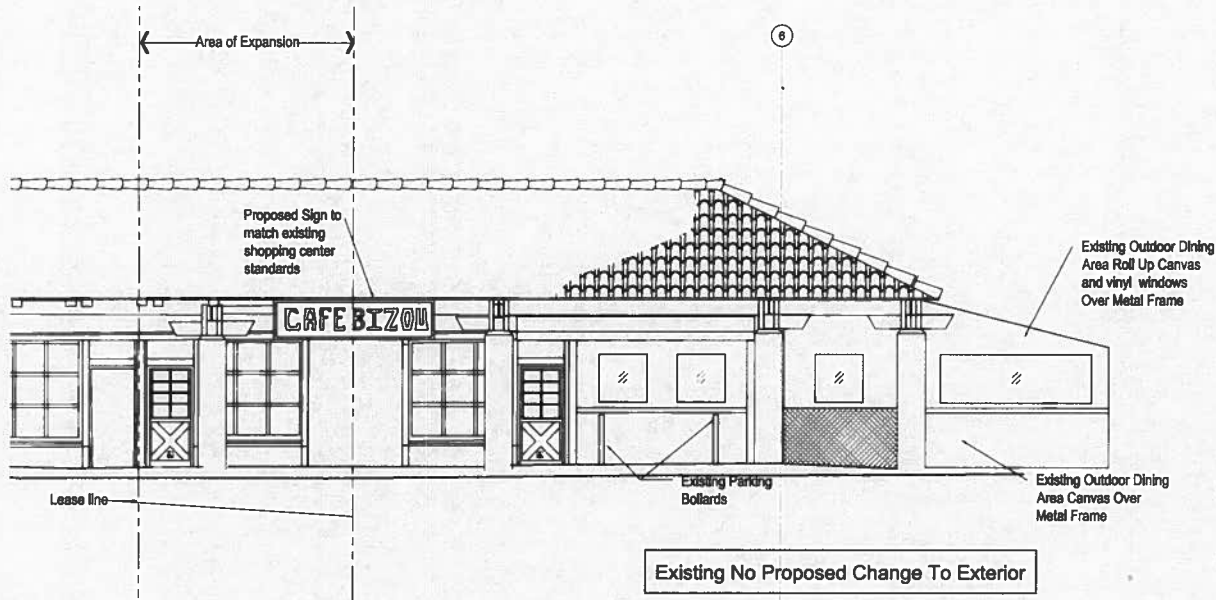
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Existing - 30315 West Elevation B

Scale: 1/8" = 1'-0"



Existing No Proposed Change To Exterior

Existing - 30315 Enlarged Partial West Elevation E

Scale: 1/4" = 1'-0"

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Cafe Bizou

A4.1

Exterior Elevations

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