

## REPORT TO PLANNING COMMISSION

**DATE:** MARCH 21, 2024

**TO:** HONORABLE CHAIR AND MEMBERS OF THE PLANNING COMMISSION

**FROM:** DENICE THOMAS, AICP, COMMUNITY DEVELOPMENT DIRECTOR

**BY:** KATRINA GARCIA, ASSOCIATE PLANNER

**REQUEST:** APPROVAL OF 1) A CONDITIONAL USE PERMIT FOR ON-SALE ALCOHOLIC BEVERAGE CONSUMPTION WITHIN A FAST CASUAL RESTAURANT AND 2) TO MAKE A DETERMINATION OF EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

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**APPLICANT:** Rojelio Aguirre Fernandez

**CASE NO:** CUP-2023-0019

**LOCATION:** 5879 Kanan Road (AIN 2051-005-002)

**ENVIRONMENTAL DETERMINATION:** Exempt from the California Environmental Quality Act (CEQA) per §15061(b)(3) of the CEQA Guidelines.

**ZONING DESIGNATION:** CS-MU-AH (Commercial Shopping Center – Mixed Use – Affordable Housing Overlay)

**GENERAL PLAN DESIGNATION:** CS-MU (Commercial Shopping Center – Mixed Use)

**RECOMMENDATION:** Staff recommends the Planning Commission approve Conditional Use Permit Case No. CUP-2023-0019, subject to conditions, based on the findings of the attached Draft Resolution.

### I. PROJECT BACKGROUND AND DESCRIPTION

The applicant, Rojelio Aguirre Fernandez, owner of the Blue Agave Tacos and Beer, is requesting approval of a Conditional Use Permit (CUP) to serve alcohol, under a Type-41 License, on the premises of a new fast casual restaurant at a vacant suite located in the Agoura Hills City Mall shopping center ("Project"). The applicant has applied for a Type-41 License (On-Sale Beer and Wine – Eating Place) with the California Department

of Alcoholic Beverage Control (ABC) that would allow for the consumption of beer and wine in a restaurant. A Type-41 license is defined by ABC as follows:

“Issued to restaurants. Authorizes the sale of beer and wine for consumption on or off the premises where sold. Distilled spirits may not be on the premises (except brandy, rum, or liqueurs for use solely for cooking purposes). Must operate and maintain the licensed premises as a bona fide eating place. Must maintain suitable kitchen facilities and must make actual and substantial sales of meals for consumption on the premises. Minors are allowed on the premises. This license type is subject to Responsible Beverage Service (RBS) requirements and requires alcohol servers and managers of alcohol servers to be RBS certified.”

Though the applicant has applied with ABC, a CUP is required from the City prior to the issuance of the license.

The Agoura Hills City Mall was approved by the Planning Commission and City Council in 1984 under Planning Commission Resolution No. 10 (Case No. 84-SPR-025) and City Council Resolution No. 181 (Case No. 84-CUP-001). Since no construction is proposed for the Project, Staff’s analysis is restricted to the impacts of the proposed alcohol use on the shopping center and its surrounding land uses.

The Agoura Hills City Mall shopping center is zoned Commercial Shopping – Mixed Use (CS-MU) with an Affordable Housing Overlay (AH) and is located on the west side of Kanan Road, north of Thousand Oaks Boulevard. The table below shows the existing land uses surrounding the Project site.

|                        |  |
|------------------------|--|
| North                  | Willow Elementary School               |
| East (Across Kanan Rd) | Single-family residential neighborhood |
| West                   | Single-family residential neighborhood |
| West                   | Open space                             |
| South                  | Twin Oaks Shopping Center              |

**Site Plan, Buildings, and Uses**

The shopping center is composed of four detached buildings that form a “U” - shape around the main parking lot, with parking also located behind the development, along the western perimeter. The uses within the shopping center range from fast casual and full-service restaurants, massage establishment, business and medical offices, retail (i.e. pet supply, cigar/tobacco shop, and beauty supply), hair and nail salon, pet grooming, and an indoor playground. It is worth noting that the indoor playground (“PlayOutLoud”) is a pay-per-use facility and a fully supervised playground for children between the ages of nine months and 12 years old.

The proposed restaurant will be located in Building “B”, which is furthest from Kanan Road, but faces the street. Building “B” is approximately 16,120 square feet (sq. ft.) and contains seven tenant spaces, including the indoor playground.

The proposed restaurant will occupy a tenant space of approximately 1,590 sq. ft. The dining and waiting area are approximately 623 sq. ft. and will be located at the front half of the restaurant, 967 sq. ft. of the restaurant includes the “back-of-house” consisting of the kitchen, walk-in freezer, utility area and restroom, as shown in the floor plan of the attached project plans (Attachment 4). Outdoor dining is not being proposed under this application. Should the applicant decide to operate with an outdoor dining area, they may do so subject to the requirements of §9395.2, wherein public eating establishments must acquire a zoning clearance<sup>1</sup> or an Outdoor Dining Permit<sup>2</sup> from the Community Development Department. However, alcohol service and consumption would be restricted to indoor operations only, unless the approved CUP is modified.

The restaurant will not have table service and will only include counter service, delivery, and take-out. Under a Type-41 license, the servers and managers are required to be Responsible Beverage Service (RBS) certified. The hours of operation will be Monday through Sunday, from 9 A.M. to 9 P.M.

### ***Legislative Review***

Pursuant to the Agoura Hills Municipal Code (AHMC) §9312.2.A (Commercial Use Table), §9673.2 (CUP Hearing Procedures), §9396.1 and §9396.2 (Alcoholic Beverage Sales), all onsite (“on-sale”) and offsite (“off-sale”) alcoholic beverage establishments are subject to an approved CUP by the City’s Planning Commission. For the purpose of this application, the City AHMC §9120.1.H.2 defines “Alcoholic beverage establishments, on-sale” 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, 63 and/or 75. References to an on-sale alcoholic beverage establishment shall include any immediately adjacent area that is owned, leased, or rented, or controlled by the permittee. It shall also include any facility, inclusive of a portion thereof, which is rented out for special event functions wherein alcoholic beverages are sold or given away on the premises and are to be consumed on the premises.”

The purpose of the City’s Alcoholic Beverage Ordinance (Ordinance No. 09-362) is to “...protect adjacent neighborhoods from the harmful effects attributable to the sale of alcoholic beverages and to ensure that such businesses are not the source of undue public nuisances in the community, and to minimize the adverse impacts of incompatible

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<sup>1</sup> AHMC §9395.2.A.1 – Fewer than four tables, or less than or equal to 360 sq. ft. of outdoor dining area.

<sup>2</sup> AHMC §9395.2.A.2 – Four or more tables, or more than 360 sq. ft. of outdoor dining area.

uses...” Therefore, the Planning Commission may incorporate conditions on a case-by-case basis to ensure the intent of the Ordinance is met. To grant a CUP, the Planning Commission is required to make all the findings in §9673.2.E and §9396.3.

## II. STAFF ANALYSIS

Since the City’s incorporation in 1982, many alcoholic beverage establishments have operated and are still in operation on a legal non-conforming basis due in part to the City’s Alcoholic Beverage Ordinance (No. 09-362) being adopted in 2009. Prior to the adoption of the Ordinance, such establishments were only required to obtain a license from ABC. The Agoura Hills City Mall has three alcoholic beverage establishments operating with a Type-41 license without a CUP (legal non-conforming) and one with an approved CUP for a Type-41 license. Such legal non-conforming establishments are permitted to continue operating and convey their licenses to new tenants if the area of their sales (i.e. leased gross floor area) is not modified. The location of the proposed Blue Agave restaurant was previously occupied by a bakery that did not have an alcohol license; therefore, a CUP is now required to serve alcohol.

The restaurant is a permitted use under §9312.2.R and such tenant improvements to convert a bakery into a restaurant is subject to a ministerial building permit. Staff’s analysis is restricted only to the alcohol use and how it relates to the shopping center and its surroundings.

Under the City’s recently adopted parking requirements for restaurants (Ordinance No. 23-470), the restaurant’s parking demand<sup>3</sup> will be 15. The shopping center currently has 358 parking spaces and 332 are required for all current uses in the shopping center, including the proposed restaurant. Therefore, the proposed restaurant can be accommodated in the existing lot.

In addition to the Planning Division’s review of the proposal, the application was also circulated to the Los Angeles County Sheriff’s Department for comments. According to the Sheriff’s Department there were no calls for service or incidents related to alcohol in the vicinity. The Sheriff’s Department also stated that the proposed restaurant and alcohol sale will not be burdensome to the station, nor will it require additional law enforcement resources.

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<sup>3</sup> 9.6 spaces per 1,000 sq. ft. of gross floor area

### III. Findings

#### A. Conditional Use Permit. AHMC §9673.2.E

*Finding 1. The proposed use is consistent with the intent and purpose of this Article IX, the goals and objectives of the general plan, and any applicable specific plan, and the purposes of the district in which the use is located.*

**Analysis:** The on-site sale and consumption of alcohol within a restaurant setting is consistent with intent and goals of the CS-MU-AH zoning district, as well as General Plan goals LU-2 (City of Diverse Uses) and LU-27 (Community-serving Shopping Centers) because it will help the growth and maintenance of small businesses in the area, thereby also increasing employment opportunities. The new use and service will add to the dining options in the shopping center that will promote multi-purpose visits to the center by allowing patrons to shop and dine without having to seek out other options off-site. Keeping the patrons within the shopping center will help provide patronage to other uses and promote pedestrian traffic as it will create new food and drink options and service for those who are using the shopping center for other purposes, thus increasing pedestrian circulation throughout the center. This allows pedestrians to frequent more leaseholds in the shopping center. **The Project complies with the finding.**

*Finding 2. The proposed use is compatible with the surrounding properties; based on the following land use factors:*

- a. *Whether the proposed use would generate offsite noise louder than ambient noise levels by considering (i) the volume and times of day such noise would be generated; (ii) the proximity of nearby residences, schools, and other sensitive uses; (iii) the topography of the surrounding area likely to affect how noise travels; and (iv) the presences of other nearby uses likely to generate offsite noise at similar times;*
- b. *Whether the proposed use would result in increased vehicular and/or pedestrian traffic;*
- c. *Whether access and off-street parking, including parking for guests, can be adequately provided such that available on-street parking for neighboring properties is not negatively impacted;*
- d. *Whether the proposed building and site design elements including without limitation, structures, fences, walls, lighting, landscaping, and signage, comport with the City's architectural design standards or otherwise achieve the City's goals in harmonizing development with the natural environment.*

**Analysis:** The restaurant with proposed on-sale alcohol service is compatible with the surrounding tenants as there are a variety of uses that range from general and medical offices to retail stores that garner a diverse group of people of whom the restaurant will be able to service. The shopping center is located adjacent to an elementary school, but the restaurant is adequately separated by a school fence, a wall, and building that is in between the school use and the proposed alcohol use. Standard operating procedures

for the sale of alcohol will ensure that the sale of alcoholic beverages does not disturb the elementary school. Additionally, an indoor playground is located in the same shopping center but is separated by another tenant space. The alcohol service will not generate more noise than is typical of a fast casual restaurant. The shopping center includes other fast casual restaurants with a Type-41 license and it was confirmed by the Sheriff's department that there have been no calls related to alcohol disturbances in the area. The City's parking standard for a restaurant is 9.6 spaces per 1,000 sq. ft. of gross floor area, which demands 15 spaces for the restaurant. The shopping center has adequate parking to accommodate the demand since it has more than the required number of spaces based on the tenants currently in operation. The use is located within an existing building and development that was approved by the Planning Commission and City Council. The use will not impact the existing facilities and site design. **The Project complies with the finding.**

*Finding 3. The purpose and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare; based on the following factors:*

- a. Whether public and private roads and driveways used to access the property can safely accommodate all vehicular traffic associated with the proposed use, including emergency vehicles, and meet all applicable requirements of the Los Angeles County Fire Code;*
- b. Whether the proposed use could create harmful secondary nuisances that cannot be controlled through reasonable mitigation measures, including, without limitation: (i) littering on adjacent properties or public rights-of-way; (ii) public intoxication on adjacent properties or rights-of-way; or (iii) increased risk of trespass, vandalism, or other unlawful activity on adjacent property or public rights-of-way;*
- c. Whether the proposed use will involve activities that would increase the likelihood, spread, or intensity of fire or other life-safety emergency;*
- d. Whether the proposed use involves or would result in the alteration or modification of existing drainage patterns, or increased erosion that cannot be controlled through reasonable mitigation measures.*

**Analysis:** The restaurant with proposed on-sale alcohol service will not require changes to the existing parking lot, driveway, or vehicle and pedestrian circulation because the tenant space is already existing, and there is enough parking to accommodate the use. The shopping center is equipped with trash bins to manage litter from pedestrian traffic. Since the building forms a U-shape, the shopping center is somewhat enclosed, such that any disturbances caused by intoxicated individuals within the shopping center can be attended to by security or law enforcement. The shopping center also has an emergency phone number to a third-party security group that is posted around the development that anyone can call. The residential neighborhood on the west and the elementary school on the north are separated by walls, hedges, and a building which can deter trespassing and unlawful activity. The hours of operation are limited to 9 P.M. so there would be minimal

to no disturbances after hours that would originate from the restaurant. Additionally, the license requires alcohol servers and managers to be RBS certified by undergoing training to "...ensure on-premises servers of alcoholic beverages and their managers are educated on the dangers of serving alcohol to minors and over-serving patrons" (*Alcoholic Beverage Control*, <https://www.abc.ca.gov/education/rbs/>). **The Project complies with the finding.**

*Finding 4. The proposed use will comply with all the applicable provisions of this Article IX, except for approved variances or modifications.*

**Analysis:** The on-sale alcohol use within a restaurant is permitted, subject to an approved CUP, within the CS-MU-AH zoning district. The applicant has applied for a Type-41 license with the ABC Department. Upon approval by the Planning Commission, the Community Development Department will be able to provide a clearance to ABC that will allow them to obtain their license. Serving alcohol under a Type-41 requires the business to be a bona fide eating facility wherein a substantial amount of the sales are for food. The floor plan that was submitted with the Project is the area in which they are allowed to serve alcohol. The Project does not have variances or modifications, and all applicable regulations pertaining to the use have been met. **Project complies with the finding.**

*Finding 5. The proposed use shall not be in violation of applicable provisions of this Code or of federal, state, or local law.*

**Analysis:** The on-sale alcohol service use is conditionally allowed in the CS-MU-AH zoning district. The sale of alcohol will be restricted to the approved floor plan and any changes to the location of sales (i.e. expansion to outdoor dining) will require a modified CUP, subject to the approval of the Planning Commission. The restaurant will operate with a Type-41 license which requires all alcohol servers and their managers to be RBS certified. **The Project complies with the finding.**

### ***B. Alcoholic Beverage Sales. AHMC §9396.3***

*Finding 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;*

**Analysis:** Although the restaurant with the proposed on-sale alcohol use is within 500 feet of an elementary school, there is adequate separation between the location of the use and the school, which includes hedges, a block wall, the school's chain-link fence, and a building on the north side of the shopping center. An indoor playground is within the same shopping center but is separated by another tenant space. The indoor playground is a pay-per-use and is fully supervised by their staff. Additionally, a Type-41 license for beer and wine service is typical for many family restaurants; the applicant is proposing alcohol service that is secondary to the food service, and there is no bar proposed. The restaurant's employees are required to be RBS certified to ensure responsible alcohol service. The entrance to the restaurant is also located on the east

side of Building B so patrons will likely not be on the exterior perimeter of the shopping center, near the school or residences. **The Project complies with the finding.**

*Finding 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.*

**Analysis:** The shopping center is adjacent to residential neighborhoods on the northwest and across Kanan Road, to the east. The location of the restaurant with the proposed on-sale alcohol service is within the shopping center and is buffered by hedges, a block wall, and a parking lot. Access to the restaurant will be on the east side of Building B, which faces the main shopping center area. Foot traffic behind Building B (west side, adjacent to residences) will be limited as the back door is limited to the employees. The residences east of Kanan Road are approximately 500 feet away from the restaurant and are buffered by the main parking lot of the shopping center, and the street. **The Project complies with the finding.**

*Finding 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.*

**Analysis:** The restaurant in which the alcohol service is proposed, will be occupying an existing vacant space within the Agoura Hills City Mall shopping center and the proposed on-sale alcohol use will not trigger exterior structural changes. The applicant has submitted tenant improvement plans to the Building Division for the interior remodel and rooftop mechanical units, which will be thoroughly screened along the western perimeter of Building B, directly above their tenant space. The proposed improvements will be consistent with the existing structure. Any proposed signage will be subject to a separate permit. The shopping center has an approved sign program that the restaurant will need to comply with to ensure consistency within the shopping center. **The Project complies with the finding.**

*Finding 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.*

**Analysis:** The restaurant with on-sale alcohol will operate the way a typical fast casual restaurant operates; with hours between 9 A.M. to 9 P.M. and meal and beverage service at the counter, with an option for alcoholic beverages. The restaurant will need to ensure they are in good standing with ABC to keep their license active. Because alcohol servers and managers need an RBS certificate, the restaurant's alcohol service will be served and monitored responsibly, such that the operation of the restaurant will not affect the surrounding neighborhood. **The Project complies with the finding.**



*Finding E. 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.*

**Analysis:** The restaurant and its alcohol service will be in operation Monday through Sunday from 9 A.M. to 9 P.M. which is standard operating hours of fast casual family restaurants in developed shopping centers. **The Project complies with the finding.**

*Finding F. If an off-sale alcoholic 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 floor area*

**Analysis:** The license and the proposed use is not for an off-sale alcoholic beverage establishment. The license the restaurant will be operating with is a Type-41, which is for on-sale service. **The finding does not apply to the Project.**

*Finding G. The requested use will not contribute to an undue concentration of alcoholic beverage establishments in the area.*

**Analysis:** The shopping center currently has four establishments operating with a Type-41 license. The existing alcoholic beverage establishments have not resulted in nuisances or disturbances to the shopping center, or adjacent neighborhoods and schools. The presence of another family restaurant with on-sale alcohol is not anticipated to increase or cause disturbances, nor result in additional enforcement resources. **The Project complies with the finding.**

*Finding 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.*

**Analysis:** The restaurant with on-sale alcohol service will be located in an existing developed shopping center composed of other alcoholic beverage establishments, retail uses, and office uses. The Los Angeles County Sherriff's Department has not received a high concentration of calls from the public within the shopping center and they do not anticipate a need for additional resources to be able to protect the peace. **The Project complies with the finding.**

*Finding 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.*

**Analysis:** The restaurant with on-sale alcohol service is not proposing live entertainment so no additional review is required. **The Project complies with the finding.**

#### **IV. ENVIRONMENTAL REVIEW**

The Project has been reviewed pursuant to the California Environmental Quality Act (CEQA) and has been determined to be exempt from the CEQA Guidelines per California

Code of Regulations (CCR) §15061(b)(3). The Project proposes on-sale alcohol use for a restaurant occupying a vacant tenant space within an existing commercial shopping center. The use will not have any significant impact as it relates to traffic, noise, air quality, or water quality as the use is within a developed shopping center which is not considered environmentally sensitive. The tenant space in which the use will be operated already exists in the shopping center so all necessary public services and facilities are available to the Project. The existing parking lot and vehicle circulation can also accommodate the use. Therefore, under this exemption it can be seen with certainty that there will be no possibility that on-sale alcohol service will have a significant effect on the environment.

## **V. FISCAL IMPACT**

There is no additional fiscal impact to the City Council 2023-24 adopted budget because the applicant has paid all application fees to fund staff and consultant time spent on the project.

## **VI. RECOMMENDATION**

Based on the foregoing analysis, staff recommends that the Planning Commission approve Conditional Use Permit Case No. CUP-2023-0019, subject to the Conditions of Approval and based on the findings of the attached Draft Resolution.

## **VII. ATTACHMENTS**

1. Draft Resolution for the Conditional Use Permit, with Exhibit A, Conditions of Approval
2. Vicinity Map
3. License Issued Location Map
4. Project Plans

Case Planner: Katrina Garcia, Associate Planner

# ATTACHMENT 1

Draft Resolution for Conditional Use Permit, with Exhibit A,  
Conditions of Approval

RESOLUTION NO. 24-\_\_\_\_\_

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF AGOURA HILLS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT CASE NO. CUP-2023-0019 FOR ON-SALE ALCOHOLIC BEVERAGE CONSUMPTION WITHIN A FAST CASUAL RESTAURANT; 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 Rojelio Aguirre Fernandez, with respect to the real property located at 5879 Kanan Road (Assessor's Identification Number 2051-005-002), requesting the approval of a Conditional Use Permit (Case No. CUP-2023-0019) to allow on-sale alcoholic beverage consumption at a new restaurant within an existing tenant space ("Project").

Section II. The Project was reviewed pursuant to the California Environmental Quality Act (CEQA) and has been determined to be exempt from the CEQA Guidelines per California Code of Regulations (CCR) §15061(b)(3). The Project proposes on-sale alcohol use for a restaurant occupying a vacant tenant space within an existing commercial shopping center. The use will not have any significant impact as it relates to traffic, noise, air quality, or water quality as the use is within a developed shopping center which is not considered environmentally sensitive. The tenant space in which the use will be operated already exists in the shopping center so all necessary public services and facilities are available to the Project. The existing parking lot and vehicle circulation can also accommodate the use. Therefore, it can be seen with certainty that the Project will not have a significant effect on the environment.

Section III. The Planning Commission of the City of Agoura Hills considered the Project application at a public hearing held on March 21, 2024, at 6:30 p.m. in the City Council Chambers located at 30001 Ladyface Court, Agoura Hills, California. Notice of the time, date, means of participation in, and purpose of the aforesaid 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 duly presented to, and considered by the Planning Commission at the aforesaid public hearing.

Section V. Conditional Use Permit. Pursuant to the Agoura Hills Municipal Code (AHMC) §9673.2.E, and based upon the evidence presented at the hearing, including the staff report and oral and written testimony, the Planning Commission makes the following findings for the Conditional Use Permit:

1. The proposed use is consistent with the intent and purpose of Article IX of the AHMC, the goals and objectives of the general plan, and any applicable specific plan, and the purposes of the district in which the use is located. The on-site sale and consumption of alcohol within a restaurant setting is consistent with intent and goals of the Commercial Service – Mixed Use – Affordable Housing (CS-MU-AH) zoning district, as well as General Plan goals LU-2 (City of Diverse Uses) and LU-27 (Community-serving Shopping Centers) because it will help the growth and maintenance of small businesses in the area, thereby also increasing employment opportunities. The new use and service will add to the dining options in the shopping center that will promote multi-purpose visits to the center by allowing patrons to shop and dine without having to seek out other options off-site. Keeping the patrons within the shopping center will help provide patronage to other uses and promote pedestrian traffic as it will create new food and drink options and service for those who are using the shopping center for other purposes, thus increasing pedestrian circulation throughout the center. This allows pedestrians to frequent more leaseholds in the shopping center.

2. The proposed use is compatible with the surrounding properties based on the factors set forth in AHMC §9673.2.E. The restaurant with proposed on-sale alcohol service is compatible with the surrounding tenants as there are a variety of uses that range from general and medical offices to retail stores that garner a diverse group of people whom the restaurant will be able to service. The shopping center is located adjacent to an elementary school, but the restaurant is adequately separated by a school fence, a wall, and building that is in between the school use and the proposed alcohol use. Standard operating procedures for the sale of alcohol will ensure that the sale of alcoholic beverages does not disturb the elementary school. Additionally, an indoor playground is located in the same shopping center but is separated by another tenant space. The alcohol service will not generate more noise than is typical of a fast casual restaurant. The shopping center includes other fast casual restaurants with a Type-41 license and it was confirmed by the Sheriff's department that there have been no calls related to alcohol disturbances in the area. The City's parking standard for a restaurant is 9.6 spaces per 1,000 sq. ft. of gross floor area, which demands 15 spaces for the restaurant. The shopping center has adequate parking to accommodate the demand since it has more than the required number of spaces based on the tenants currently in operation. The use is located with an existing building and development that was approved by the Planning Commission and City Council. The use will not impact the existing facilities and site design.

3. The purpose and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare based on the factors set forth in AHMC §9673.2.E. The restaurant with proposed on-sale alcohol service will not require changes to the existing parking lot, driveway, or vehicle and pedestrian circulation because the tenant space is already existing, and there is enough parking to accommodate the use. The shopping center is equipped with trash bins to manage litter from pedestrian traffic. Since the building

forms a U-shape, the shopping center is somewhat enclosed, such that any disturbances caused by intoxicated individuals within the shopping center can be attended to by security or law enforcement. The shopping center also has an emergency phone number to a third-party security group that is posted around the development that anyone can call. The residential neighborhood on the west and the elementary school on the north are separated by walls, hedges, and a building which can deter trespassing and unlawful activity. The hours of operation are limited to 9 P.M. so there would be minimal to no disturbances after hours that would originate from the restaurant. Additionally, the license requires alcohol servers and managers to be Responsible Beverage Service (RBS) certified by the California Department of Alcoholic Beverage Control (ABC) by undergoing training to "...ensure on-premises servers of alcoholic beverages and their managers are educated on the dangers of serving alcohol to minors and over-serving patrons" (Alcoholic Beverage Control, <https://www.abc.ca.gov/education/rbs/>).

4. The proposed use will comply with all applicable provisions of Article IX of the AHMC, and no variances or modifications have been requested. The on-sale alcohol use within a restaurant is permitted, subject to an approved CUP, within the CS-MU-AH zoning district. The applicant has applied for a Type-41 license with the ABC. Upon approval by the Planning Commission, the Community Development Department will be able to provide a clearance to the ABC that will allow them to obtain their license. Serving alcohol under a Type-41 requires the business to be a bona fide eating facility wherein a substantial amount of the sales are for food. The floor plan that was submitted with the Project is the area in which they are allowed to serve alcohol.

5. The proposed use is not in violation of applicable provisions of the AHMC or of federal, state, or local law. The on-sale alcohol service use is conditionally allowed in the CS-MU-AH zoning district. The sale of alcohol will be restricted to the approved floor plan and any changes to the location of sales (i.e. expansion to outdoor dining) will require a modified CUP, subject to the approval of the Planning Commission. The restaurant will operate with a Type-41 license which requires all alcohol servers and their managers to be RBS certified.

Section VI. Alcoholic Beverage Sales. Based upon the evidence presented at the hearing, including the staff report and oral and written testimony, the Planning Commission finds, pursuant to the AHMC §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. Although the restaurant with the proposed on-sale alcohol use is within 500 feet of an elementary school, there is adequate separation between the location of the use and the school, which includes hedges, a block wall, the school's chain-link fence, and a building on the north side of the shopping center. An indoor playground is within the same shopping center, but is separated by another tenant space. The indoor playground is a pay-per-use and is fully supervised by their staff.

Additionally, a Type-41 license for beer and wine service is typical for many family restaurants; the applicant is proposing alcohol service that is secondary to the food service, and there is no bar proposed. The restaurant's employees are required to be RBS certified to ensure responsible alcohol service. The entrance to the restaurant is also located on the east side of Building B so patrons will likely not be on the exterior perimeter of the shopping center, near the school or residences.

B. The requested use at the proposed location is sufficiently buffered by public and private improvements from residentially zoned areas within the immediate vicinity so as not to adversely affect said areas. The shopping center is adjacent to residential neighborhoods on the northwest and across Kanan Road, to the east. The location of the restaurant with the proposed on-sale alcohol service is within the shopping center and is buffered by hedges, a block wall, and a parking lot. Access to the restaurant will be on the east side of Building B, which faces the main shopping center area. Foot traffic behind Building B (west side, adjacent to residences) will be limited as the back door is limited to the employees. The residences east of Kanan Road are approximately 500 feet away from the restaurant and are buffered by the main parking lot of the shopping center, and the street.

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 restaurant, in which the alcohol service is proposed, will be occupying an existing vacant space within the Agoura Hills City Mall shopping center and the proposed on-sale alcohol use will not trigger exterior structural changes. The applicant has submitted tenant improvement plans to the Building Division for the interior remodel and rooftop mechanical units, which will be thoroughly screened along the western perimeter of Building B, directly above their tenant space. The proposed improvements will be consistent with the existing structure. Any proposed signage will be subject to a separate permit. The shopping center has an approved sign program that the restaurant will need to comply with to ensure consistency within the shopping center.

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 restaurant with on-sale alcohol will operate the way a typical fast casual restaurant operates; with hours between 9 A.M. to 9 P.M. and meal and beverage service at the counter, with an option for alcoholic beverages. The restaurant will need to ensure they are in good standing with ABC to keep their license active. Because alcohol servers and managers need an RBS certificate, the restaurant's alcohol service will be served and monitored responsibly, such that the operation of the restaurant will not affect the surrounding neighborhood.

E. 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 restaurant and its alcohol service will be in operation Monday through Sunday from 9 A.M. to 9 P.M. which is standard operating hours of fast casual family restaurants in developed shopping centers. The hours are limited so there would be minimal to no disturbances after hours that would originate from the restaurant.

F. If an off-sale alcoholic 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 square feet of floor area. The license and the proposed use is not for an off-sale alcoholic beverage establishment. The license the restaurant will be operating with is a Type-41, which is for on-sale service, therefore, this finding is not applicable to the Project.

G. The requested use will not contribute to an undue concentration of alcoholic beverage establishments in the area. The shopping center currently has four establishments operating with a Type-41 license. The existing alcoholic beverage establishments have not resulted in nuisances or disturbances to the shopping center, or adjacent neighborhoods and schools. The presence of another family restaurant with on-sale alcohol is not anticipated to increase or cause disturbances, nor result in additional enforcement resources.

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 restaurant with on-sale alcohol service will be located in an existing developed shopping center composed of other alcoholic beverage establishments, retail uses, and office uses. The Los Angeles County Sheriff's Department has not received a high concentration of calls from the public within the shopping center and they do not anticipate a need for additional resources to be able to protect the peace.

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 restaurant will only operate with alcohol service. There is no plan for live entertainment at the restaurant, therefore, this finding does not apply to the Project.

Section VII. Based on the aforementioned findings, the Planning Commission hereby approves Conditional Use Permit Case No. CUP-2023-0019, subject to Conditions of Approval, attached herein 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 this 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 March 2024, by the following vote to wit:

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

\_\_\_\_\_  
Kate Anderson, Chairperson

ATTEST:

\_\_\_\_\_  
Denice Thomas, Secretary

**EXHIBIT A**  
**CONDITIONS OF APPROVAL**  
**(Case Nos. CUP-2023-0019)**

**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 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 they are aware of, and accept, all conditions of approval herein.
3. Minor changes to the approved plans or the conditions of approval may be approved by the Community Development Director, provided such changes achieve substantially the same results and the project is still in compliance with the Agoura Hills Municipal Code. The applicant and/or their representative are responsible for reporting the proposed changes to the City prior to undertaking the change. Revised plans reflecting the minor changes and additional fees shall be required to be submitted to complete the record.
4. It is hereby declared to be the intent that if any provision of this CUP is held or declared invalid, the permits 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 Agoura Hills Municipal Code and of the specific zoning designation of the subject property must be complied with unless set forth in these conditions or on the approved plans.
7. Operation shall not commence until all Conditions of Approval have been complied with as determined by the Community Development Director.
8. This Conditional Use Permit (Case No. CUP-2023-0019) shall become void two years following the date it was approved unless the restaurant begins operating before the expiration date. Prior to the expiration of the permit, the applicant may request up to two extensions for a period of time not exceeding 12 months, subject to the approval of the Planning Division.
9. All outstanding fees owed to the City, if any, shall be paid by the Applicant within thirty (30) days of the approval of this permit.

10. The Applicant shall comply with all requirements of the California Department of Alcohol Beverage Control ("ABC").
11. The CUP shall be valid strictly for license Type 41, 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. This Conditional Use Permit only authorizes consumption on site. No retail sale of alcohol for off-site consumption is allowed.
13. The approved hours of operation for the restaurant are from 9 A.M. to 9 P.M., Monday through Sunday.
14. A separate Outdoor Dining Permit or zoning clearance is required if outdoor dining is proposed.
15. Live entertainment is not permitted as part of this approval.
16. The Community Development 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.
17. In accordance with Article IX (Zoning) of the Agoura Hills Municipal Code, section 9710 (AHMC §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 the California Department of Alcohol Beverage Control.
18. I understand that the receipt of the approvals and the rights granted pursuant to such approvals are for my benefit (or that of my principal). Therefore, if the approvals, any conditions attached thereto, or any other City permits issued pursuant to such approvals, are challenged by a third party, I will be responsible for defending against this challenge. I agree to accept this responsibility for defense at the request of the City and also agree to defend and indemnify (with counsel of the City's choosing), and hold the City harmless from any costs, claims, demand, financial loss, penalties,

finances, judgments, or liabilities arising from the approvals, any conditions attached thereto, or any City permits issued pursuant to such approvals, including without limitation, any award or attorney's fees that might result from the third party challenge, excepting only liability arising from the sole negligence, gross negligence, or intentional misconduct of City. For the purpose of this indemnity, the term "City" shall include the City of Agoura Hills, its officers, officials, employees, agents, and representatives. For the purpose of this indemnity, the term "challenge" means any legal or administrative action to dispute, contest, attack, set aside, limit, or modify the approval, project conditions, or any act upon which the approval is based, including, but not limited to, any action alleging a failure to comply with the California Environmental Quality Act or other laws.

END

# ATTACHMENT 2

Vicinity Map



# Vicinity Map

5879 Kanan Road (AIN 2051-005-002)  
"Blue Agave" - CUP-2023-0019



0 50 100 200 300 Feet



# ATTACHMENT 3

License Issued Location Map



City of Agoura Hills  
 ABC Issued Licenses  
 City Issued CUPs as of February 2024 (Per 7/09 Ordinance)



Agoura Famous Deli: Type 41-no CUP  
 Sushi Wasabi: Type 41 - no CUP  
 Vincitore: Type 41 -no CUP

Maral Cuisine: Type 41 with CUP

City Issued CUPs post 07/09 Ordinance

|                     |                |
|---------------------|----------------|
| 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     |
| Boar Dough:         | 13-CUP-008     |
| Basta:              | CUP-01426-2017 |
| Agoura Wine & Beer: | CUP-01480-2018 |
| Plata Taqueria:     | 13-CUP-006     |

**Census Tract Number/Boundary**

WITH CUPs  
 On-Sale Licenses

Off-Sale Licenses

WITHOUT CUPs  
 On-Sale Licenses

Off-Sale Licenses





# ATTACHMENT 4

## Project Plans



5879 KANAN ROAD, BUILDING-B, AGOURA HILLS, CA 91301

**SYMBOLS AND LEGENDS**

|  |  |
|--|--|
|  | Grid Line  |
|  | Building Section<br>Section Identification Number              |
|  | Sheet where section is drawn                                   |
|  | Wall Section<br>Section Identification Number                  |
|  | Sheet where section is drawn                                   |
|  | Interior Elevation   |
|  | Enlarged Plan or Detail  |
|  | Door Number  |
|  | Detail<br>Detail Identification<br>Sheet where detail is drawn |
|  | Revision Number<br>Sheet Revision -<br>Consecutively Numbered  |
|  | Room Tag   |
|  | Room Name  |
|  | Floor Level  |
|  | Window Tag   |
|  | Construction Note  |
|  | Thermostat   |
|  | Signage  |
|  | Earth Fill   |
|  | Gravel   |
|  | Concrete   |
|  | Asphalt  |
|  | Stone  |
|  | Carpet   |
|  | Concrete Masonry   |
|  | Batt Insulation  |
|  | Rigid Insulation   |
|  | Steel  |
|  | Brick Masonry  |
|  | Oypsum Board   |
|  | Wood Blocking  |
|  | Plywood  |
|  | Wood Veneer  |
|  | Continuous Wood Blocking                                       |
|  | Ceramic Tile   |
|  | Glass / Glazing  |
|  | Flender  |
|  | Metal Slat / System Board                                      |

**GENERAL NOTES**

CONTRACTOR AND SUBCONTRACTOR WILL CONFORM TO THE LANDLORD'S AND TENANT'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 PAYMENTS.

1. PERMITS & FEES  
THE CONTRACTOR SHALL APPLY FOR AND PAY FOR ALL UTILITY METERS, PERMITS, SEWER CHARGES AND THE LIKE. BUILDING PERMITS, SEWER CONNECTION CHARGES AND OTHER CITY/COUNTY AND STATE CHARGES IN CONNECTION WITH ALL OF TENANT'S WORK SHALL BE AN EXPENSE REMBURSABLE TO THE CONTRACTOR BY THE TENANT. AT COST. CONTRACTOR MUST RECEIVE A NOTICE OF COMPLETION WITH THE LOCAL JURISDICTION, A COPY MUST BE SUBMITTED TO THE TENANT 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 WHICH 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. NOTES DIMENSIONS TAKE PRECEDENCE OVER SCALED DRAWINGS.

ON SITE VALIDATION AND VERIFICATION OF ELEVATIONS AND DIMENSIONS AND CONDITIONS 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. NOTES DIMENSIONS TAKE PRECEDENCE OVER SCALED DRAWINGS.

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 LONGER NECESSARY.

TEMPORARY UTILITIES AND ANY OTHER SERVICES TO THE DEMISED PREMISES NOT OTHERWISE PROVIDED BY LANDLORD SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR. CONNECTION TO CENTRALLY LOCATED TEMPORARY POWER INCLUDING ALL TEMPORARY POWER LINES, TRANSFORMERS AND ELECTRICAL DISTRIBUTION IS THE GENERAL CONTRACTOR'S RESPONSIBILITY. THE LANDLORD WILL CLEAN AREAS AT CONTRACTOR'S EXPENSE.

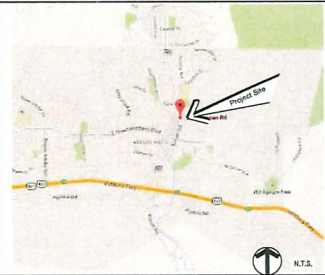
4. COMPLETION OF WORK  
THE CONTRACTOR SHALL PROVIDE THE TENANT AND LANDLORD A LIST OF DEVICES INSTALLED IN THE PROJECT AND ALSO SUPPLY INSTRUCTIONS AS TO THE USE OF EACH DEVICE OR SYSTEM EFFICIENTLY.

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 RECALL AND UTILIZE SUCH WARRANTIES 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 FINISHED BY OR 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 OR OF ANY PART OF THE WORK OR ANY PART OF THE BUILDING OR OFFICE BUILDING WHICH MAY BE DAMAGED OR DESTROYED.

ALL WARRANTIES OR GUARANTEES AS TO MATERIALS OR WORKMANSHIP WITH RESPECT TO WORK SHALL BE CONTAINED IN THE CONTRACT OR SUBCONTRACT WHICH SHALL INURE TO THE BENEFITS OF THE TENANT AND LANDLORD.

5. CLEANUP  
THE CONTRACTOR SHALL REMOVE ALL TRASH AND DEBRIS TO CENTRALLY LOCATED TRASH RECEPTACLES DURING THE CONSTRUCTION OF THE DEMISED AREAS AT GENERAL CONTRACTOR'S EXPENSE. GENERAL CLEANUP IS THE CONTRACTOR'S RESPONSIBILITY AND THE SITE SHALL BE MAINTAINED IN AN ORDERLY, NEAT, AND CLEAN FASHION THROUGH THE PROJECT DEVELOPMENT.

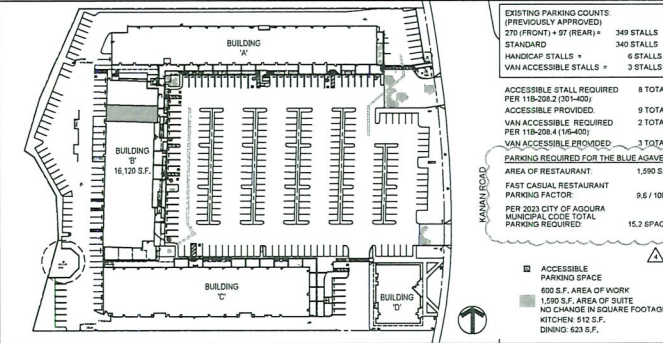
**VICINITY MAP**



**AERIAL PHOTO**



**KEY PLAN**



**PROJECT DATA**

|  |   |  |
|--|---|--|
| <b>PROJECT ADDRESS:</b><br>AGOURA HILLS CITY HALL<br>2879 KANAN ROAD<br>BUILDING - B<br>AGOURA HILLS, CA 91301 | <b>LOT AREA:</b><br>240,451.20 S.F. (5.52 ACRES)  | <b>OCCUPANCY:</b><br>SMALL RESTAURANT, LESS THAN 50 OCCUPANT<br>FAST CASUAL RESTAURANT<br>PRIOR TENANT WAS B OCCUPANCY   |
| <b>ASSESSOR'S PARCEL NUMBER:</b><br>2051-005-002   | <b>LANDLORD:</b><br>KANAN GROUP LLC<br>29336 AGOURA ROAD, SUITE 26<br>AGOURA HILLS, CA 91301  | <b>CODE REQUIREMENTS:</b><br>ALL WORK SHALL CONFORM TO THE FOLLOWING CODES:<br>2022 CA BUILDING CODE (CBC) WITH AGOURA HILLS' AMENDMENTS<br>2022 CALIFORNIA MECHANICAL CODE (CMC)<br>2022 CALIFORNIA ELECTRICAL CODE (CEC)<br>2022 CALIFORNIA PLUMBING CODE (CPC)<br>2022 CALIFORNIA ENERGY CODE<br>2022 LA COUNTY FIRE CODE |
| <b>LEGAL DESCRIPTION:</b><br>LOT 2, TRACT NO. 33402<br>MAP BOOK 903 1/14 COUNTY OF LA                          | <b>TENANT / APPLICANT:</b><br>ROGELIO ACURRE FERNANDEZ<br>THE BLUE AGAVE TAQUILAS, LLC<br>5879 KANAN ROAD,<br>AGOURA HILLS, CA 91301-1851 | <b>TYPE OF CONSTRUCTION:</b><br>TYPE - B AUTOMATIC FIRE SPRINKLERED  |
| <b>ZONE / LAND USE:</b><br>CS/M<br>COMMERCIAL SHOPPING / CENTER MDED USE                                       | <b>STORIES:</b><br>ONE STORY  |  |

**SHEET INDEX**

|                      |   |
|----------------------|---|
| <b>TITLE:</b>        |   |
| T1.1                 | TITLE SHEET   |
| <b>ARCHITECTURAL</b> |   |
| A1.1                 | SITE PLAN - FOR REFERENCE ONLY  |
| A1.2                 | EXISTING SITE DETAILS - FOR REFERENCE ONLY                              |
| A2.1                 | PROPOSED FLOOR PLAN   |
| A2.2                 | PARTIAL PLAN - PUBLIC RESTROOMS PLAN                                    |
| A2.3                 | EXISTING SCREEN WALL AND EXISTING / DEMO AND PROPOSED ROOF PLANS        |
| A2.4                 | EXISTING / DEMO AND PROPOSED ROOF PLANS                                 |
| A2.5                 | PROPOSED SCREEN WALL AND EXISTING / DEMO AND PROPOSED BUILDING SECTIONS |
| A5.1                 | RESTROOM DETAILS AND NOTES  |
| E0.1                 | EQUIPMENT SCHEDULE  |
| A8.1                 | DETAILS   |
| <b>STRUCTURAL</b>    |   |
| S1.0                 | NOTES AND DETAILS   |
| <b>MECHANICAL</b>    |   |
| M1.0                 | ABBREVIATIONS, LEGEND & GENERAL NOTES                                   |
| M1.1                 | PROCESS T24 COMPLIANCE FORMS  |
| M2.1                 | DEMOLITION & NEW MECHANICAL ROOF & FLOOR PLANS                          |
| M3.1                 | MECHANICAL SECTION "A"  |
| M4.1                 | MECHANICAL EQUIPMENT SCHEDULE & DETAILS                                 |
| M4.2                 | MECHANICAL DETAILS  |
| M4.3                 | 2-4R FIRE RATED DUCT WRAP ESR-1125 REPORT                               |
| M4.4                 | MECHANICAL DETAILS  |
| M4.1                 | MECHANICAL SPECIFICATIONS   |
| <b>ELECTRICAL</b>    |   |
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| E5.1                 | ELECTRICAL SPECIFICATIONS   |
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| P1.0                 | ABBREVIATIONS, LEGEND AND GENERAL NOTES                                 |
| P1.1                 | ABBREVIATIONS, LEGEND AND GENERAL NOTES                                 |
| P2.1                 | PLUMBING SITE PLAN AND WASTE & VENT ISOMETRIC                           |
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| P4.1                 | PLUMBING EQUIPMENT SCHEDULES  |
| P4.2                 | PLUMBING DETAILS  |
| P4.3                 | PLUMBING DETAILS  |
| P6.1                 | PLUMBING SPECIFICATIONS   |

**STATE REQUIREMENTS**

- a. At the time of permit issuance, contractor shall show their valid workers' compensation insurance certificate.
- b. All work shall conform to all requirements of State of California Title 24 regardless of the information indicated on these plans. It is the responsibility of the individual supervising the construction to ensure that the work is done in accordance with Code requirements prior to requesting inspection.
- c. Excess or waste concrete may not be washed into the public way or any other drainage system. Provisions shall be made to store concrete waste on the site until they can be disposed of as solid waste.
- d. Sediments and other materials may not be tracked from the site by vehicle traffic. The construction entrance roadway must be established so as to inhibit sediments from being deposited into the public way. Accidental discharges must be swept up immediately and may not be washed down by rain or other means.
- e. Slopesides of earth and other construction related materials must be protected from being transported from the site by the forces of wind or water.
- f. Trash, oils, solvents and other toxic materials must be stored in accordance with their listing and are not to contaminate the soil and surface waters. All approved storage containers are to be protected from the weather. Spills must be cleaned up immediately and disposed of in a proper manner. Spills may not be washed into the drainage system.

**SCOPE OF WORK**

THE PROJECT CONSISTS OF A NEW BUILDING WITHIN AN EXISTING SMALL RESTAURANT SUITE WITHIN A MULTI-TENANT BUILDING. THE WORK IS LIMITED TO THE INSTALLATION OF SOME NEW KITCHEN EQUIPMENT, A NEW TRANSACTION COUNTER, EXISTING FINISHES WILL REMAIN, THE EXISTING CEILING & LIGHTING WILL REMAIN.

NEW ROOF TOP EXHAUST UNIT FOR KITCHEN HOOD IS TO BE ADDED ALONG WITH (2) MAKE-UP AIR UNITS AND ROOF TOP UNIT SCREEN WALL.

SEVERAL ELECTRICAL OUTLETS WILL BE RELOCATED.

THE PLUMBING WORK WILL CONSIST OF THE ADDITION OF (2) NEW SINKS & THE RELOCATION OF SEVERAL FLOOR SINKS & DEMOLITION OF SEVERAL OTHERS.

**ENGINE UNDER SEPARATE PERMIT**



5879 KANAN RD.  
AGOURA HILLS, CA 91301

| Issue                    | Date       |
|--------------------------|------------|
| HEALTH DEPT. SUBMITTAL   | 05.25.2023 |
| HEALTH DEPT. RESUBMITTAL | 09.19.2023 |
| HEALTH DEPT. RESUBMITTAL | 10.06.2023 |
| CUP PLANNING SUBMITTAL   | 11.01.2023 |
| PCI RESUBMITTAL          | 12.11.2023 |
| CUP PLANNING RESUBMITTAL | 12.13.2023 |

Blue Agave

T1.1

**TITLE SHEET**

**Copy Protection**  
These drawings and specifications, and their design and arrangements represented are and shall remain the property of the architect. No part shall be copied, disclosed to others or used in connection with any work or project other than the specific project for which they have been prepared without written consent of the architect, Catharine McKenna. Visual contact with these drawings and specifications shall constitute evidence of acceptance of these instruments. Submission of documents to public agencies shall not be considered a waiver of Architect, Catharine McKenna's rights.





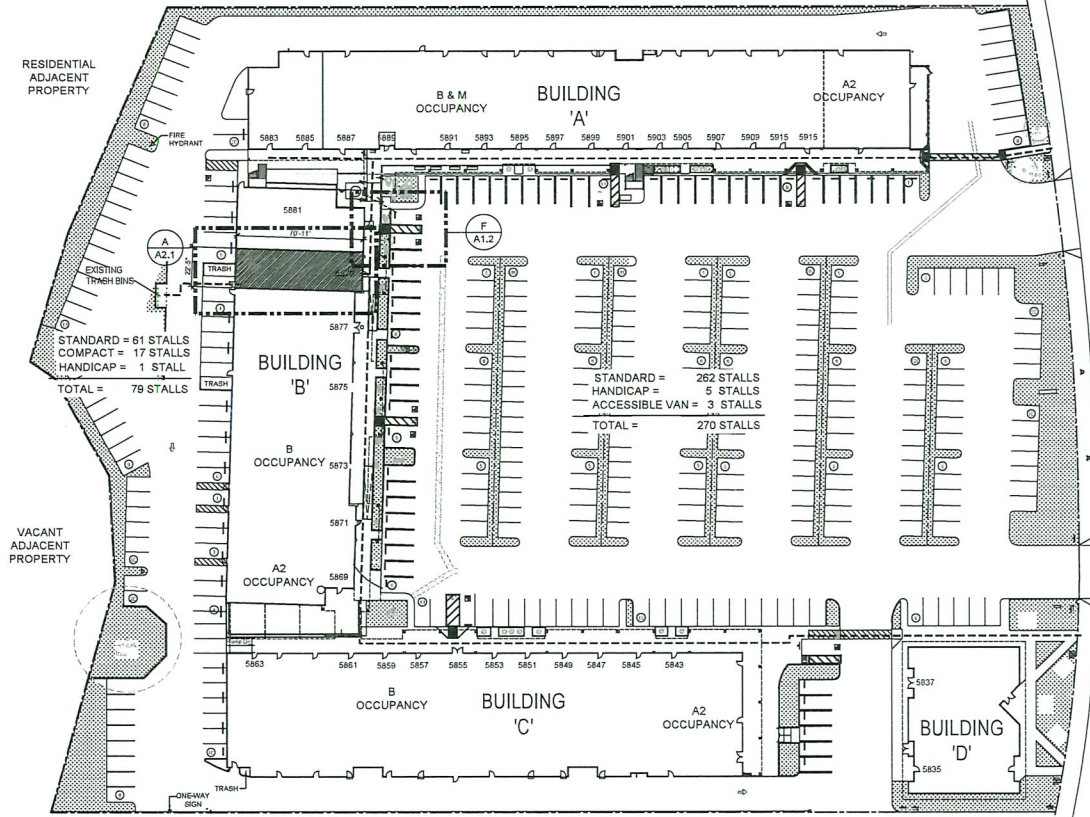
EXISTING REAR ELEVATION



EXISTING STOREFRONT

SCHOOL ADJACENT PROPERTY

RESIDENTIAL ADJACENT PROPERTY



VACANT ADJACENT PROPERTY

SHOPPING MALL ADJACENT PROPERTY

IDL

KANAN ROAD

LOT AREA: 240,451.20 S.F. ( 5.52 ACRES )

|  |            |
|--|------------|
| EXISTING PARKING COUNTS: (PREVIOUSLY APPROVED) |            |
| 270 (FRONT) + 79 (REAR) =                      | 349 STALLS |
| STANDARD                                       | 340 STALLS |
| HANDICAP STALLS =                              | 8 STALLS   |
| VAN ACCESSIBLE STALLS =                        | 3 STALLS   |

|  |         |
|--|---------|
| ACCESSIBLE STALL REQUIRED PER 11B-208.2 (301-400): | 8 TOTAL |
| ACCESSIBLE PROVIDED:                               | 9 TOTAL |
| VAN ACCESSIBLE REQUIRED PER 11B-208.4 (116-400):   | 2 TOTAL |
| VAN ACCESSIBLE PROVIDED:                           | 3 TOTAL |

|  |                    |
|--|--------------------|
| PARKING REQUIRED FOR THE BLUE AGAVE    |                    |
| AREA OF RESTAURANT:                    | 1,590 S.F.         |
| FAST CASUAL RESTAURANT PARKING FACTOR: | 9.6 / 1000 S.F.    |
| PER 2023 CITY OF AGOURA MUNICIPAL CODE | 15.2 SPACES        |
| <b>TOTAL PARKING REQUIRED:</b>         | <b>15.2 SPACES</b> |

- LEGEND :**
- EXISTING ACCESSIBLE PATH OF TRAVEL
  - ▨ AREA OF SUITE 1,590 S.F.  
DINING AREA 620 S.F.  
PARKING REQUIRED: 9,510/1000 = 15 SPACES
  - ▤ LANDSCAPE AREA

**NOTES:**

ACCESSIBLE COMPLIANT SITE WORK PERMITTED UNDER SEPARATE PERMITS & COMPLETED 2016.



21020 Victory Blvd.,  
Woodland Hills, CA 91307  
T: 818-483-8702  
catherine@cmarchitect.biz



5879 KANAN RD.  
AGOURA HILLS, CA 91301

| Issue                    | Date       |
|--------------------------|------------|
| HEALTH DEPT. SUBMITTAL   | 02.26.2023 |
| HEALTH DEPT. RESUBMITTAL | 09.19.2023 |
| HEALTH DEPT. RESUBMITTAL | 10.06.2023 |
| CUP PLANNING SUBMITTAL   | 11.01.2023 |
| PCI RESUBMITTAL          | 12.11.2023 |
| CUP PLANNING RESUBMITTAL | 12.13.2023 |

Blue Agave

A1.1

EXISTING SITE PLAN  
(FOR REFERENCE ONLY)

**Copy Protection**  
These drawings and specifications and ideas, designs and arrangements represented are and shall remain the property of the architect. No part shall be copied, disclosed to others or used in connection with any work or project other than the specific project for which they have been prepared without written consent of the architect, Catherine McKenna. Visual contact with these drawings and specifications shall constitute evidence of acceptance of these conditions. Schematic documents to public agencies shall not be considered a waiver of Architect, Catherine McKenna's rights.

EXISTING SITE PLAN  
SCALE: 1/32"=1'-0"

A



FINISH SCHEDULE - ALL FINISHES ARE EXISTING TO REMAIN

| ROOM     | FLOORING  | BASE   | WALLS  | CEILING   | MILLWORK  |   |
|----------|---|--|--|---|---|---|
| SEATING  | EP-B 8" EPOXY - EXISTING<br>COLOR: BROWN<br>LOCATION: DINING                                    | EP-B 8" EPOXY - EXISTING<br>3/8" RADIUS COVE AT SALDA BAR        | P-1 WALL PAINT<br>COLOR: PURE WHITE<br>FINISH: EGG SHELL<br>REMARKS: # TO CEILING  | RRP-6 WALL PROTECTION - EXISTING<br>COLOR: WHITE<br>REMARKS: 48" A.F.F. | ACT-E ACOUSTIC CEILING TILE - EXISTING<br>24" x 24"   | SB-1 WHITE SOLID SURFACE                              |
| KITCHEN  | QT-E QUARRY TILES - EXISTING<br>COLOR: BROWN<br>SIZE: 12" x 12"<br>LOCATION: KITCHEN AND DINING | QT-B 8" QUARRY - EXISTING<br>TILE W/ 3/8" INTEGRAL COVE          | P-1 WALL PAINT<br>COLOR: PURE WHITE<br>FINISH: SMOOTHABLE<br>REMARKS: # TO CEILING | RRP-6 WALL PROTECTION - EXISTING<br>COLOR: WHITE<br>REMARKS: # HEIGHT   | SS FULL HEIGHT<br>STAINLESS<br>STEEL BOUND<br>COOKING | VD-1 ENGINEERED WOOD FACE,<br>WHITE MELAMINE INTERIOR |
| RESTROOM | CT-E CERAMIC TILES - EXISTING<br>COLOR: BROWN<br>SIZE: 12" x 12"<br>LOCATION: PUBLIC RESTROOM   | CT-B 8" TILE - EXISTING<br>WITH 3/8" RADIUS SIMILAR DETAIL JED.1 | P-1 WALL PAINT<br>COLOR: PURE WHITE<br>FINISH: EGG SHELL<br>REMARKS: # TO CEILING  | CT-E CERAMIC TILES - EXISTING<br>BROWN<br>48" AFF                       | DYP-E GYPSUM BOARD CEILING - EXISTING                 |   |

| Minimum Flame-Spread Class   |   |
|--|---|
| Occupancy Group  | B |
| Interior exit stairway, interior exit ramps and exit passageway      | A |
| Corridors & enclosures for exit access stairways & exit access ramps | B |
| Room and enclosed spaces   | C |

| Material Classified by |                    |
|------------------------|--------------------|
| Class                  | Flame-spread index |
| A                      | 0-25               |
| B                      | 26-75              |
| C                      | 76-200             |

| DESCRIPTION   | SYMBOL (E)                        | SYMBOL (N) |
|---|-----------------------------------|------------|
| EXTERIOR / INTERIOR STUD WALL                           | =====                             | =====      |
| EXTERIOR WINDOWS  | =====                             | =====      |
| DEMISING WALL   | =====                             | =====      |
| WALL SWITCH   | ⊕                                 | ⊕          |
| 115V. DUPLEX  | ⊕                                 | ⊕          |
| ILLUMINATED EXIT LIGHT W/ BATT. BACKUP                  | ⊕                                 | ⊕          |
| DOOR  | ⊕                                 | ⊕          |
| CLEAR SPACE/<br>DOOR CLEARANCE                          | ⊕                                 | ⊕          |
| ELECTRICAL PANEL  | ⊕                                 | ⊕          |
| FLOOR DRAIN   | ⊕                                 | ⊕          |
| FLOOR SINK  | ⊕                                 | ⊕          |
| GAS   | ⊕                                 | ⊕          |
| ALL DIMENSIONS TO FACE OF FINISH UNLESS NOTED OTHERWISE |                                   |            |
| <b>Key</b>  |                                   |            |
| ⊕   | SYMBOL FOR FLOOR MATERIAL CHANGE. |            |
| ⊕   | WALL                              |            |
| ⊕   | BASE                              |            |
| ⊕   | FLOOR                             |            |



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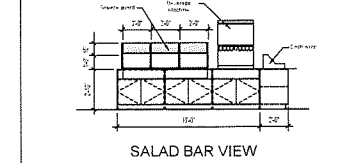
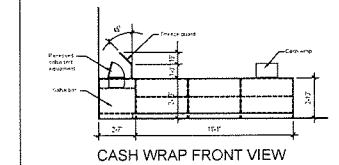
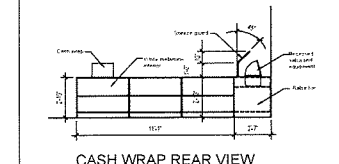
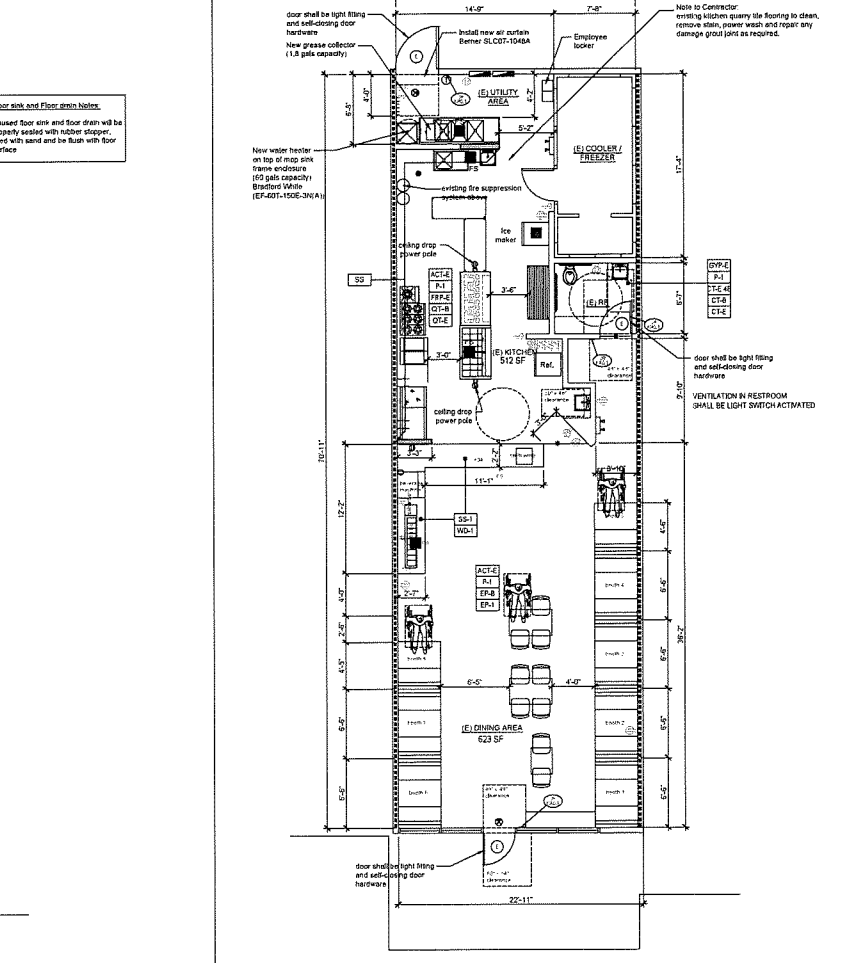
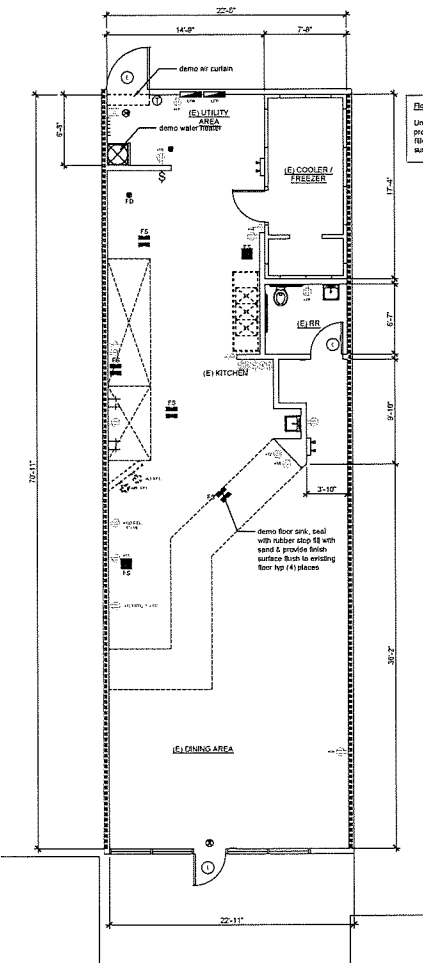
| Issue                    | Date       |
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| HEALTH DEPT. SUBMITTAL   | 02.26.2023 |
| HEALTH DEPT. RESUBMITTAL | 09.19.2023 |
| HEALTH DEPT. RESUBMITTAL | 10.06.2023 |
| CLP PLANNING SUBMITTAL   | 11.01.2023 |

Blue Agave

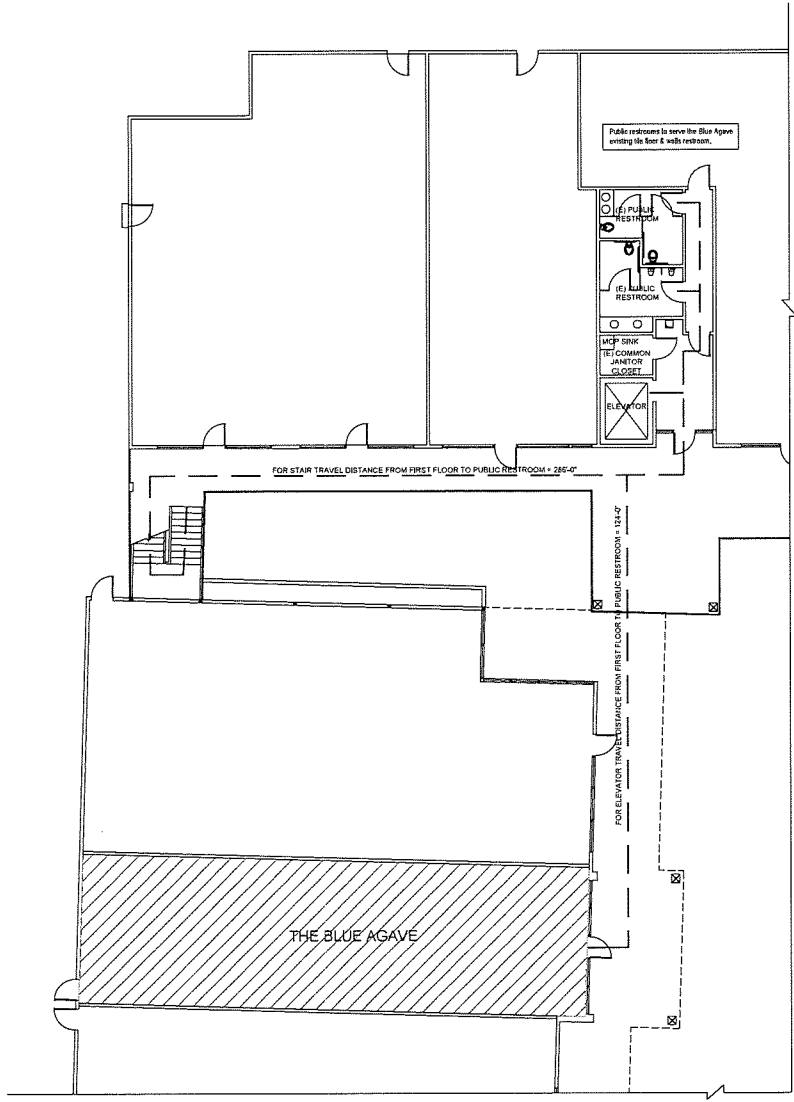
A2.1

EXISTING & PROPOSED FLOOR PLAN

**Copy Protection**  
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**CABINET ELEVATIONS**  
SCALE: 1/4"=1'-0"



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| HEALTH DEPT. RESUBMITTAL | 10.06.2023 |
| CUP PLANNING SUBMITTAL   | 11.01.2023 |

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A2.2

PARTIAL PLAN-PUBLIC RESTROOM  
AND ROOF PLAN

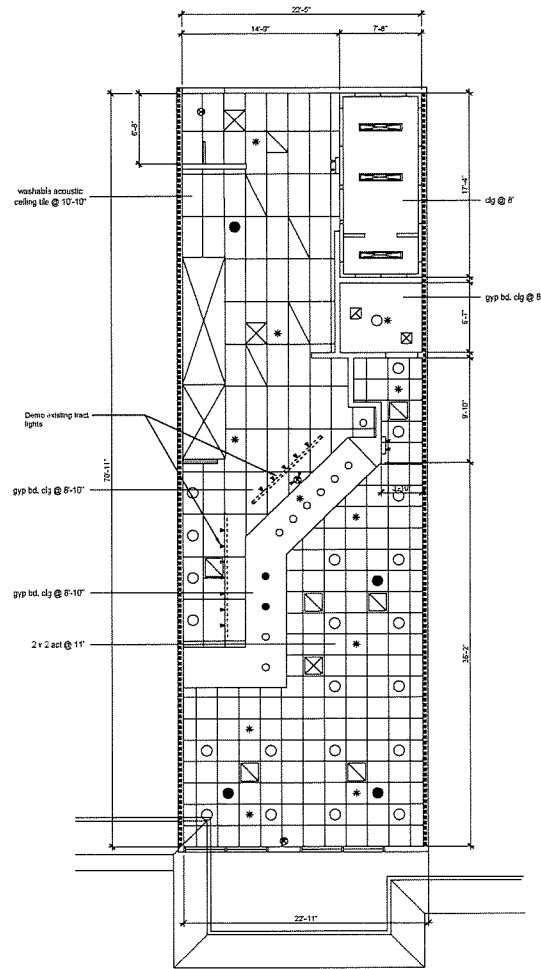
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AS-BUILT PARTIAL SECOND FLOOR - PUBLIC RESTROOM PLAN

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

A

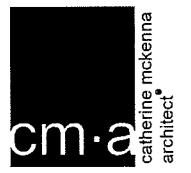


**CEILING LEGEND**

| Description   | Symbol   |     |
|---|----------|-----|
|   | Existing | New |
| Ceiling grid  |          |     |
| Gypsum Board Ceiling  |          |     |
| Light Fixture w/ lens   |          |     |
| Lens Downlights - Lens of the down lights is flush to the ceiling |          |     |
| Exit Light w/ Batt. Backup Min. 90 minute                         |          |     |
| Speaker   |          |     |
| Exhaust Fan   |          |     |
| Air Supply  |          |     |
| Air Return  |          |     |
| Emergency Exit Lights   |          |     |

**Construction Notes**

- Exit signs shall be internally or externally illuminated.
- Exit signs illuminated by an external source shall have an intensity of not less than 5 foot candles (54 lux).
- Internally illuminated signs shall be tested and labeled and shall be installed in accordance with the manufacturer's instructions and CBC Section 2105.
- The exit signs shall be illuminated at all times, (CBC Section 1013.2).
- The exit signs shall be considered in an emergency power system that will provide an illumination of not less than 90 min. in case of primary power loss, (CBC Section 1013.6.3).
- Emergency signs shall be readily operable from the egress side without the use of any special knowledge or effort. See CBC Section 1016.1.0.3 for exceptions.
- Door handle, lock and other operating devices shall be installed at a min. 34" and a max. 48" above the finish floor.
- The primary entrance egress door shall have the following sign posted in a prominent and visible location above the door: THIS DOOR TO REMAIN UNLOCKED WHEN SPACE IS OCCUPIED.
- All egress door operation shall comply with section 105.1.0 - 1016.1.0.3.2.
- The means of egress, including the exit discharge, shall be illuminated at all times the building space serve by means of egress is occupied.
- The means of egress illumination level shall not be less than 1 foot-candle at the walking surface.
- The power supply for means of egress illumination shall normally provided by the primary electrical supply. In the event of power supply failure, an emergency system shall automatically illuminate the following areas:
  - Stairs and associated egress stairways in rooms and spaces that require two or more means of egress.
  - Corridors, exit enclosures, and exit passageways in buildings required to have two or more exits.
  - Exitways egress components at other than the end of exit discharge and exit discharge in occupancies for buildings required to have two or more exits.
  - Vertical exit discharge elements, as permitted in Section 1027.1, in buildings required to have two or more exits.
  - Exitway landings, as required by Section 1026.1.0, for exit discharge doorways in buildings required to have two or more exits.



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| CLIP PLANNING SUBMITTAL  | 11.01.2023 |

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**A2.3**

EXISTING CEILING PLAN

**Copy Protection**

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**EXISTING CEILING PLAN**

Scale: 3/16" = 1'-0"

A







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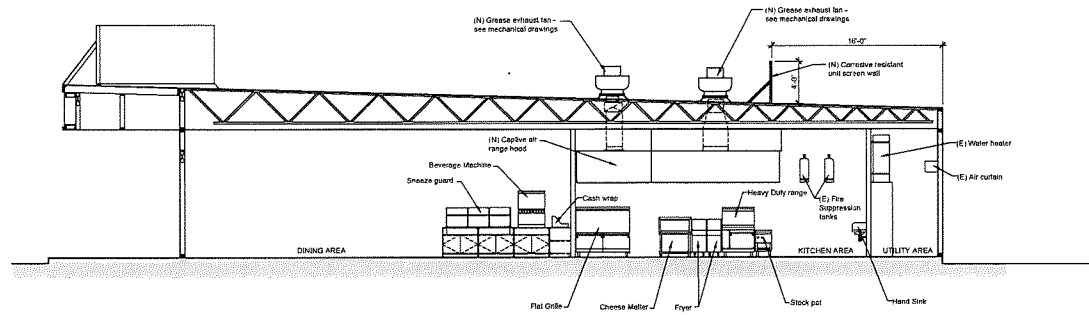
| Issue                    | Date       |
|--------------------------|------------|
| HEALTH DEPT. SUBMITTAL   | 05.25.2023 |
| HEALTH DEPT. RESUBMITTAL | 09.18.2023 |
| HEALTH DEPT. RESUBMITTAL | 10.06.2023 |
| CUP PLANNING SUBMITTAL   | 11.01.2023 |

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A2.5

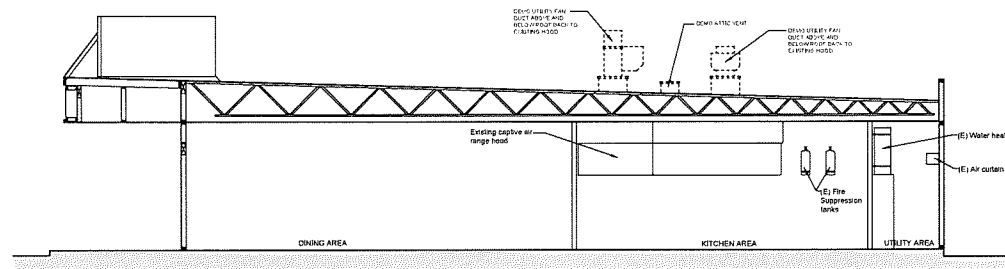
EXISTING / DEMO AND PROPOSED  
BUILDING SECTIONS

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PROPOSED BUILDING SECTION B

Scale: 3/16" = 1'-0"



EXISTING / DEMO BUILDING SECTION A

Scale: 3/16" = 1'-0"



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**A5.1**

**RESTROOM DETAILS AND NOTES**

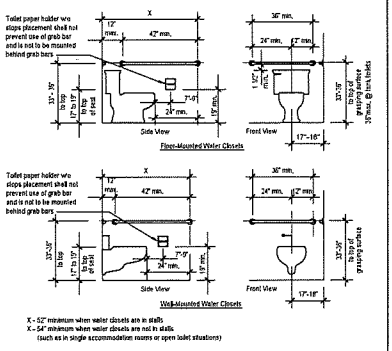
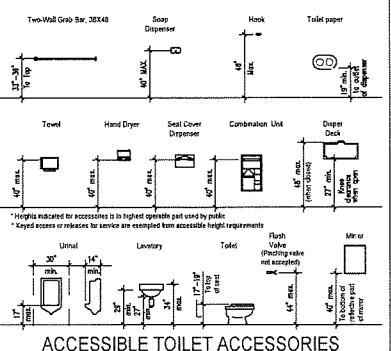
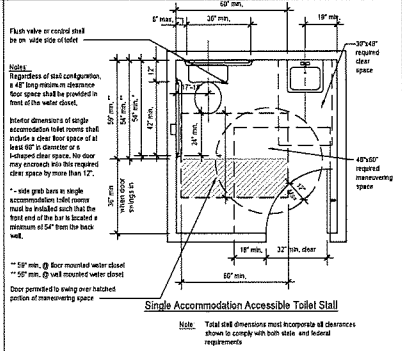
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**3.8.3.3 WATER CONCERNING PLUMBING FIXTURES AND FITTINGS. PLUMBING FIXTURES (WATER CLOSETS AND URINALS) AND FITTINGS (FAUCETS AND SHOWERHEADS) SHALL COMPLY WITH THE FOLLOWING:**

**3.8.3.3.1 WATER CLOSETS. THE EFFECTIVE FLUSH VOLUME OF ALL WATER CLOSETS SHALL NOT EXCEED 1.20 GALLONS PER FLUSH. TANK-TYPE WATER CLOSETS SHALL BE DESIGNED TO THE PERFORMANCE CRITERION OF THE U.S. EPA WATERSENSE SPECIFICATION FOR TANK-TYPE TOILETS.**

**NOTE: THE EFFECTIVE FLUSH VOLUME OF DUAL FLUSH TOILETS IS DEFINED AS THE COMPOSITE AVERAGE FLUSH VOLUME OF TWO REDUCED FLUSHES AND ONE FULL FLUSH.**

| FIXTURE TYPE                             | FLOW RATE        | DURATION |
|--|------------------|----------|
| LAVATORY FAUCETS (NON-RESIDENTIAL)       | 0.5 GPM @ 60 PSI | 25 MIN.  |
| GRAVITY TANK WATER CLOSET                | 1.20 GAL/FLUSH   | 1 FLUSH  |
| FLOPSICOMETER TANK WATER CLOSET          | 1.20 GAL/FLUSH   | 1 FLUSH  |
| FLOPSICOMETER VALVE WATER CLOSET         | 1.20 GAL/FLUSH   | 1 FLUSH  |
| ELECTROMECHANICAL HYDRAULIC WATER CLOSET | 1.20 GAL/FLUSH   | 1 FLUSH  |



|            |   |
|------------|---|
| FLOW RATES | A |
|------------|---|

|                                 |   |
|---------------------------------|---|
| EX. SINGLE ACCOMMODATION TOILET | B |
|---------------------------------|---|

|                  |   |
|------------------|---|
| MOUNTING HEIGHTS | C |
|------------------|---|

|                      |   |
|----------------------|---|
| WATER CLOSET DETAILS | D |
|----------------------|---|

**Sign Specifications**

- 1/4" unbranded cyclic plaques with 1/4" radius at each corner.
- COLOURS SHALL BE GREY WITH WHITE LETTERS.
- The graphic process shall be remeshed (hatched letters and frames).
- International handicapped symbol shall remain the code required colour.
- Letter style shall be simple sans.

**1 Universal Signage**

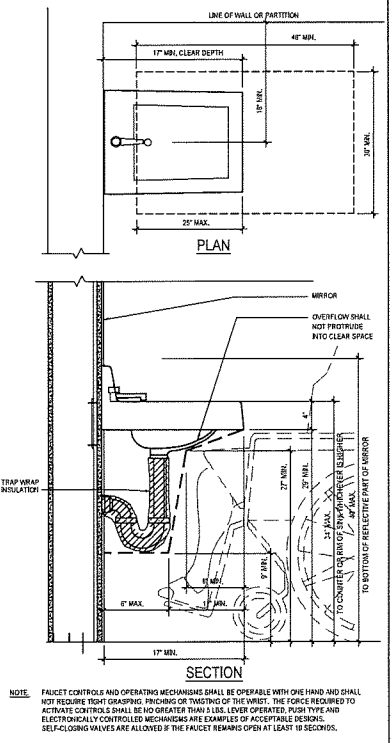
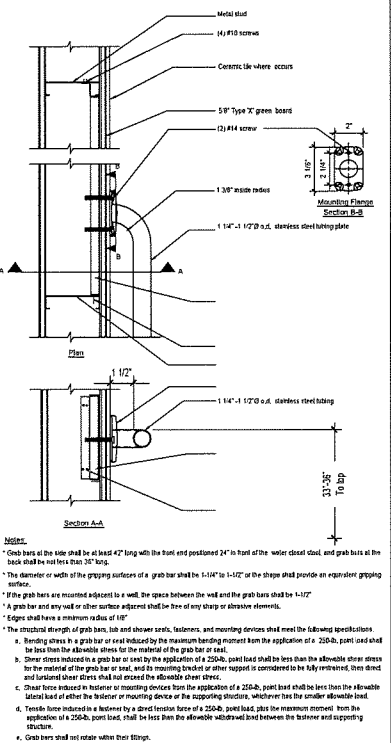
Diagrams show face mounts behind glass and universal signage symbols.

**2 Restroom Signage**

Diagrams show restrooms for all-gender, restrooms, and unisex restrooms.

**3 Informational Signage**

Diagrams show tactile signs for restrooms and informational signs.



|         |   |
|---------|---|
| SIGNAGE | K |
|---------|---|

|                         |   |
|-------------------------|---|
| TYPICAL TOILET GRAB BAR | L |
|-------------------------|---|

|                            |   |
|----------------------------|---|
| WALL HUNG LAVATORY SECTION | M |
|----------------------------|---|

|                            |   |
|----------------------------|---|
| WALL HUNG LAVATORY SECTION | M |
|----------------------------|---|

