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**PLANNING DIVISION**

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**DATE:** November 21, 2019

**TO:** Planning Commission

**APPLICANT:** Huntington Pacific Hotels, LLC  
105 Decker Court, Suite 500  
Irving, TX 75062

**CASE NO.:** CUP-01674-2019

**LOCATION:** 29505 and 29515 Agoura Road (A.I.N. 2061-004-030)

**REQUEST:** Request for approval of a Conditional Use Permit to allow on-site consumption of alcoholic beverages (Types 47 ABC license) at a new hotel, including permitted outdoor areas; and to make a finding of exemption under the California Environmental Quality Act (CEQA).

**ENVIRONMENTAL DETERMINATION:** Categorically Exempt under CEQA per CEQA Guidelines Section 15061(b)(3)

**RECOMMENDATION:** Staff recommends that the Planning Commission approve Conditional Use Permit Case No. CUP-01674-2019, subject to conditions, based on the findings of the draft resolution.

**ZONING DESIGNATION:** POM-FC (Planned Office and Manufacturing and Freeway Corridor Overlay Districts)

**GENERAL PLAN DESIGNATION:** POM (Planned Office and Manufacturing)

## **I. PROJECT BACKGROUND AND DESCRIPTION**

The applicant, Huntington Pacific Hotels, LLC, has submitted a Conditional Use Permit (CUP) application, Case No. CUP-01674-2019, to serve alcohol on the premises of a new hotel located at 29505 and 29515 Agoura Road (See Vicinity Map, Attachment 2). Separately, the applicant is applying to the California Department of Alcoholic Beverages (ABC) for License Type 47 as defined by ABC to allow the consumption of beer, wine and distilled spirits on-site (“on-sale license”). The approval of the Conditional Use Permit is required prior to the applicant obtaining any licenses from ABC. The 5.56-acre property is located in the Planned Office and Manufacturing and Freeway Corridor District (POM-FC), which allows a hotel and ancillary uses associated with the hotel use. The property is adjacent to Highway U.S. 101 to the north, the Los Angeles County Animal Care and Control facility to the west, and LA Fitness gym to the east. South of the site, across Agoura Road, is vacant land within the Agoura Village Specific Plan area. The main access is provided from Agoura Road and a secondary access is provided on Roadside Road and through the LA Fitness gym property.

The 137,000 square-foot, three-story hotel is currently under construction. The hotel will provide 225 rooms, with 130 rooms occupying the west side of the hotel serving the Marriott Courtyard brand for short stays, and 95 suites including kitchenettes on the east side of the hotel serving the Marriott TownPlace Suite brand for longer stays. The structure is built around an interior courtyard with a pool and outdoor barbecue facilities provided for the guests that is only accessible by entering the hotel. The hotel provides a bar on the first floor near the main lobby as well as a restaurant that is open to the public at the southeast corner of the building with an outdoor dining patio. Conference rooms are available on the second and third floors for special events.

The Agoura Hills Zoning Ordinance (Section 9120.1.H.2) defines on-site 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-site alcoholic beverage establishment shall include any immediately adjacent area that is owned, leased, or rented, or controlled by the permittee. It shall also include any facility, inclusive of a portion thereof, which is rented out for special event functions wherein alcoholic beverages are sold or given away on the premises and are to be consumed on the premises.”

The purpose of the City Alcoholic Beverage Ordinance (AHMC Section 9396.1), which requires a CUP for all on-site licenses, is to regulate potential nuisance issues related to alcoholic beverage establishments, such as noise, particularly for establishments in 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 hotel is currently under construction and is expected to open by the end of this year with an official grand opening scheduled for February 2020.

The three-story hotel will be providing 133,000 square feet of rooms built around a 14,678 square-foot courtyard with pool and barbecue facilities. The hotel would also provide four conference rooms totaling 5,910 square feet for special events and other amenities including a bar, and an 1,800 square-foot restaurant with an attached 817 square-foot outdoor dining area. Although the hotel is a 24-hour facility, hours of operations are provided for different services as follows:

	<b>Weekdays</b>	<b>Weekends</b>
<b>Breakfast</b>	6:30 am-10 am	7:00 am-10:30 am
<b>Dinner/Bar</b>	5:00 pm-10:30 pm	5:00 pm-10:30 pm
<b>Pool</b>	9:00 am-10:00 pm	9:00 am-10:00 pm
<b>Exercise Room</b>	24hrs a day	24hrs a day
<b>Meeting Rooms</b>	24hrs a day	24hrs a day
<b>Courtyard</b>	9:00 am-11:30 pm	9:00 am-11:30 pm

The request to serve alcohol does not modify the design of the interior or exterior space of the hotel. In the past, Conditional Use Permits have been reviewed with a request to provide live entertainment for the guests, but in this case, the applicant has not requested to add that activity. The request requires an analysis of the impacts on the closest sensitive uses (schools, parks, and playgrounds within 500 feet) from the Project site and closest residential neighborhoods.

There is no school or park located within 500 feet of the site. The nearest public school is Agoura High School located at an approximate driving distance of 1.5 mile northeast of the Project site at the eastern terminus of Thousand Oaks Boulevard, and a private pre-school located a little over 1 mile northeast of the Project site on Canwood Street. The nearest park or playground is Forest Cove Park, at a driving distance of 1.5 miles. All are at a considerable distance from the new hotel site.

The closest public eating establishments with similar ABC licenses include a hotel, two restaurants to the west, and two restaurants and a retail store to the east on Agoura Road, all within 2,700 feet of the proposed site. A map of the existing facilities in the City with ABC issued licenses and City issued Conditional Use Permits is attached to this report for the Commission's review (Attachment 3). The plans were submitted to the Los Angeles County Sheriff Department for comments. The Sheriff Department states that no recent incidents in the vicinity related to the consumption of alcoholic beverages were reported and no historical data is available for the specific site since the hotel is new.

The Los Angeles County Fire Department was consulted, but the agency does not comment on this type of request. Fire Department inspections of the premises will be required prior to the City's issuance of occupancy to verify all life and safety measures have been addressed. To date, no disturbance related to the consumption of alcohol was reported to staff due to ancillary sales of alcoholic beverages at a hotel. Based on the above analysis, staff finds the proposed request for the two ABC license will not negatively impact surrounding tenant properties, or neighborhoods.

**B. Conditional Use Permit**

The on-site consumption of alcoholic beverages at a new hotel's bar, restaurant and outdoor areas is permitted in the POM district, and in the FC overlay district with a Conditional Use Permit. The use is compatible with the various retail and industrial like surrounding uses, in that it will not conflict with the operating hours of the businesses, and there are no sensitive uses within a 500-foot radius of the site. The use is not expected to be detrimental to the public health, safety or welfare because the use is contained within a building and enclosed spaces at approximately 190 feet from the street and 77 feet from the western and eastern property lines. The building design will not change as a result of the request. The closest businesses serving alcohol are well established restaurants to the east and west along Agoura Road.

**C. Alcoholic Beverage Sales**

The Project will not adversely affect the use of schools, parks and similar outdoor playgrounds within a 500-foot radius because no such uses exist within the radius. The parcel is separated from the closest residential development by the U.S. 101 freeway corridor. Although the building's construction has not been finalized, floor plans were reviewed by the Planning and Building and Safety Divisions for proper occupancy load, adequate restroom facilities and emergency access. The bar where the alcohol is sold would be inside the building and the outdoor areas are designed so as to be screened from the freeway corridor and the adjacent streets as they are surrounded by the building walls. Although the hotel is a 24-hour facility, the bar and restaurant's hours are limited to those hours shown in the table on the previous page, which are from 5:00 pm to 10:30 pm. No sale of alcohol beverages is occurring in the courtyard. The requested license type is not an off-sale license, which means that no alcohol can be carried off the premises. The Project site is controlled by one single owner for both brands of hotel, and is located at a reasonable distance from more concentrated licensed businesses. The area is not considered a zone where the existing uses cause high levels of crimes and no live entertainment activities are proposed as part of the operation of the business.

**D. Freeway Corridor Overlay District**

The purpose of the Freeway Corridor (FC) Overlay is to recognize the importance of the land use, architectural design, and appearance of development within the freeway corridor to the City's image. Projects in the FC are to incorporate naturalistic and native landscaping, particularly oaks; preserve key vistas to the Santa Monica Mountains;

screen unsightly uses; exhibit a low intensity development style; convey a high quality image; minimize impacts to sensitive and endangered species; and use compatible colors and materials to preserve and enhance the scenic quality of the freeway corridor. The request is to take place in a permitted hotel currently under construction that was approved by Conditional Use Permit Case No. CUP-01150-2015, and which addressed all the requirements of the freeway corridor. The new request will not modify the structure, the exterior improvements and will not impede the views of the Santa Monica Mountains or diminish the scenic quality of the freeway corridor since it pertains to the use inside the hotel.

E. 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-2.4: Visitor-Serving Uses. Provide for visitor serving commercial uses in key locations to attract tourists, beachgoers, and Santa Monica Mountains park users.

The Conditional Use Permit will allow for the sale, service and consumption of alcoholic beverages inside a hotel, including the interior bar, the courtyard and an on-site restaurant with its outdoor patio area for visitors and residents of the community. The hotel, including its restaurant services, adds to the variety of uses in the City and provides the services expected by the Marriott brand clientele. The Project expands services provided in the area and supports the hotel. The Project would complement the restaurant experience for hotel customers and the community.

Goal LU-12: Diverse District and Corridors. A diversity of vital and active commercial districts providing a choice of uses and activities for Agoura Hills' residents and visitors.

- Policy LU-12.2: Freeway Corridor. Accommodate the development of commercial centers within the freeway corridor to provide a strong fiscal base for the City. Facilitate the development of vacant and underutilized freeway parcels with commercial uses that capitalize on their freeway access and visibility in an aesthetically pleasing manner.
- Policy LU-12-4: Visitor Serving Commercial. Provide for visitor serving commercial uses in key locations to attract tourists, beachgoers, and Santa Monica National Recreation Area users.

The Project complies with Goal LU-12 by providing a full service hotel that helps create a vital, active commercial district. The hotel is a well known brand that will serve both short stay and longer stay customers and will serve the local community. The outdoor activities

are screened from the public right-of-way by the building to maintain the commercial appearance of the Project. The design of the hotel accommodates the bar and restaurant where alcohol will be mostly consumed. The hotel and its ancillary services support the tourism industry by accommodating visitors.

#### F. Environmental Review

The Project has been reviewed pursuant to the California Environmental Quality Act (CEQA), and has been determined to be exempt from CEQA per Section 15061(b)(3). The Project does not have the potential for causing any significant effect on the environment, because it consists of the allowance of the alcohol use on the premises of a hotel. The use is contained within an approved building, and the use does not modify the approved development or physical environment. No exception to this determination 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-01674-2019, subject to attached conditions, and based on the findings of the attached draft resolution.

### IV. ATTACHMENTS

1. Draft Resolution for Conditional Use Permit, with Exhibit A Conditions of Approval
2. Vicinity Map
3. Alcoholic Licenses Map
4. Reduced Copies of Project Plans
5. Photographs of the Site

**CASE PLANNER:** Valerie Darbouze, Associate Planner

# **ATTACHMENT 1**

RESOLUTION NO. 19\_\_\_\_\_

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF AGOURA HILLS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT CASE NO. CUP-01674-2019 TO ALLOW THE ON-SITE CONSUMPTION OF ALCOHOLIC BEVERAGES (TYPE 47 ABC LICENSE) FOR A HOTEL LOCATED AT 29505 AND 29515 AGOURA ROAD; 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 Huntington Pacific Hotels, LLC with respect to the real property located at 29505 and 29515 Agoura Road, Assessor's Identification Number 2061-004-030 requesting approval of a Conditional Use Permit (Case No. CUP-01674-2019) to allow on-site consumption of alcoholic beverages pursuant to a Type 47 ABC license at a new hotel (the "Project" or "Proposed Use").

Section II. The Project has been reviewed pursuant to the California Environmental Quality Act (CEQA), and has been determined to be exempt from CEQA per Section 15061(b)(3). The Project does not have the potential for causing any significant effect on the environment, because it consists of the allowance of the alcohol use on the premises of a hotel. The use is contained within an approved building, and the use does not modify the approved development or physical environment. No exception to this determination 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 Project and application at a public hearing held on November 21, 2019, at 6:30 p.m. in the City Council Chambers of City Hall, 30001 Ladyface Court, Agoura Hills, California. Notice of the time, date, place and purpose of the aforementioned public hearing was duly given and published as required by state law.

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 aforementioned public hearing.

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

A. The proposed use is consistent with the objectives and provisions of the Zoning Ordinance and the purposes of the land use district in which the use is located. The on-site consumption of alcoholic beverages at a new hotel is permitted in the Planned Office Manufacturing, Freeway Corridor (POM-FC) with a Conditional Use Permit (CUP).



The facility in which the Project is operating complies with the requirements of the POM-FC zone relative to use, lot coverage, building setbacks, parking and landscaping.

B. The proposed use is compatible with the surrounding properties. The hotel and its ancillary uses have previously been approved (CUP-01150-2015). The on-site consumption of alcoholic beverage is contained within the hotel facility and is not visible to other businesses currently operating along Agoura Road. The property's zoning designation of the POM district and the Planned Development zone (Agoura Village Specific Plan - AVSP) allow for a variety of uses with various hours of operation. Other Type 47 licenses have been issued to nearby hotel and restaurants and no issue related to the public nuisance has ensued as a result.

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 alcoholic beverages within the hotel, alcoholic beverages will be served within a new outdoor patio area attached to the building, and in the interior courtyard. The California Department of Alcoholic Beverage Control (ABC) regulates the dispensing of alcoholic beverages inside as well as outside, and enforces its own public safety regulations, and will regulate the alcohol use for this Project. Furthermore, the Los Angeles County Sheriff Department confirms that no incidents were reported regarding the existing businesses in the commercial neighborhood, and that the neighborhood is not considered a high crime area. The approval of on-site consumption of alcoholic beverages will not affect vehicular access or circulation nor will it affect the design of the hotel building.

D. The proposed use will comply with each of the applicable provisions of the Zoning Ordinance, except for approved variances or modifications. This Zoning Ordinance permits the on-site consumption of alcoholic beverages with a CUP, including at the new hotel's indoors and outdoors areas on the property. The hotel is a permitted use in the POM zone, and the on-sale consumption of alcoholic beverages is allowed pursuant to a CUP. The hotel meets the development standards of the POM district and the Zoning Ordinance relative to lot coverage, setbacks, parking, and landscaping. Approval of the project would not affect the building development standards. No variance or modification permit is requested, or granted as part of the approval.

E. The distance from other similar and like uses is sufficient to maintain the diversity of the community. Similar licenses have been issued to nearby commercial properties including restaurants and retail stores in different zoning districts, but with similar standards and conditions of alcohol use, which limit impacts on adjacent properties. The request is subject to ABC's final determination for concentration of licenses. The outdoor dining areas in the courtyard and the outdoor dining area where alcohol will be served are screened from adjacent properties and the public right-of-way by the building, the trellis cover and enclosure, a trash enclosure and landscaping.

F. The proposed use is consistent with the City's General Plan. The Project is consistent with the Land Use and Community Form Goals LU-2 and LU-12, and Policy LU-2.4 Visitor-Serving Uses, Policy LU-12-2 Freeway Corridor, and Policy LU-12.4 Visitor

Serving Commercial. The use is contained within a new hotel property that will serve visitors to the community. The Project expands services provided in dining areas that are typical of the hotel brand. The outdoor activities in the courtyard are screened from the public right-of-way by the building and in the outdoor dining area by the enclosure and landscaping to maintain the commercial appearance and the aesthetic value of the Project.

Section VI. Alcoholic Beverage Sales. Pursuant to Section 9396.3 of the Agoura Hills Municipal Code, and based upon the evidence presented at the hearing, including the staff report and oral and written testimony, the Planning Commission finds 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. The hotel is located within a commercial/industrial area, and 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 are over 2,000 feet away, and over one (1) mile away driving distance from the Project site.

B. The requested use at the proposed location is sufficiently buffered by topographic conditions or public or private improvements from residentially zoned areas within the immediate vicinity so as not to adversely affect said areas. The hotel site is separated from the residentially developed parcels to the north by the U.S. 101 Freeway corridor and Canwood Street. The visibility of the restaurant's outdoor patio on the front of the building is reduced by the difference in elevation between Agoura Road and the building pad and its distance of over 100 feet from Agoura Road. The outdoor spaces accessible to the guests are within a courtyard formed by the building. The hotel bar and restaurant including the outdoor dining patio close at 10:30 p.m. Although the courtyard is open 11:30 pm on weekdays and weekends thereby minimizing potential disturbances to surrounding properties from late night hours. Mixed-use commercial and residential uses are allowed across the street on Agoura Road as part of the AVSP, but no development is proposed at this time.

C. 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. The existing hotel development was approved as being consistent with the POM-FC zone. The request does not modify the development and therefore, the hotel will maintain its external appearance and will remain consistent with the existing commercial structures within the POM-FC district and surrounding area. The Project will not cause blight or property deterioration, or substantially diminish or impair property values within the neighborhood, as the consumption of alcoholic beverages will occur within a building and/or an outdoor dining area, and/or an interior courtyard completely enclosed and under the supervision of the hotel management. The hours of operation will be restricted to minimize the potential for impacts on the quiet enjoyment of nearby parcels.

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. The adjacent parcels are already developed with a variety of uses, hours of operation, and operating characteristics. With the Project, the adjacent businesses are not expected to be adversely impacted, and are not expected to have to modify their operations. The on-site consumption of alcoholic beverages will not affect the use of abutting properties because the consumption of alcohol is not the primary use on the site and is controlled by the hotel management including the maintenance of the outdoor areas. The areas where alcohol would be served would be within the hotel premises and restricted to indoor spaces, the interior courtyard screened by the building and an enclosed 817 square-foot, outdoor patio area. The Project is subject to the City of Agoura Hills Municipal Code pertaining to development and property maintenance related standards and the approved CUP.

E. The sale of alcohol 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 hotel enforces the serving of alcoholic beverages to the hours of 5:00 pm to 10:30 pm, each day of the week and weekend, which ensures that activities related to the Project are compatible with the quiet enjoyment of the neighborhood including both the residential and business communities.

F. If an off-sale alcohol beverage establishment, the requested use is not located in the freeway overlay land use district, unless it is a supermarket/food store larger than ten thousand (10,000) square feet of the floor area. The request is limited to on-site consumption of alcohol. In addition, the use is located in the Freeway Corridor Overlay and is not a supermarket/food store larger than ten thousand square feet and therefore, no off-sale alcoholic license is permitted.

G. The requested use will not contribute to an undue concentration of alcoholic beverage establishments in the area. The use is operating within a new hotel facility which is a single occupant of the 5.56 acre parcel. Agoura Road is the only major commercial arterial south of the freeway, which serves a commercial corridor including other public eating establishments. The Project would be a minimum of 1,500 feet from the closest drinking establishment, which maintains a reasonable distance from other similar uses. Upon review of the Project by the City, the Project is subject to ABC's approval, which is the agency responsible for determining whether the type of request is within acceptable levels of license concentration. ABC has not informed the City that there is an undue concentration of alcoholic beverage establishments in the area.

H. The requested use is not located in what has been determined to be a high-crime area, or where a disproportionate number of police calls occur. The Los Angeles County 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 and does not anticipate significant increase in service along the Agoura Road corridor.

I. 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. The hotel owners are not requesting and will not be providing live entertainment to the guests. Therefore, the request is not being reviewed in conjunction with the CUP for the on-site consumption of alcohol.

Section VII. Based on the aforementioned findings, the Planning Commission hereby approves Case No. CUP-01674-2019, subject to the conditions attached hereto as Exhibit A, with respect to the property described in Section I hereof.

Section VIII. 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 21<sup>st</sup> day of November, 2019, by the following vote to wit:

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

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John Asuncion, Chairperson

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Doug Hooper, Secretary

**Exhibit A**  
**CONDITIONS OF APPROVAL**  
**(Case No. CUP-01674-2019)**

PLANNING DIVISION

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 this permit 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 Division.
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, and Outdoor Patio Plans.
4. If any provision of these permits is held or declared invalid, the approval shall be void and the privileges granted hereunder shall lapse.
5. 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.
7. Unless this permit is used within two (2) years from the date of City approval, Conditional Use Permit Case No. CUP-01674-2019 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. The City will cause the conditions of approval of this permit to be made a part of the ABC issued license.
12. The approved hours of operation for the bar/restaurant are from 5:00 pm to 10:30 p.m. every day and for the courtyard from 9:00 am to 11:30 p.m. everyday.
13. This Conditional Use Permit only authorizes consumption on site. No retail sale of alcohol for off-site consumption is allowed in the Freeway Corridor.
14. Live entertainment is not permitted as part of this approval.
15. The Planning Director is authorized to prepare and execute a letter of Public Convenience or 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.

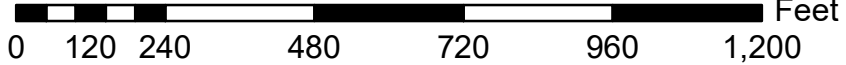
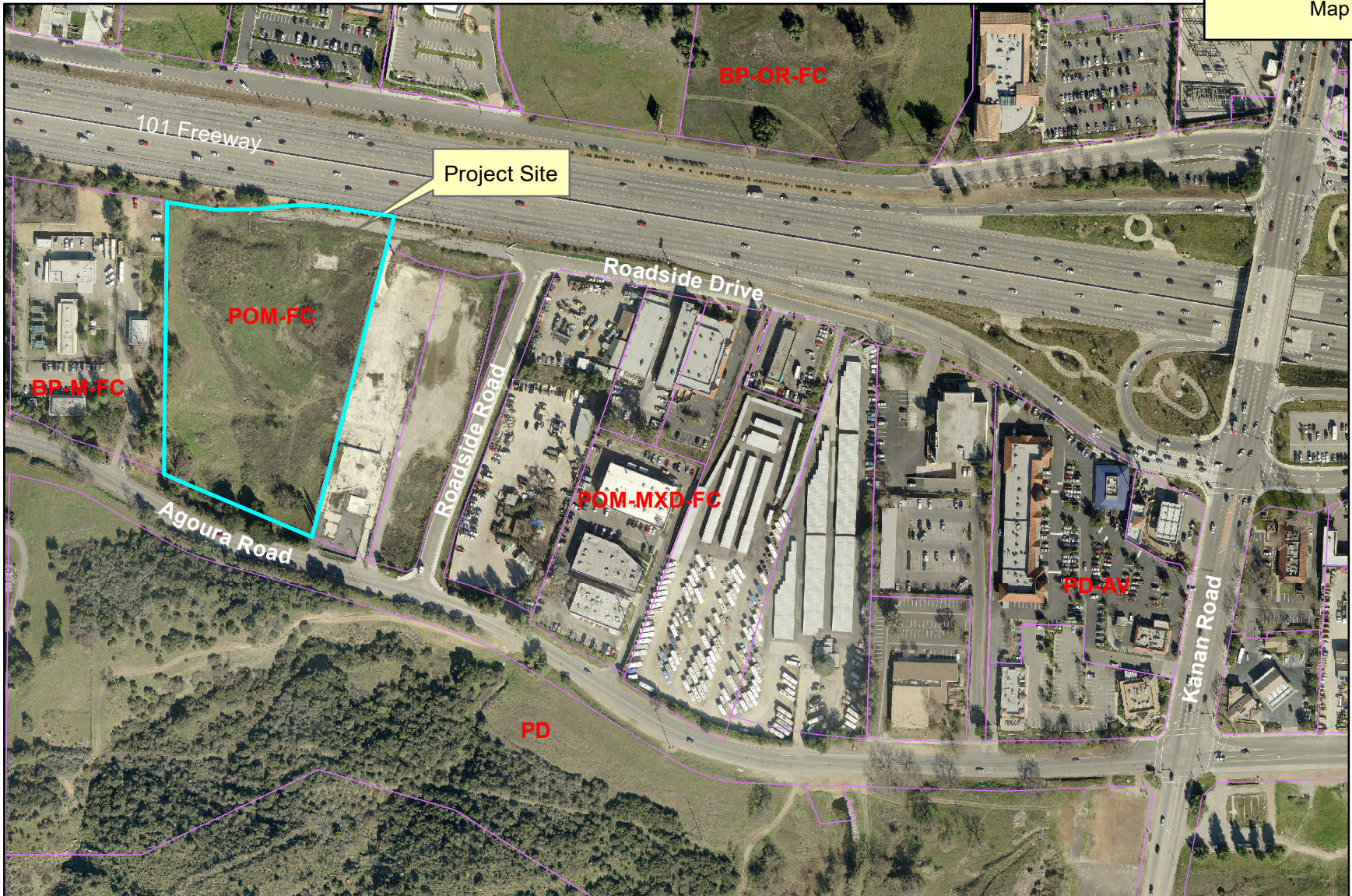
END

## **ATTACHMENT 2**

# City of Agoura Hills

CONDITIONAL USE PERMIT - CASE NO. CUP-01674-2019

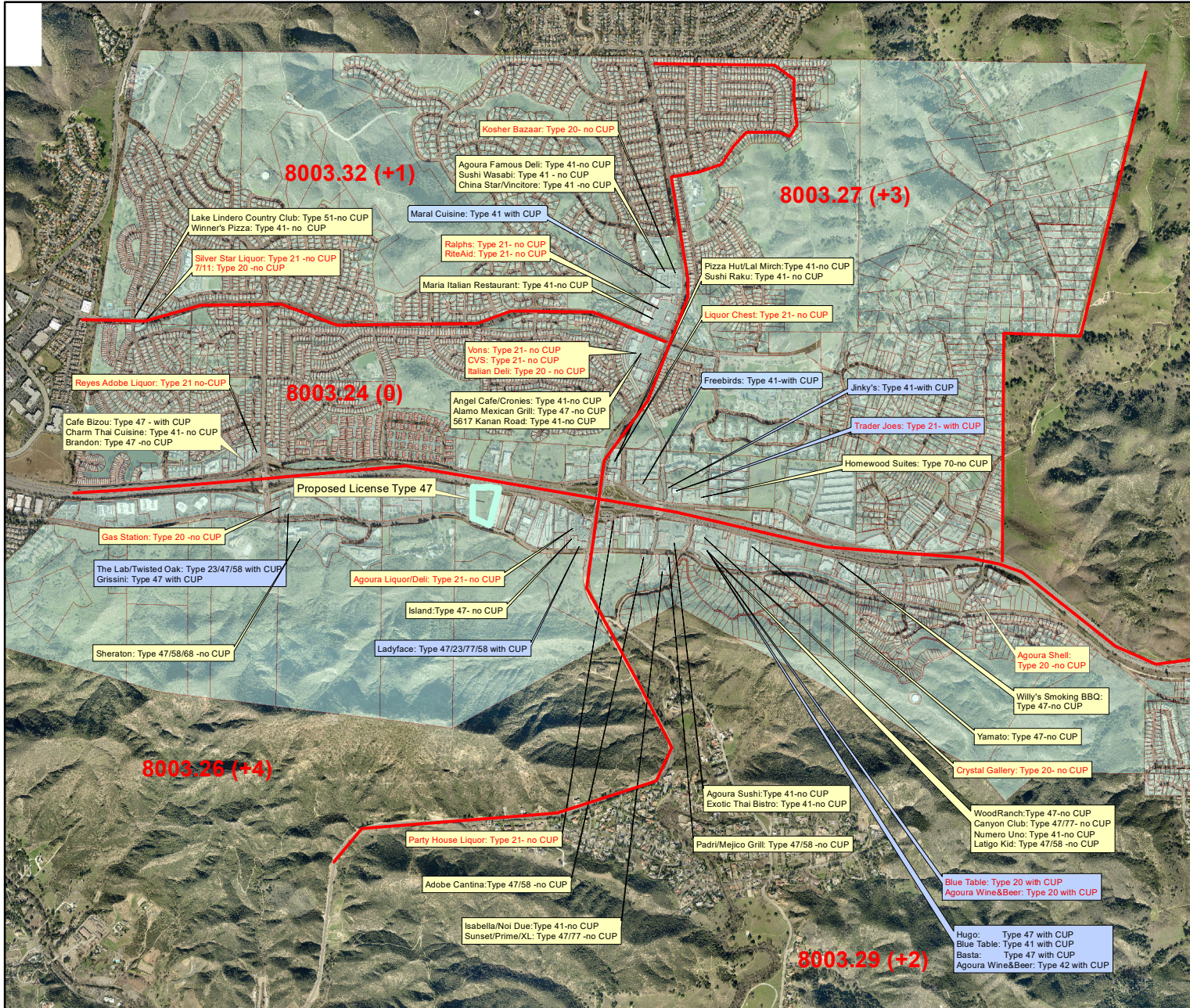
Vicinity/Zoning Map





## **ATTACHMENT 3**

# City of Agoura Hills ABC Issued Licenses City Issued CUPs as of October 2019 (Per 7/09 Ordinance)



City Issued CUPs:

Trader Joes:	09-CUP-006
Ladyface Ale:	09-CUP-008
Grissini:	09-CUP-009
Hugo:	10-CUP-005
Jinky's:	10-CUP-007
The Lab:	11-CUP-001
Freebirds:	12-CUP-003
Rio de Brazil:	12-CUP-004
Blue Table:	12-CUP-005
Maral Cuisine:	13-CUP-001
Basta:	CUP-01426-2017
Agoura Wine & Beer:	CUP-01480-2018

**Census Tract Number/Boundary**

**WITH CUPs**

- On-Sale Licenses
- Off-Sale Licenses

**WITHOUT CUPs**

- On-Sale Licenses
- Off-Sale Licenses



# **ATTACHMENT 4**

# COURTYARD TOWNEPLACE SUITES Marriott

29505 & 29515 Agoura Road  
Agoura Hills, California 91301

November 6, 2019



ARCHITECTS:  
 THOMAS B. AWBREY      C 17578  
 CLIFFORD W. COOK      C 19705  
 DENNIS T. ROGERS      C 19264  
 SCOT W. MCGILL      C 21059

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AWBREY COOK ROGERS MCGILL ARCHITECTS  
 All ideas, designs, and arrangements indicated on  
 these drawings are the property of AWBREY COOK  
 ROGERS MCGILL ARCHITECTS and are intended to be  
 used in connection with this specific project only  
 and shall not otherwise be used for any purpose  
 whatsoever without the written consent of the  
 architects. There shall be no changes or deviations  
 from these drawings or the accompanying  
 specifications without the written consent of the  
 architects.

DEVELOPER:

CONSULTANTS:

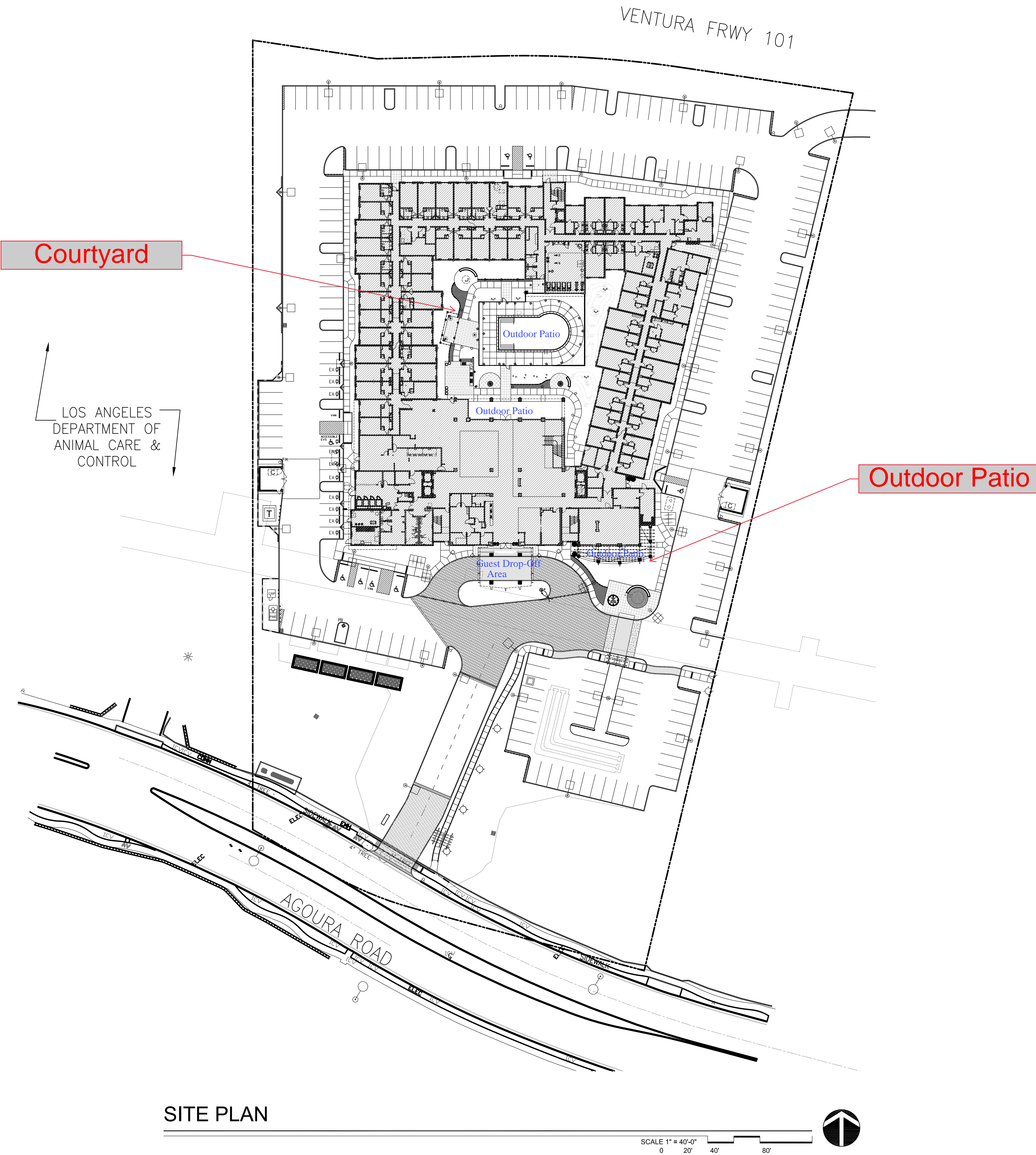
REVISIONS:

PROJECT:  
**COURTYARD  
 TOWNEPLACE  
 SUITES**  
**Marriott**  
 29505 & 29515  
 Agoura Road  
 Agoura Hills,  
 California 91301

DRAWN: MS/KB/RZ  
 CHECKED: MS/RZ  
 DATE: 10/2/18  
 PROJECT NO.: 16-0301

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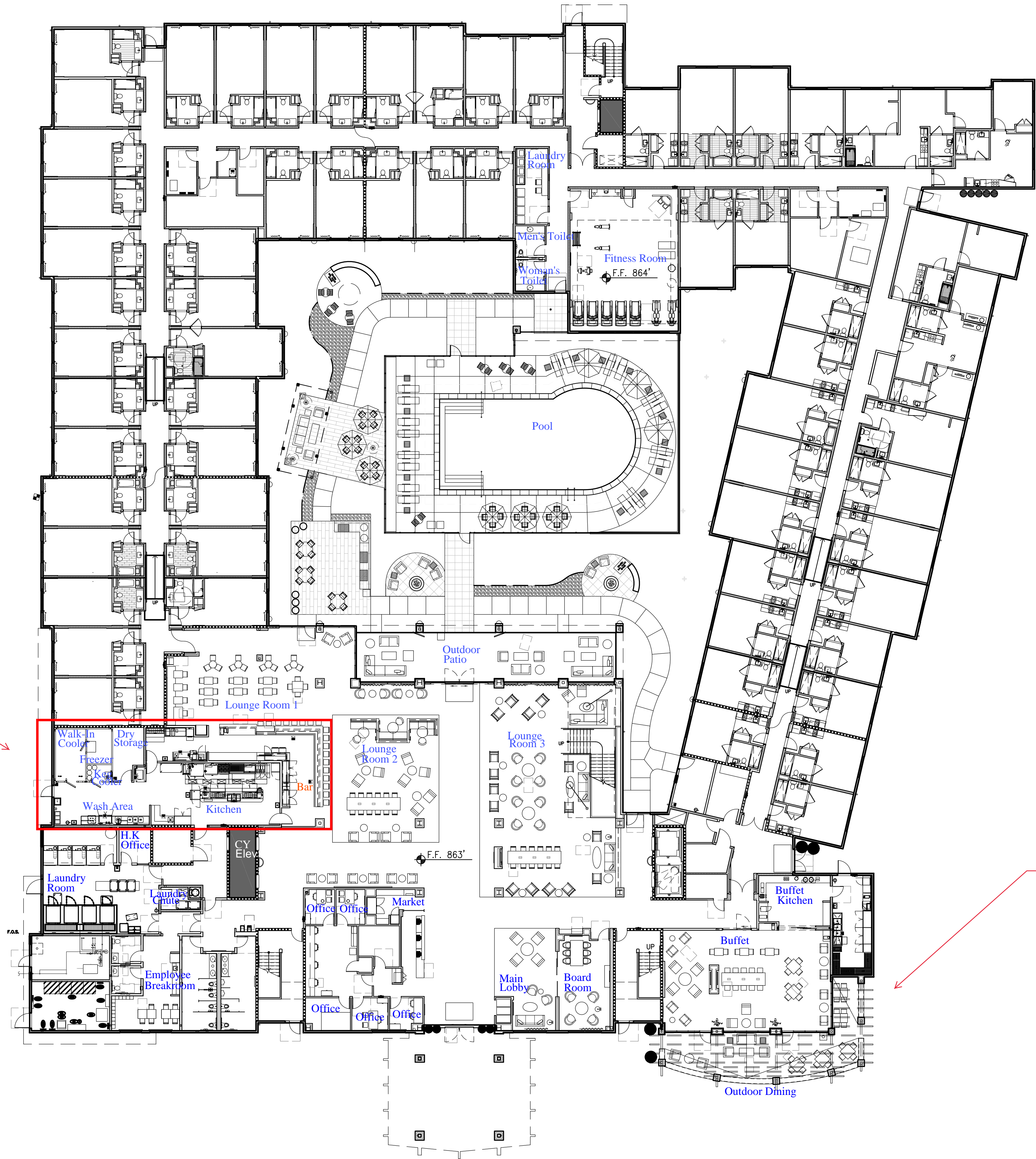
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**CS.1**



SITE PLAN

SCALE 1" = 40'-0"  
0 20' 40' 80'

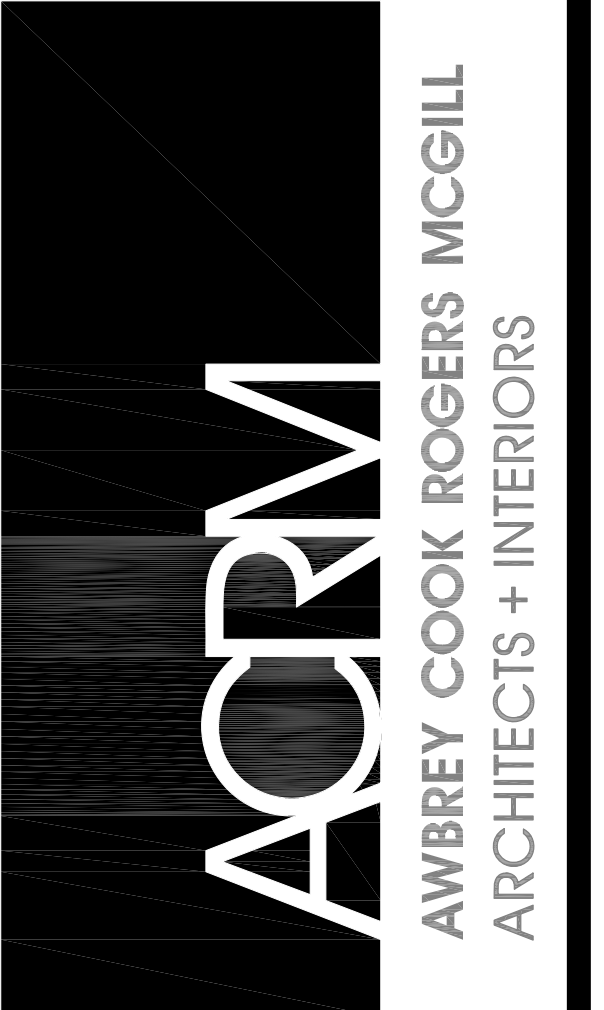




Bar

Restaurant

**1** LEVEL 1 - OVERALL BUILDING FLOOR PLAN  
 SCALE 1/16" = 1'-0"



ARCHITECTS:  
 THOMAS B. AWBREY C 17578  
 CLIFFORD W. COOK C 19705  
 DENNIS T. ROGERS C 19264  
 SCOT W. MCGILL C 21059

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DEVELOPER:

CONSULTANTS:

REVISIONS:

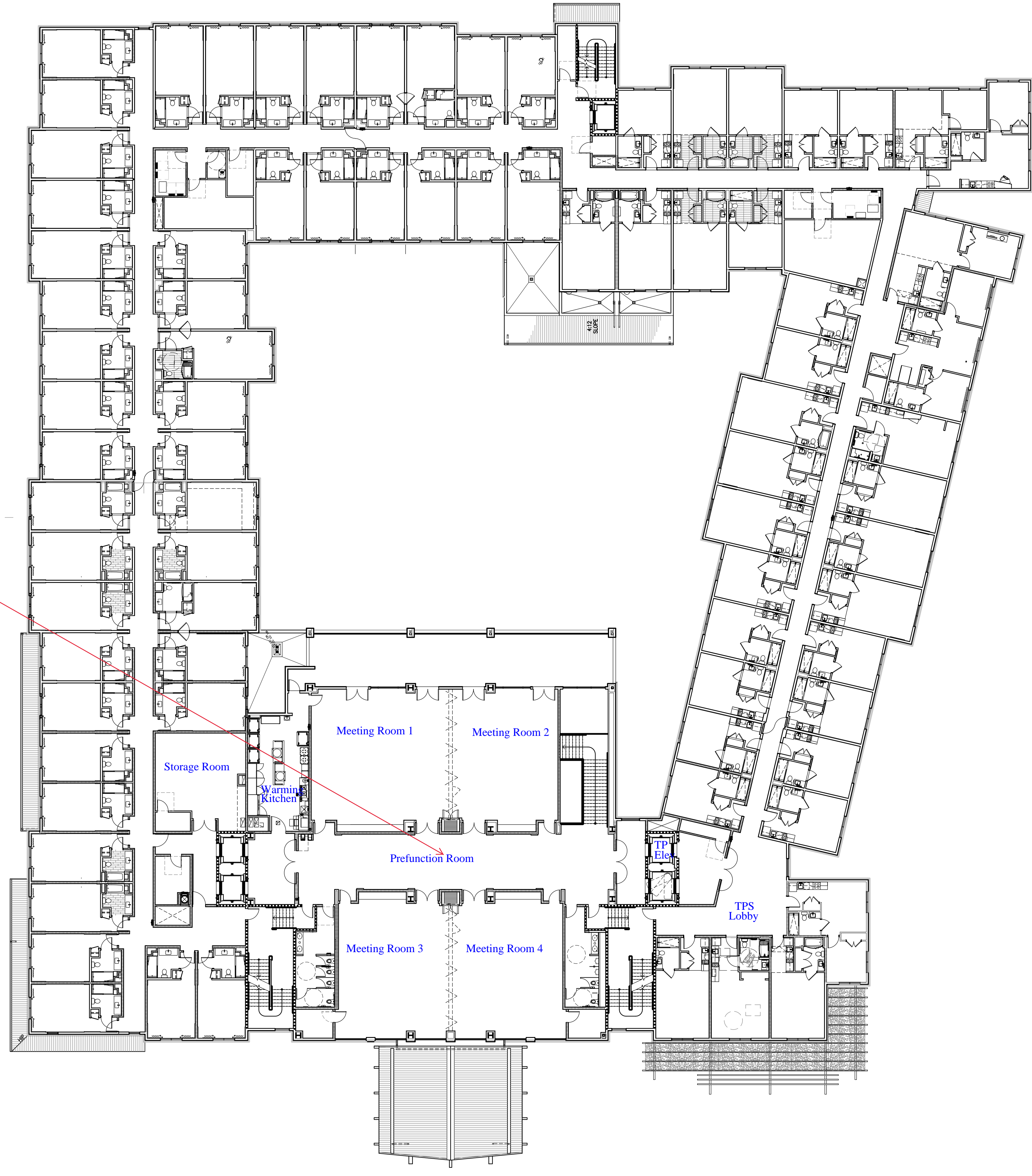
PROJECT:  
**COURTYARD TOWNEPLACE SUITES**  
**Marrriott**  
 29505 & 29515  
 Agoura Road  
 Agoura Hills,  
 California 91301

DRAWN: MS/KB/RZ  
 CHECKED: MS/RZ  
 DATE: 10/2/18  
 PROJECT NO.: 16-0301

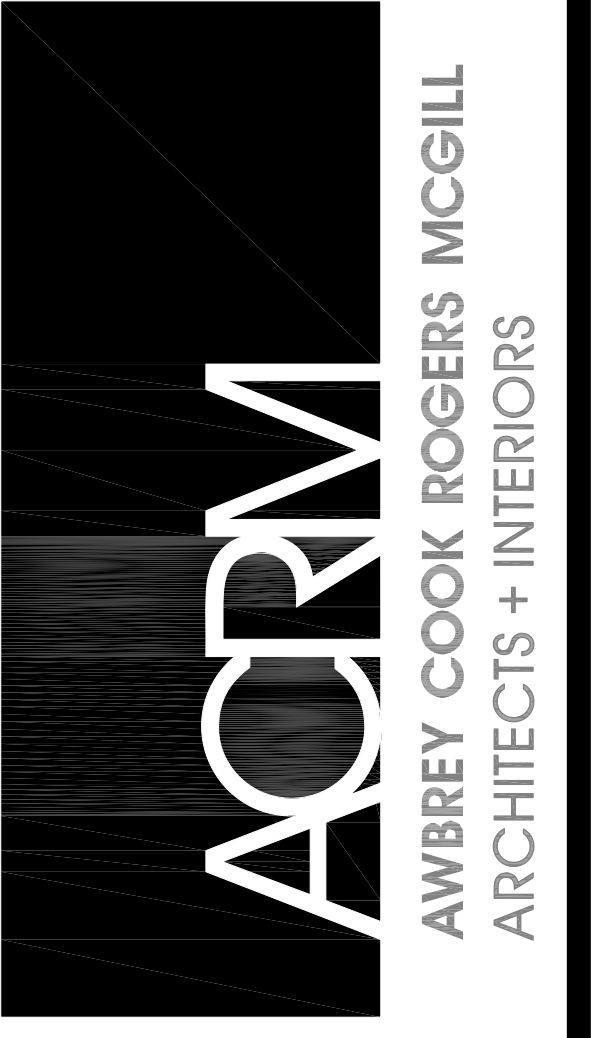
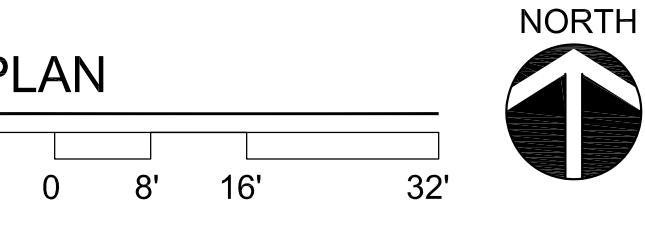
SHEET TITLE:  
**LEVEL 1 OVERALL BUILDING FLOOR PLAN**

SHEET NO.:  
**A.1**

Conference rooms



2 LEVEL 2 - OVERALL BUILDING FLOOR PLAN  
SCALE 1/16" = 1'-0"



ARCHITECTS:  
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CLIFFORD W. COOK c 19705  
DENNIS T. ROGERS c 19264  
SCOT W. MCGILL c 21059



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DEVELOPER:

CONSULTANTS:

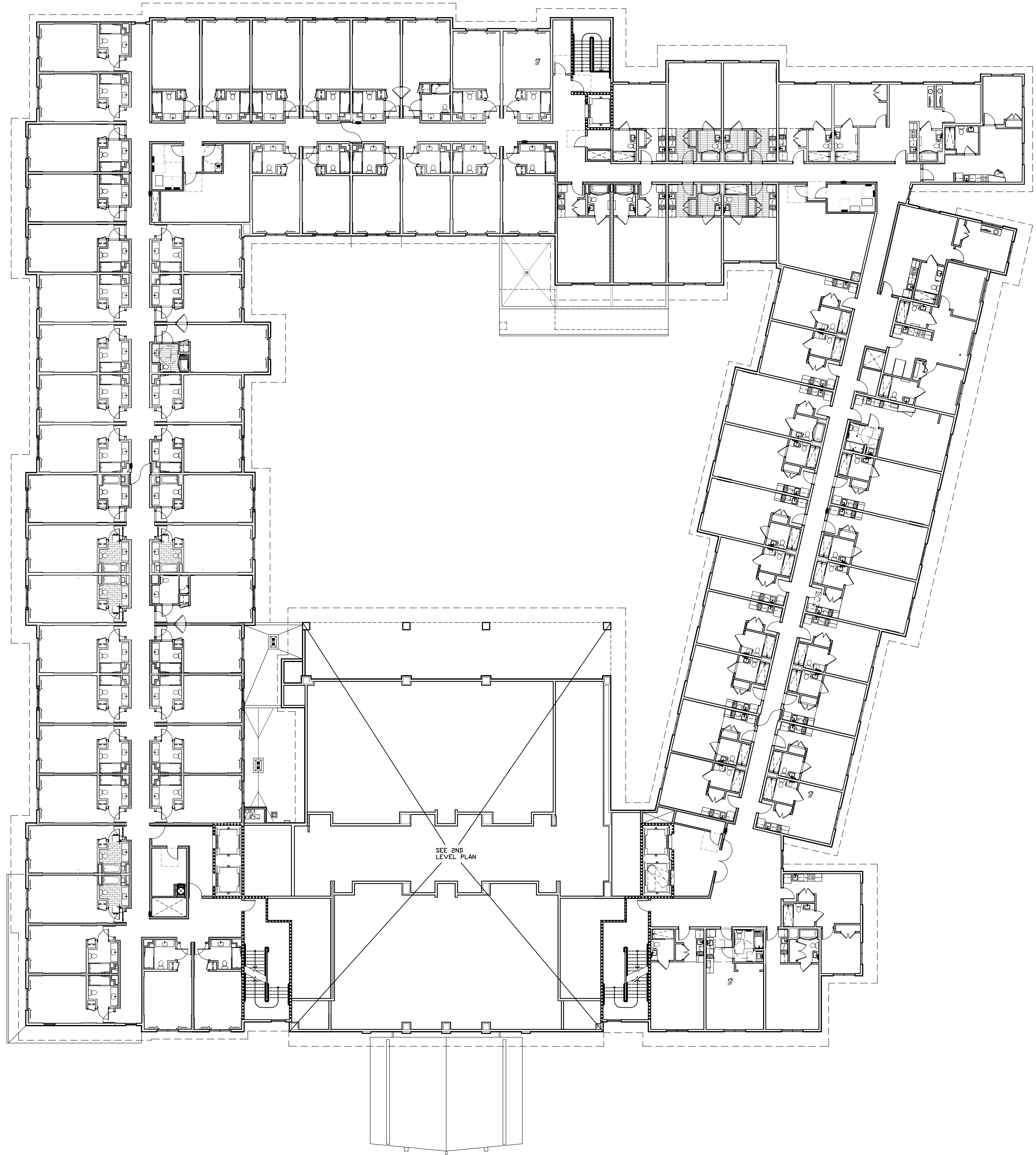
REVISIONS:

PROJECT:  
**COURTYARD  
TOWNEPLACE  
SUITES**  
Marriott  
29505 & 29515  
Agoura Road  
Agoura Hills,  
California 91301

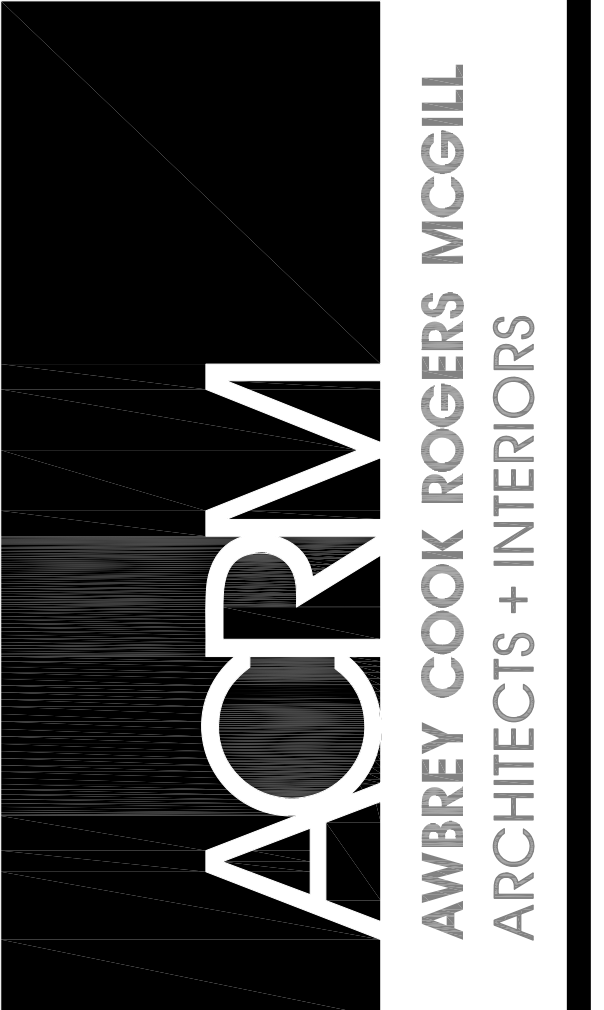
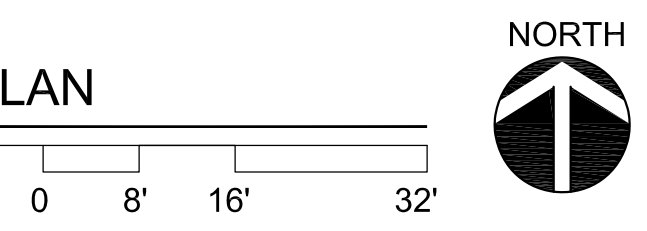
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DATE: 10/2/18  
PROJECT NO.: 16-0301

SHEET TITLE:  
**LEVEL 2  
OVERALL BUILDING  
FLOOR PLAN**

SHEET NO.:  
**A.2**



**3** LEVEL 3 - OVERALL BUILDING FLOOR PLAN  
 SCALE 1/16" = 1'-0"



ARCHITECTS:  
 THOMAS B. AWBREY c 17578  
 CLIFFORD W. COOK c 19705  
 DENNIS T. ROGERS c 19264  
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DEVELOPER:

CONSULTANTS:

REVISIONS:

PROJECT:  
**COURTYARD TOWNEPLACE SUITES**  
**Marriott**  
 29505 & 29515  
 Agoura Road  
 Agoura Hills,  
 California 91301

DRAWN: MS/KB/RZ  
 CHECKED: MS/RZ  
 DATE: 10/2/18  
 PROJECT NO.: 16-0301

SHEET TITLE:  
**LEVEL 3 OVERALL BUILDING FLOOR PLAN**

SHEET NO.:  
**A.3**



## **ATTACHMENT 5**

**CONDITIONAL USE PERMIT CASE NO. CUP-01674-2019**  
**PHOTOGRAPHS OF THE SITE**



Front Elevation of the Hotel



Outdoor Dining Patio



Rear Elevation of the Hotel



South view toward Agoura Road