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**PLANNING DEPARTMENT**

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**DATE:** April 5, 2018

**TO:** Planning Commission

**APPLICANTS:** Saverio Posarelli and Ramon Salpivar  
28863 Roadside Drive  
Agoura Hills, CA 91301

**CASE NO.:** CUP-01426-2017 and DINE-01427-2017

**LOCATION:** 28863 Roadside Drive

**REQUEST:** Request for approval of a Conditional Use Permit to allow the on-site sale of alcoholic beverages (Type 47 ABC license) for a new restaurant; approval of an Outdoor Dining Permit to allow dining within the outdoor patio areas, adjacent to the restaurant; and to make 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 that the Planning Commission approve Conditional Use Permit Case No. CUP-01426-2017 and Outdoor Dining Permit Case No. DINE-01427-2017, based on the findings of the draft Resolution.

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

**GENERAL PLAN DESIGNATION:** PD (Planned Development)

**I. PROJECT DESCRIPTION AND BACKGROUND**

The proposed project is a new restaurant in an existing tenant space in the Whizin Market Square at 28863 Roadside Drive. The restaurant would occupy and renovate the existing interior space, including a small building attached to the tenant space on the south side, and a new outdoor dining area would be created also on the south side. Because alcohol

beverages would be served on-site at the restaurant, an Alcoholic Beverage Control (ABC) license from the California Department of Alcoholic Beverage Control is required. The City requires review and approval of a Conditional Use Permit (CUP) by the Planning Commission for the ABC license. The City also requires an Outdoor Dining Permit (ODP) for the outdoor dining use.

The Whizin Market Square site is zoned Planned Development (PD)-Agoura Village Specific Plan (AVSP). The site contains multiple buildings that include a variety of retail, office and restaurant uses. The new restaurant space is located in a building at the south side of the center, parallel to Agoura Road, and fronting the main interior parking lot of the center. The center takes access from Agoura Road to the south, Roadside Drive to the north, and Cornell Road to the west. The center is bordered on the north by Roadside Drive, beyond which is the U.S. 101 Freeway; on the south by Agoura Road, beyond which is vacant land and a single-family home in the AVSP area; on the west by Cornell Road, beyond which are commercial retail and restaurant uses; and on the east by a large commercial retail business.

The proposed eating establishment was formerly a retail space, which has been vacated. The former retail space would be partitioned to create the restaurant. The restaurant would be located within a 2,888 square-foot indoor dining area, 460 square-foot attached building to be converted to a fully enclosed outdoor dining area on the south, as well as a new 370 square-foot partially enclosed outdoor dining area in the paved area on the south side, adjacent to the proposed fully enclosed outdoor dining area. The entrance to the restaurant currently faces north toward the main parking lot. The two outdoor dining areas would be accessed via a new door from the restaurant interior on the south to the proposed fully enclosed outdoor dining area. A pedestrian gate and Americans with Disabilities Act accessible ramp is also proposed along the southern side of the new partially enclosed outdoor dining area. The outdoor dining request is to allow seven (7) fixed dining tables in the 460 square-foot dining area and six (6) fixed dining tables in the 370 square-foot dining area. The project would seat a maximum of 26 guests total in the outdoor dining areas. An ODP is required if four (4) or more tables are requested. The total gross floor area for the restaurant and patio areas would be 3,718 square feet. The restaurant would operate Monday through Sunday from 11:00 a.m. to 10:00 p.m.

The applicants propose to make interior improvements to the tenant space consisting of a dining area with a sit-down bar area, kitchen area, walk-in cooler, wash area, office, and restroom. The applicants would also modify the interior of the existing building attached to the south side of the tenant space to include a 460 square-foot fully enclosed outdoor dining area with a beverage station. The exterior changes include new tempered glass fixed windows along the south/rear elevation of the existing façade to replace the stucco wall, a new brick chimney and masonry fireplace on the existing eastern wall, and an accordion wood-framed door and series of windows (that can be fully opened) leading to the proposed outdoor dining area immediately to the west, to replace the existing door and stucco wall. The fascia above the proposed door and windows would be repainted black to match the existing fascia. The dining area would include a tile floor and track lighting. A new door is proposed to connect the outdoor dining area to the main restaurant

space. The 360 square-foot outdoor dining area to the west would include a wood trellis cover; gas burning fireplace; overhead heaters and lantern lights; and a partial wall of three feet, six inches (3'6") high of off-white colored stucco on the south and west sides. The new patio would be adjacent to the existing restaurant building wall to the north, and the proposed accordion windows and door to the east. The existing asphalt surface would be raised to match the existing building level and replaced with tile.

The front/north elevation of the restaurant facing the parking lot would be retained with only minimal changes. The existing large window with wood panel below would be replaced with a glass door with window arrangement of the same size. The front façade of the building would remain white-painted brick. The applicants' intent is to apply for an administrative sign permit at a later date.

The Agoura Hills Zoning Ordinance defines on-sale alcoholic beverage establishments 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, 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." Saverio Posarelli and Ramon Salpivar, the owners and applicants of the new Italian restaurant (name undetermined), have applied for an ABC Type 47 license to sell beer, wine and distilled spirits for on-site consumption.

The purpose of the City ABC Ordinance (AHMC Section 9396.1), which requires a CUP for all on-site and off-site alcohol sales, is to regulate 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 Planning Commission may incorporate conditions on a case-by-case basis, following a public hearing, to ensure the intent of the Ordinance is met. 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.

## **II. STAFF ANALYSIS**

### **A. Site Plan and Building**

The purpose of the Planned Development (PD) zone is to designate certain areas of the City for special development and land use regulations that cannot be addressed through the City-wide zoning ordinances. Specific regulations guide development and land uses in an orderly manner such that they are compatible with the existing setting. The PD zone in this area refers to the Agoura Village Specific Plan (AVSP) for development and design standards. The proposed restaurant is located in the AVSP area, Zone D. Restaurants and outdoor dining areas, such as the one proposed here, are permitted uses in Zone D.

The new outdoor dining areas would be consistent with the AVSP standards for rear setback (zero feet required), and height (35 feet). With the addition of the outdoor dining areas, the rear setback would change from 53 feet to 37 feet. The new trellis cover would be approximately ten (10) feet high and the existing height of the building to be converted to fully enclosed outdoor dining is 15.5 feet high. The AVSP allows a maximum of 60 percent building coverage on a lot. The project site is located within the larger Whizin Market Square that includes other buildings. Currently, the building coverage on the overall site is 22.74 percent. With the addition of the two patio dining areas, the lot coverage would be 22.93 percent, consistent with the AVSP 60 percent maximum allowed. The proposed on-site sale of alcoholic beverages inside the new restaurant and outdoor dining areas is allowed in the PD zone in the AVSP area with a Conditional Use Permit (CUP).

Outdoor dining is encouraged in the AVSP area as part of the pedestrian-oriented Village concept. The hours of operation of the restaurant and outdoor dining would be 11:00 AM to 10:00 PM in order to be compatible with the surrounding neighborhood, which includes areas in the AVSP area where residential-commercial mixed-use is allowed, as well as other commercial uses, and a residential neighborhood about 1,000 feet to the southeast. By closing at 10:00 PM, night-time noise would be limited. Similarly, lighting in the outdoor dining areas would be minimal. The lighting would consist of three (3) hanging lanterns in the partially-enclosed outdoor area, and nine (9) track light fixtures in the fully enclosed outdoor area. A condition of approval has been incorporated to ensure light spillover and glare is minimized. Lighting and noise effects would also be minimized by the location of the building, set back 160 feet from Agoura Road. In between the outdoor dining area and Agoura Road are the County Flood Control District channel and landscaping, including trees.

With regard to the ABC License CUP, as previously noted, land uses adjacent to the Whizin Market Square include commercial uses to the east and west, vacant lots to the south, beyond Agoura Road, and Roadside Drive and the U.S. 101 Freeway to the north. With the exception of a residence located on the south side of Agoura Road, across from the center, the nearest residential neighborhood is located approximately 1,000 feet to the southeast of the restaurant. The distance from the residential neighborhood provides an adequate buffer between the restaurant and residentially-zoned properties. There is no school or park located within 500 feet of the site. The nearest public school is Agoura High School located approximately 2,150 feet to the north of the tenant space. A private pre-school is located 3,000 feet to the east of the tenant space on Agoura Road. The nearest park or playground is Chumash Park, about 2,000 feet north of the restaurant location. According to the Los Angeles County Sheriff Department, there have been no recent incidents in the Whizin Market Square related to the consumption of alcoholic beverages. Other restaurants in the center have the same or similar type of ABC license, including Canyon Club, Plata Taqueria and Cantina, Hugos, Wood Ranch BBQ and Grill, Numero Uno and Blue Table.

B. Architectural Design

The project is compatible with the design standards of the AVSP and with the Whizin Market Square design in that it provides a mix of neutral colors and natural materials (wood, brick) consistent in design with the buildings in the center and reflective of the natural setting of Agoura Village. In the outdoor dining areas, new wood-framed windows and doors, tile floors, wood trellis and half-wall off-white stucco patio enclosures would complement the architectural style of the building, which consists of off-white stucco and brick exterior with shingle sloped roofs. The new windows surrounding a glass door proposed along the front elevation would replace an existing large window and wood panel, similar to the existing large window and wood panel to the west that is part of a separate tenant space. The size of the new window arrangement around the glass door would match the size of the current opening. The new door and window arrangement would be compatible with the doors and windows elsewhere on the building, given the simple style and same materials.

C. Parking

The Whizin Market Square on-site parking area provides a total of 492 marked spaces for the customers of its businesses. The Parking Ordinance requires one (1) space for each 1,000 square feet of restaurant seating and waiting area. The total seating and waiting areas of the restaurant (including the patio areas) would be 2,077 square feet. This would equate to a total demand of 31 parking spaces for the restaurant. Previously, the retail use occupying this same interior area resulted in a parking demand of twelve (12) spaces. Staff calculated the available parking spaces, considering the demand from existing tenants and tenant spaces that are vacant now but may be occupied in the future. Of the total 492 existing spaces, staff has determined that 58 spaces are available for use. Therefore, the project's demand for 31 spaces can be accommodated.

D. General Plan Consistency

Staff finds the project will be consistent with the following applicable General Plan goals and policies:

*Goal LU-2: City of Diverse Uses.* A mix of land uses that meets the diverse needs of Agoura Hills' residents, offers a variety of employment opportunities, and allows for the capture of regional population and employment growth.

- *Policy LU-2.2: Retail Services.* 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 great share of local spending.

The Conditional Use Permit and Outdoor Dining Permit will allow for the sale, service and consumption of food and alcoholic beverages within a new restaurant and proposed outdoor dining areas at the Whizin Market Square for visitors and residents of the community. The site is located within the AVSP area, and the use is consistent with the

surrounding mix of businesses, which consist of retail, office and restaurant. The project serves to expand the range of goods and services provided in the area and facilitates continued viability of the commercial center. The project will provide a positive experience for patrons and passersby, and likely attract new visitors. The outdoor dining is encouraged in the AVSP to enliven the Village and create a more active pedestrian environment.

*Goal LU-17: Cohesive and Integrated Districts.* Districts containing buildings developed on multiple properties that convey the character of cohesive and distinctly identifiable places, which respect their natural setting and are well designed, reflecting the traditions of the City.

- Policy LU-17.3: Architectural Design Quality. Require that development in mixed use districts convey a high level of architectural design quality and landscape amenity, reflecting the traditions that historically have defined Agoura Hills.

The project would provide an attractive building appearance and outdoor dining environment, improving the aesthetics of the tenant space, including along the Whizen Market Square's southern street frontage. The building's colors would be neutral (black, white, natural wood) and materials stucco, while incorporating natural elements of wood and brick, compatible with the City's aesthetic and matching the Whizen Market Square. The design of the outdoor dining patios includes seating areas with tables and chairs, ceiling lights, and heaters in the open patio, and tile floors. Attractive architectural details include a wood trellis, large fixed windows and accordion style windows and door that fully open to provide flexible space, and fireplaces. The project is buffered from adjacent uses on the south by existing landscaping and the flood control channel beyond which is Agoura Road; and on the north, east, and west by the center's parking areas and buildings.

#### E. Environmental Review

The project has been reviewed pursuant to the California Environmental Quality Act (CEQA), and has been determined to be Categorical Exempt from the CEQA Guidelines per Section 15301. This exemption includes minor changes to an existing facility. The project would not result in significant impacts to the environment, as it includes interior renovation, and exterior remodel of an existing building, and addition of enclosed and partially enclosed outdoor dining patios in an existing structure and paved area. 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-01426-2017 and Outdoor Dining Permit Case No.

DINE-01427-2018, subject to conditions, and based on the findings of the attached Resolution.

#### **IV. ATTACHMENTS**

1. Draft Resolution for the Conditional Use Permit and Outdoor Dining Permit with Exhibit A Conditions of Approval
2. Vicinity Map
3. Reduced Copy of Plans
4. Photographs of the Site

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

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF AGOURA HILLS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT CASE NO. CUP-01426-2017 TO ALLOW THE ON-SITE SALE OF ALCOHOLIC BEVERAGES (TYPE 47 ABC LICENSE) FOR A NEW RESTAURANT; APPROVING OUTDOOR DINING PERMIT CASE NO. DINE-01427-2017 TO ALLOW DINING WITHIN THE OUTDOOR PATIO AREAS, ADJACENT TO THE RESTAURANT LOCATED AT 28863 ROADSIDE DRIVE; 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 I. An application was duly filed by Saverio Posarelli and Ramon Salpivar (collectively, "Applicant") with respect to the real property located at 28863 Roadside Drive, Assessor's Parcel No. 2061-007-052, requesting approval of a Conditional Use Permit (Case No. CUP-011426-2017) to allow the on-site sale of alcoholic beverages (Type 47 ABC license) for a new restaurant and Outdoor Dining Permit (Case No. DINE-01427-2017) to allow outdoor dining at the new restaurant ("Project").

Section II. The Project has been reviewed pursuant to the California Environmental Quality Act (CEQA), and has been determined to be Categorically Exempt from the CEQA Guidelines per Section 15301. This exemption includes minor changes to existing facilities. The Project would not result in significant impacts to the environment as it includes interior renovation and exterior remodel of an existing building, addition of an outdoor dining patio in an existing paved area, and conversion of a building into an enclosed outdoor dining area. 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 III. The Planning Commission of the City of Agoura Hills considered the application at a public hearing held on March 15, 2018, at 6:30 p.m. in the Council Chambers of City Hall, 30001 Ladyface Court, Agoura Hills, California. Notice of the time, date, place and purpose of the aforesaid hearing was duly given and published as required by law. The public hearing was opened on March 15, 2018, and continued to the Planning Commission's meeting of April 5, 2018.

Section IV. 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 V. Conditional Use Permit. Pursuant to Section 9673.2.E of the Agoura Hills Zoning Ordinance, and based upon the evidence presented at the hearing, including the staff report and oral and written testimony, the Planning Commission finds, that:

1. The proposed use is consistent with the objectives of the Zoning Ordinance and the purposes of the district in which the use is located. The on-site sale of alcoholic beverages at a new restaurant is permitted in the Planned Development (PD) zone-Agoura Village Specific Plan (AVSP) area. The project complies with the requirements of the PD (AVSP) zone relative to use, lot coverage, height, and setback.

2. The proposed use, as conditioned, is compatible with the surrounding properties, and with the other uses in the center. The restaurant is within the Whizin Market Square in the AVSP area, which is also occupied with retail, office and restaurant uses. The proposed use is compatible with the surrounding properties, which consist of retail, office, and restaurant uses. Conditions have been incorporated to limit hours of operation and use of exterior lighting to minimize adverse noise and lighting effects on adjacent properties. The property's zoning designation of PD-AVSP allows for retail, offices, commercial services, restaurants, and movie theatres.

3. 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-site sale of alcoholic beverages within the restaurant, alcoholic beverages will be served within existing and new outdoor dining areas adjacent to the tenant space. The California Department of Alcoholic Beverage Control regulates the sale and dispensing of alcoholic beverages inside as well as outside, and enforces its own public safety regulations. The new outdoor patios and interior and exterior improvements will be constructed to comply with the most recent Building Code. The site already provides the necessary vehicular and pedestrian access in and out of the property, and throughout the parcel as well, which will not be modified.

4. The proposed use will comply with each of the applicable provisions of the Zoning Ordinance. This permit allows for the on-site sale of alcoholic beverages at a restaurant with indoor and outdoor dining areas. The restaurant is a permitted use in the PD Zone-AVSP, and the on-site sale and consumption of alcoholic beverages is allowed pursuant to a Conditional Use Permit. The Project meets the development standards of the AVSP and the Zoning Ordinance relative to setbacks, building height and lot coverage.

5. The distance from other similar and like uses is sufficient to maintain the diversity of the community. Whizin Market Square currently hosts 44 tenants. With the inclusion of this new restaurant, there will be seven (7) restaurants that serve alcoholic beverages, representing six (6) 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. The AVSP encourages a variety of food and beverage establishments, and outdoor dining, as part of a pedestrian-oriented Village.

6. The proposed use is consistent with the goals and policies of the General Plan. The proposed use meets Goal LU-2, Policy LU-2.2 and Goal LU-17, Policy LU-17.3. The site is located in the AVSP area and the use will be consistent with the surrounding mix of businesses, which include retail, office and restaurant. The Project expands the range of goods and services provided in the area and facilitates continued viability of the commercial center. The architectural design, colors and materials will be consistent with the surrounding buildings, with neutral colors and natural materials (wood and brick) along with off-white colored stucco. The Project offers additional amenities to the Whizin Market Square and Agoura Village with the outdoor dining areas.

Section VI. Alcoholic Beverage Sales. Pursuant to Section 9396.3 of the Agoura Hills Zoning Ordinance, and based upon the evidence presented at the hearing, including the staff report and oral and written testimony, the Planning Commission finds that:

1. 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, is not within a 500-foot radius of these uses, and is screened by structures or landscaping. The nearest school, park, playground or similar use is at least 2,000 feet away.

2. As conditioned, the requested use at the proposed location is sufficiently buffered by public or private improvements from residentially zoned areas within the immediate vicinity so as not to adversely affect said areas. With the exception of one (1) house across Agoura Road in the AVSP commercial-residential mixed-use area, a minimum 1,000-foot of separation exists between the shopping center and the nearest existing residential community to the southeast. There is no direct access from the restaurant to the homes in this residential neighborhood. The Whizen Market Square building where the tenant space is located is set back from Agoura Road, with the flood control channel and street landscaping buffering the center from Agoura Road. The restaurant closes at 10:00 p.m., thereby minimizing noise impacts to surrounding tenants and properties, and restrictions on lighting will minimize adverse effects to neighboring properties. Mixed-use commercial and residential uses are allowed across the street on Agoura Road as part of the AVSP.

3. The exterior appearance of the structure will not be inconsistent with the external appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight or property deterioration, or to substantially diminish or impair property values within the neighborhood. With the exception of the new outdoor dining areas that would provide aesthetic improvements to the rear of the building, only minor improvements will occur to the exterior of the tenant space. The improvements are consistent with the theme of the shopping center by incorporating neutral colors and natural materials, in addition to stucco and brick that are currently on the building. Therefore, the Project will be consistent with the external appearance of the existing commercial structures within the center and surrounding area. 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 a restaurant and outdoor dining areas, and will be consistent with other similar uses in the retail center.

4. 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. The on-site consumption of alcoholic beverages will not affect the use of abutting properties because the tenant space is surrounded by other commercial establishments in the Whizin Market Square. The restaurant use will be held to the same operational standards, which includes exterior appearance of the structure, hours of operation, and parking, as the other commercial establishments in the shopping center, and will be subject to the City's nuisance laws.

5. The sale of alcoholic beverages may be restricted to certain hours of each day of the week as necessary to ensure that activities related to the project are compatible with the quiet enjoyment of the neighborhood. 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 11:00 a.m. to 10:00 p.m. Monday through Sunday, which will eliminate the potential for impacts on the quiet enjoyment of the nearby residential neighborhood beyond the normal business operations.

6. If an off-sale alcoholic establishment, the requested use is not located in the freeway overlay and use district, unless it is a supermarket/food store larger than ten thousand (10,000) square feet of floor area. The Project does not involve off-site alcohol sales and, in any event, is not within the freeway corridor overlay. Therefore, this finding does not apply.

7. The requested use will not contribute to an undue concentration of alcoholic beverage establishments in the area. The restaurant is within a commercial multi-tenant center. Of the 44 existing tenants, only seven (7) are restaurants that serve alcoholic beverages. The Department of Alcoholic Beverage Control is responsible for determining whether the type of requests is within acceptable levels of license concentration.

8. The requested use is not located in a high-crime area, or where a disproportionate number of police calls occur. The Sheriff's Department has confirmed that the requested use is not located in a high-crime area, or where a disproportionate number of police calls occur.

9. If the sale of alcohol is proposed at an establishment that also offers live entertainment, said conditional use permit request shall be reviewed in conjunction with the conditional use permit for live entertainment. Live entertainment is not being requested at this time. Therefore, this finding is inapplicable to the Project.

Section VII. Agoura Village Specific Plan. Based upon the evidence presented at the hearing, including the staff report and oral testimony, the Planning Commission, pursuant to Chapter 9 of the AVSP, finds that:

1. The proposed project complies with relevant provisions of the adopted Specific Plan. The new outdoor enclosed and partially covered dining areas facing Agoura Road, are consistent with the Village-like environment desired in AVSP. The new windows and door on the front of the tenant space, as well as the design of the outdoor dining areas complement the architectural style of the building. The outdoor dining area additions meet the building setback, height, and building coverage requirements of the AVSP.

2. The proposed project incorporates design measures to ensure maximum compatibility with the vision of the Agoura Village Specific Plan. The Project incorporates detailing and architectural features on the southern side of the building, such as a wood trellis, off-white stucco half walls and full length windows and door with wood trim. In addition to wood accents and neutral colors, a brick chimney and masonry fireplaces add to the rustic element consistent with the natural setting of the Village. . On the north/front elevation, a large window and wood panel will be replaced with a glass door and window arrangement of the same dimensions, and similar in design to the entries of adjacent tenant spaces in the building.

3. The proposed project incorporates architectural and landscaping elements that enhance the area. The architectural details along the front façade include windows surrounding a glass entry door that would be compatible with the windows and doors of other tenant spaces in the building. The appearance of the southern façade of the tenant space would be improved with partially or fully enclosed outdoor dining areas with stucco half-walls or full length windows with wood trim, a trellis, and fireplaces that provide an attractive, inviting environment. These amenities and features will not detract from the simple architectural style of the building. There is no provision for landscaped planters along this building in the Whizin Market Square, and the Project will not create new landscaped planters. Therefore, the finding for landscaping elements is not applicable.

4. The project's vehicular access and parking plan minimizes conflicts and promotes efficient internal circulation and shared use of facilities wherever feasible. The three driveways that serve the site are located away from the street intersections to provide safe ingress and egress. Shared parking for each building in the center is provided on site, as well as within Agoura Road, Cornell Road and Roadside Drive. The project will not alter the vehicular circulation, access, or parking layout on-site.

Section VIII. Planned Development District. Based upon the evidence presented at the hearing, including the staff report and oral testimony, the Planning Commission, pursuant to Zoning Code Section 9496, finds that:

1. All the required findings for a conditional use permit can be made. The project complies with all the required findings for a conditional use permit described in Section V.

2. The development complies with the provision of Section 9498, Development Standards and Regulations. The project is in compliance with the AVSP maximum building coverage, setback, and building height requirements.

3. Adequate evidence and guarantees have been provided to indicate that all other provisions of the zoning district can be satisfied. Adequate evidence has been provided in the form of architectural plans. The site plan shows adequate parking and access into the site. The floor plan shows adequate egress and ingress into the building and outdoor dining areas. Guarantees are provided by the Applicant agreeing to the conditions of the CUP requirements, such as hours of operation and requirements of the California Department of Alcohol Beverage Control.

Section IX. Based on the aforementioned findings, the Planning Commission hereby approves Case Nos. CUP-01426-2017 and DINE-01427-2017, subject to the conditions of approval, attached herein as Exhibit A, with respect to the property described in Section 1 hereof.

Section X. 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 of the Planning Commission of the City.

PASSED, APPROVED, and ADOPTED this 5<sup>th</sup> day of April 2018, 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 Nos. CUP-01426-2017 and DINE-01427-2017)

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 required forms and related fees with the City.
2. The approval of the permits shall not be effective for any purpose until the Applicant has agreed in writing that the Applicant is aware of, and accepts, all Conditions 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 approved labeled exhibits: Site Plan, Floor Plan, Egress Plan and Elevation Plan reviewed and approved by the Planning Commission on March 15, 2018.
4. It is hereby declared to be the intent that if any provision of the permits is held or declared invalid, the approval 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 permits shall be suspended and the privileges granted hereunder shall lapse; provided that the applicant has been given written notice to cease such violation and has failed to do so for a period of thirty (30) days.
6. All requirements of the Zoning Ordinance and of the specific zoning designation of the subject property must be complied with unless set forth in the Conditional Use Permit.
7. Unless this permits are used within two (2) years from the date of City approval, Conditional Use Permit Case No. CUP-01426-2017 and DINE-01427-2017 will expire.
8. Operation of the use shall not be granted until all Conditions of Approval have been complied with as determined by the Planning Director.
9. The Applicant, and property owner(s), and their successors in interest, shall indemnify, defend and hold harmless the City, its officials, officers, agents and employees (collectively "Indemnitees") from and against any and all claims, actions, lawsuits, damages, losses and liabilities arising or resulting from the granting of this approval by the City or the exercise of the rights granted by this approval. This indemnification obligation shall include, but not be limited to, paying

all fees and costs incurred by legal counsel of the City's choice in representing the Indemnitees in connection with any such claims, actions or lawsuits, any expert fees, and any award of damages, judgments, verdicts, court costs or attorneys' fees in any such claim, action or lawsuit. The City shall promptly notify Applicant and property owners of any claim, action, or proceeding and the City shall reasonably cooperate in the defense. In the event such a legal action is filed, the City shall estimate its expenses for litigation. Applicant or property owners shall deposit such amount with the City or enter into an agreement with the City to pay such expenses as they become due. Applicant and property owners shall reimburse the City, and each of the Indemnitees for any and all legal expenses and costs incurred by it in enforcing the indemnity herein provided. 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.

10. The Applicant shall comply with all requirements of the California Department of Alcohol Beverage Control.
11. The CUP shall be valid strictly for license type 47 as defined by the California Department of Alcohol Beverage Control.
12. The approved hours of operation are from 11:00 a.m. to 10:00 p.m. Monday through Sunday.
13. Signage is not included as part of this approval.
14. Live entertainment is not permitted as part of this approval.
15. 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.
16. In accordance with Zoning Ordinance Section 9710, reconsideration of the Conditional Use Permit 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.
- 17. Exterior lights shall be turned off at close of business, and shall be focused downwards and shielded to avoid light spillover and glare beyond the outdoor dining areas. Exterior lighting, including outdoor dining, is subject to Planning Director review and approval.

#### BUILDING AND SAFETY DEPARTMENT

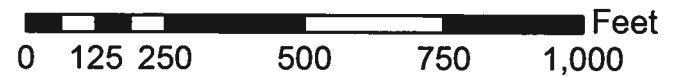
- 18. All exterior materials used for eaves, sidings, porch, patio, decks, canopies, carport and other similar structures need to meet the Very High Fire Hazard Severity Zone (VHFHSZ) as outlined in Chapter 2 of Article VIII in the Agoura Hills Municipal Code.
- 19. The Applicant shall note on the plans that all new or replaced windows will be tempered on at least one side of the dual pane, or a 20 minute rated window or glass blocks per Section 704A.3.2.2 of the 2016 California Building
- 20. Los Angeles County Industrial Waste approval will be required for this Project.
- 21. Los Angeles County Health Department Approval will be required for this Project.
- 22. Las Virgenes Municipal Water District approval will be required.
- 23. Occupancy, Occupant load and analysis for the required plumbing fixtures must be provided on title sheet.
- 24. Fire department approval prior to building permit shall be required for an A-2 Occupancy.

END

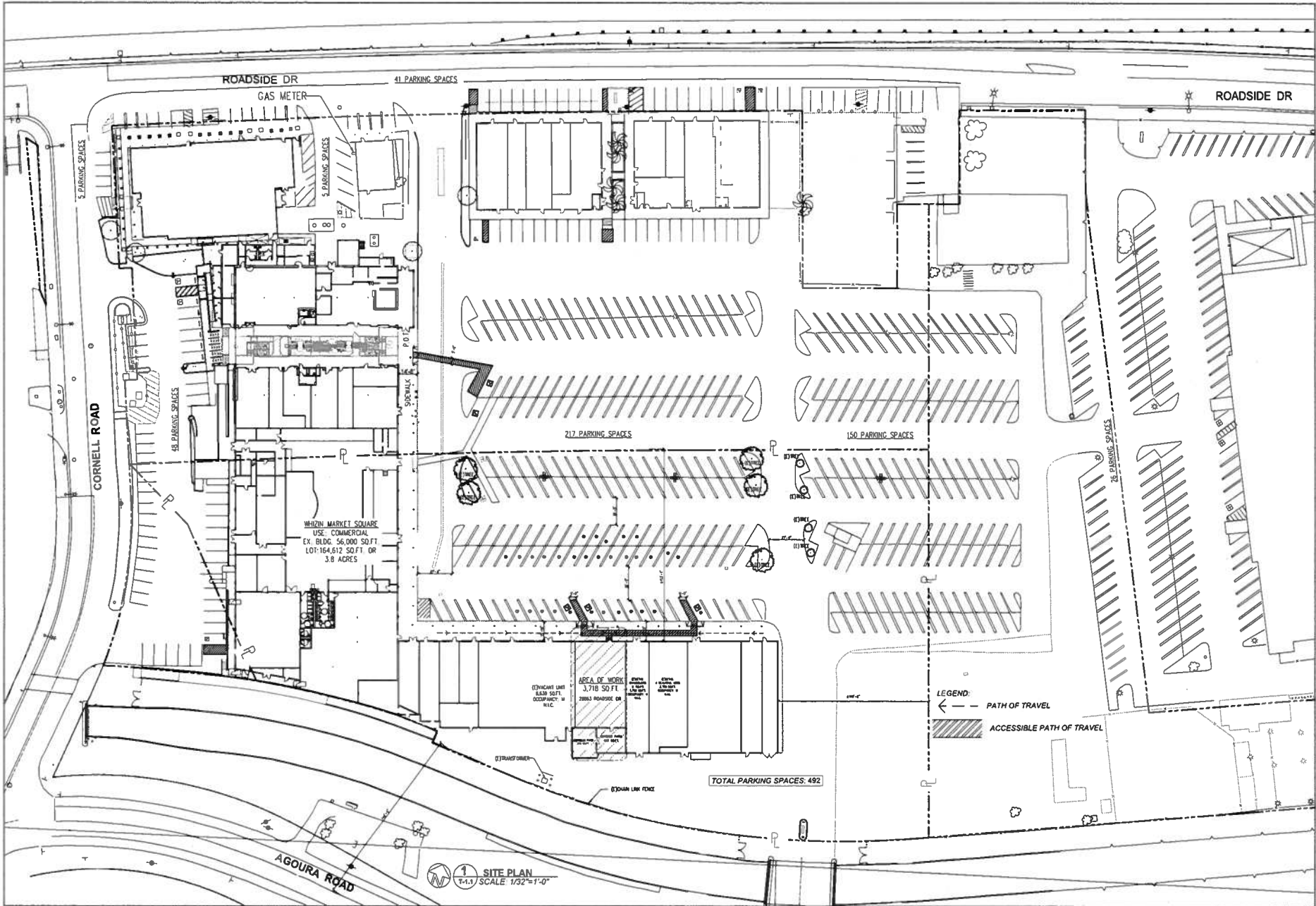


# City of Agoura Hills

Conditional Use Permit Case No. CUP-01426-2017 & Outdoor Dining Permit Case No. DINE-01427-2017








**SPACE  
CONCEPTS &  
DESIGN**

14530 HANLIN ST. #8  
VAN NUYS, CA 91411  
TEL 213.384.8131  
INFO@SCDESIGNLA.COM  
WWW.SCDESIGNLA.COM

**ITALIAN RESTAURANT  
WHIZIN MARKET SQUARE  
28863 ROADSIDE DR.  
AGOURA HILLS, CA 91301**

Project No. 18192817  
Date: 1/20/17  
Designed by: AHMED KHARASSIM  
Drawn by: JH

**T-1.1**

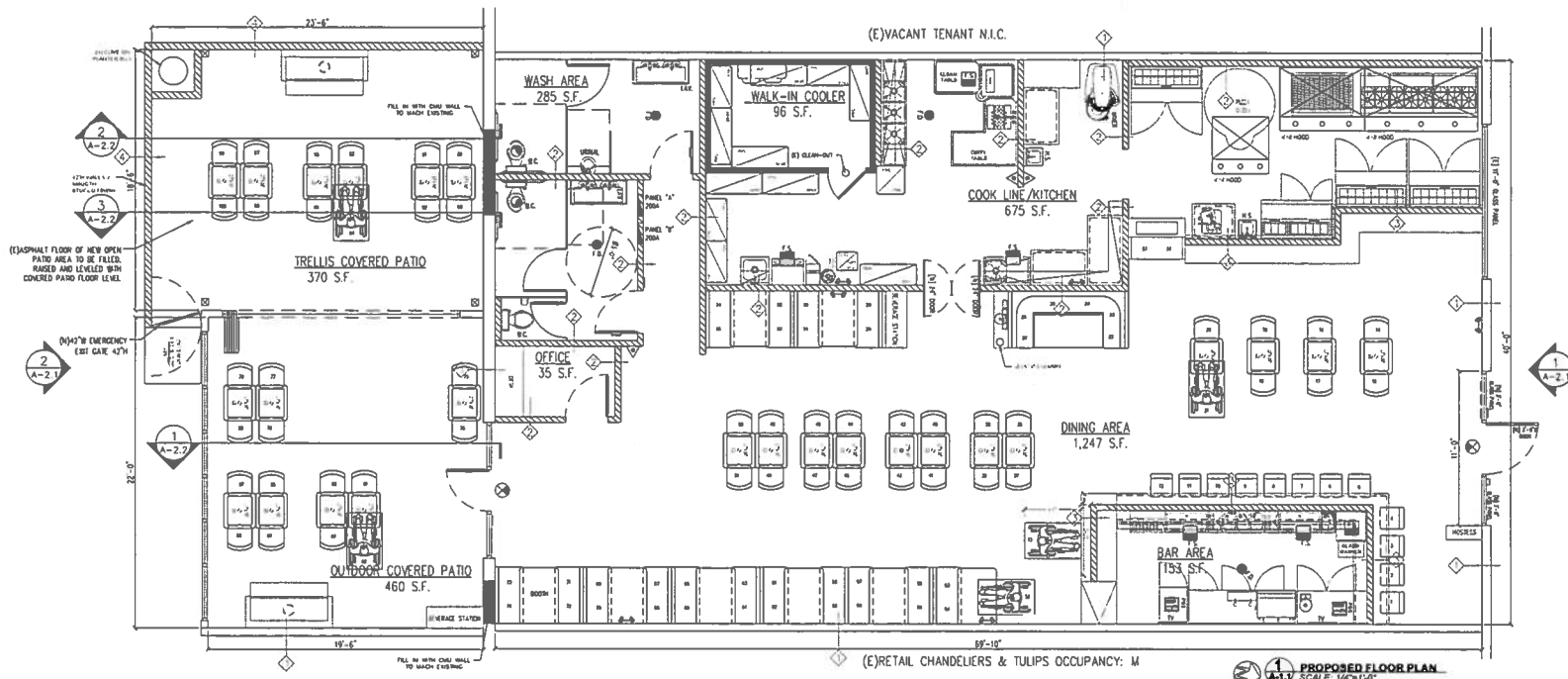
**OCCUPANT LD. ANALYSIS**

NOTE: TOTAL # OF WATER CLOSETS FOR FEMALES SHALL BE EQUAL TO THE TOTAL # OF WATER CLOSETS AND URINALS REQUIRED FOR MALES.

MIN. PLUMBING FACILITIES ANALYSIS					
PLUMBING OCCUPANT LOAD FACTOR FOR SEATING			1002 ±50	50 MALE   50 FEMALE	
TYPE OF BUILDING OR OCCUPANCY	WATER CLOSETS (FIXTURES PER PERSON)		URINALS (FIXTURES PER PERSON)	LAVATORIES (FIXTURES PER PERSON)	
	MALE	FEMALE	MALE	MALE	FEMALE
RESTAURANT OCC. A-2	MIN. REQUIRED	1:1-50	1:1-200	1:1-150	1:1-150
	PROVIDED	1	2	1	1

SEATING CALCULATION			
ROOM	USE	SQUARE FOOTAGE	FIXED SEATING
DINING AREA	ASSEMBLY	1,247 SF	74
OUTDOOR COVERED PATIO	ASSEMBLY	460 SF	14
OUTDOOR OPEN PATIO	ASSEMBLY	370 SF	12
TOTAL			100

MARK	WALL LEGEND
KEY	DESCRIPTION
◊	EXISTING WALLS
▨	1. 3/4" FINE GYPSUM BOARD TYPE 1 2. 1/2" 2x4" DOG EARED METAL STUD FRAMING @ 16" O.C. MAX. (SEE DETAIL 3/A-1.2) 3. 5/8" FINE GYPSUM BOARD TYPE 1
▧	NEW 6" 20GA METAL STUD LOW WALL 45" HEIGHT. (SEE DETAIL 3/A-1.2)
▩	NEW 6" WOOD STUD LOW WALL 42" HEIGHT. W/ 1" STUCCO



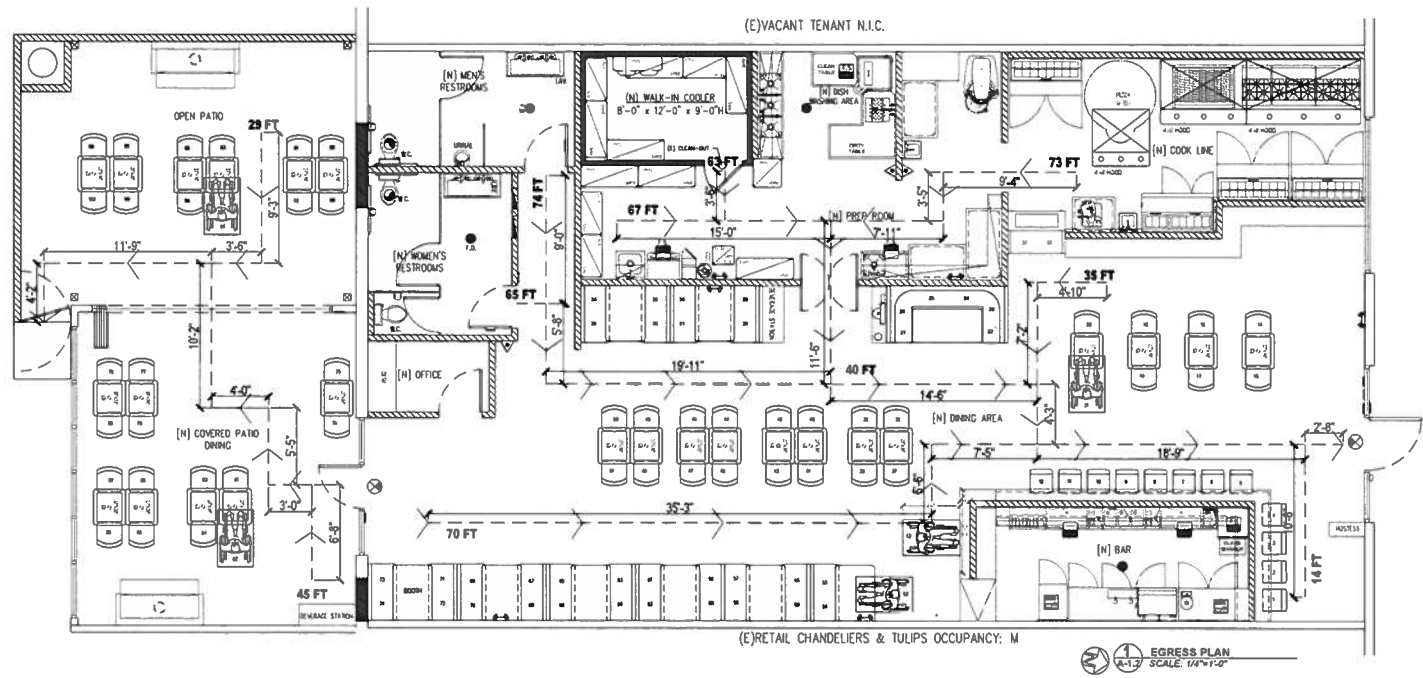
**SD**  
**SPACE CONCEPTS & DESIGN**  
 14530 HAMLIN ST. #8  
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 INFO@SCDESIGNLA.COM  
 WWW.SCDESIGNLA.COM

Italian Restaurant  
 WHIZIN MARKET SQUARE  
 28863 ROADSIDE DR.  
 AGOURA HILLS, CA 91301

Project Name: Italian Restaurant  
 Location: Whizin Market Square  
 Date: 10/19/2017  
 Designer: J.A.  
 Scale: 1/4" = 1'-0"

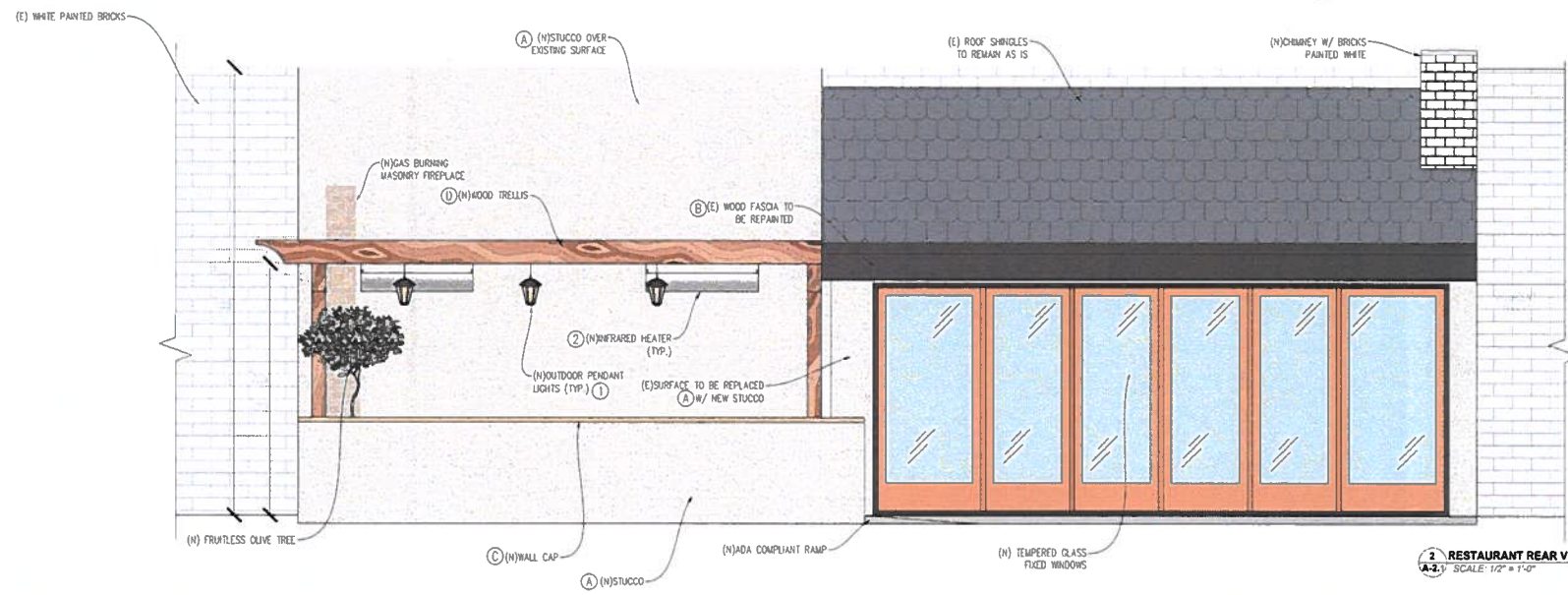
**A-1.1**

- EGRESS NOTES:**
1. ALL DOORS ARE OPENABLE FROM THE INSIDE WITHOUT THE USE OF A KEY, SPECIAL KNOWLEDGE OR TOOLS.
  2. ALL DOORS REQUIRE CLEAR SWELL OF A SPACE TO PERMIT THE INSTALLATION OF A 4' x 4' DOOR. A MINIMUM CLEARANCE OF 3' MUST BE MAINTAINED.
  3. A MINIMUM LANDSCAPE CLEARANCE OF 5' SHALL BE MAINTAINED.
  4. THE FLIGHT OF LANDINGS ON EACH SIDE OF THE DOOR IS NOT MORE THAN 17.1' UNLESS THERE IS THE EQUIVALENT OF THE DOORWAY.
  5. THE TYPE RELEASE DEVICE IS REQUIRED FOR OCCUPANT LOADS OF 500.
  6. EXIT SIGNS SHALL BE INTERNALLY OR EXTERNALLY ILLUMINATED. PROVIDE EMERGENCY BACKUP POWER IF EXTERNALLY ILLUMINATED EXIT SIGNS ARE PROVIDED. PROVIDE EXIT SIGNS.
  7. THE MEANS OF EGRESS INCLUDING THE DISCHARGE SHALL BE ILLUMINATED AT ALL TIMES THE BUILDING IS OCCUPIED.
  8. SEPARATE SOURCE OF POWER FOR EXIT ILLUMINATION FOR MEANS OF EGRESS BUILDING HEALTHY SPACES REQUIRED TO HAVE THIS ETC.

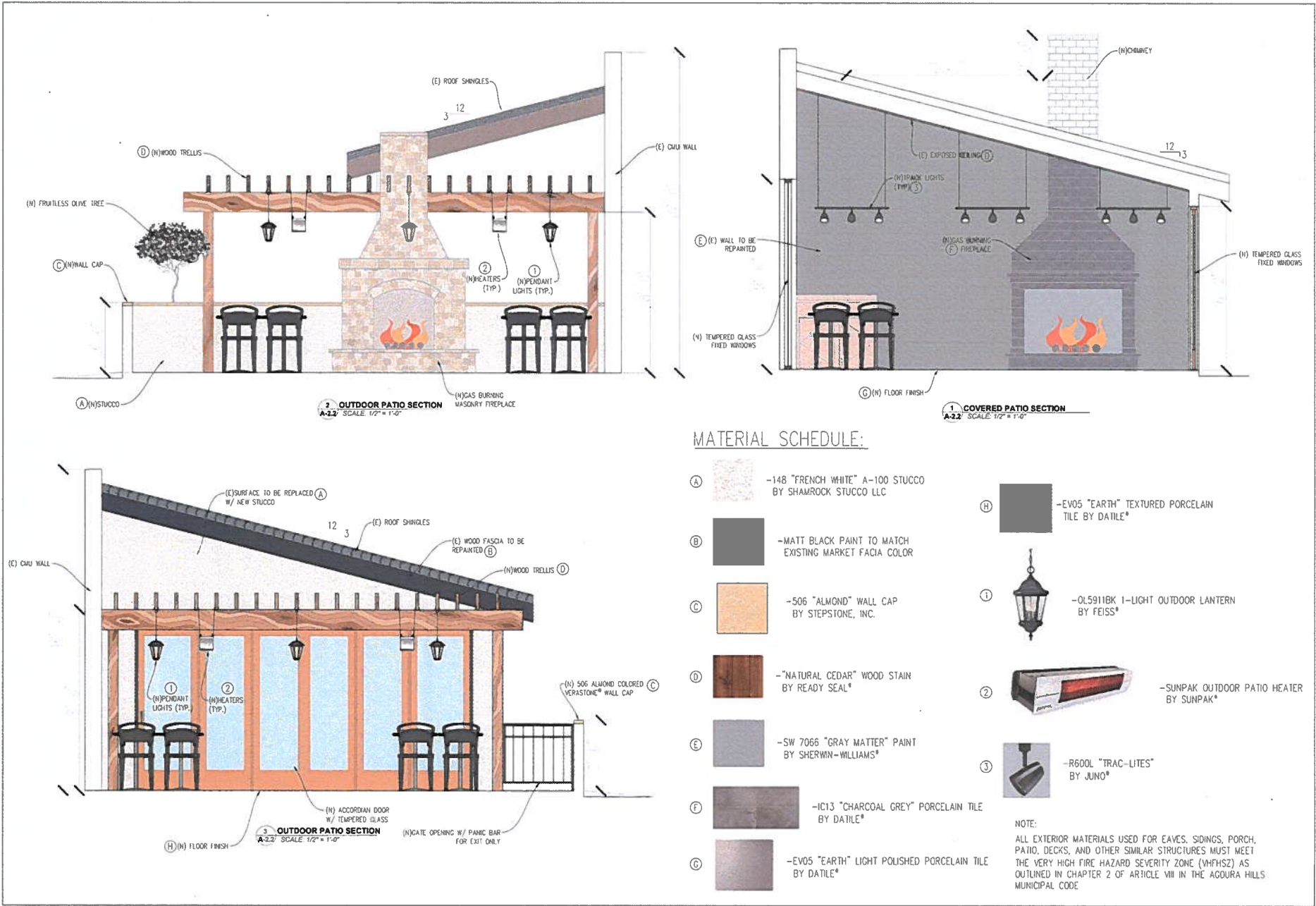




**1 RESTAURANT FRONT ELEVATION**  
 A-2.1 SCALE: 1/2" = 1'-0"



**2 RESTAURANT REAR VIEW**  
 A-2.2 SCALE: 1/2" = 1'-0"



**MATERIAL SCHEDULE:**

- (A) -148 "FRENCH WHITE" A-100 STUCCO BY SHAMROCK STUCCO LLC
  - (B) -MATT BLACK PAINT TO MATCH EXISTING MARKET FACIA COLOR
  - (C) -506 "ALMOND" WALL CAP BY STEPSTONE, INC.
  - (D) -"NATURAL CEDAR" WOOD STAIN BY READY SEAL\*
  - (E) -SW 7066 "GRAY MATTER" PAINT BY SHERWIN-WILLIAMS\*
  - (F) -IC13 "CHARCOAL GREY" PORCELAIN TILE BY DAITLE\*
  - (G) -EV05 "EARTH" LIGHT POLISHED PORCELAIN TILE BY DAITLE\*
  - (H) -EV05 "EARTH" TEXTURED PORCELAIN TILE BY DAITLE\*
  - (1) -0L5911BK 1-LIGHT OUTDOOR LANTERN BY FEISS\*
  - (2) -SUNPAK OUTDOOR PATIO HEATER BY SUNPAK\*
  - (3) -R600L "TRAC-LITES" BY JUNO\*
- NOTE:**  
ALL EXTERIOR MATERIALS USED FOR EAVES, SIDINGS, PORCH, PATIO, DECKS, AND OTHER SIMILAR STRUCTURES MUST MEET THE VERY HIGH FIRE HAZARD SEVERITY ZONE (VHFHSZ) AS OUTLINED IN CHAPTER 2 OF ARTICLE VIII IN THE AGOURA HILLS MUNICIPAL CODE

**SD**  
**SPACE CONCEPTS & DESIGN**  
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SDESIGNLAB@YAHOO.COM

**ITALIAN RESTAURANT  
WHIZIN MARKET SQUARE  
28863 ROADSIDE DR.  
AGOURA HILLS, CA 91301**

Project No. \_\_\_\_\_  
Date: 10/19/2017  
Designed by: ANDREW KRUGOSKI  
Drawn by: J.R.

—ELEVATIONS—

**A-2.1**



CHANDILLERS & TULIPS







NO CUSTOMER PARKING