

REPORT TO PLANNING COMMISSION

DATE: APRIL 4, 2024

TO: HONORABLE CHAIR AND MEMBERS OF THE PLANNING COMMISSION

FROM: DENICE THOMAS, AICP, COMMUNITY DEVELOPMENT DIRECTOR

BY: VALERIE DARBOUZE, ASSOCIATE PLANNER

REQUEST: 1) APPROVAL OF A CONDITIONAL USE PERMIT TO ALLOW A TYPE 47 LICENSE FOR ON-SITE CONSUMPTION OF ALCOHOLIC BEVERAGES AT AN EXISTING RESTAURANT AND TO REVISE THE FACILITY'S HOURS OF OPERATION, AND 2) TO MAKE A DETERMINATION OF EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

APPLICANT: Dave Foldes for Cronies Sports Grill

CASE NO: CUP-2023-0026

LOCATION: 5687 Kanan Road (AIN: 2053-007-030)

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

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

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

RECOMMENDATION: Staff recommends the Planning Commission approve Conditional Use Permit, Case No. CUP-2023-0026, subject to conditions, based on the findings of the attached Draft Resolution.

I. PROJECT BACKGROUND AND DESCRIPTION

David Foldes for Cronies Sports Grill (the Applicant), on June 5, 2014, received the approval of a CUP for a Type 41 license and an Outdoor Dining Permit for an 8-table outdoor dining area in the front of the restaurant (Case Nos. 14-CUP-002 and 14-ODP-001).

The Applicant has now submitted a Conditional Use Permit (CUP) application, Case No. CUP-2023-0026, to upgrade his alcoholic beverage license from a Type 41 (On-Sale Beer and Wine – Eating Place) to a Type 47 (On-Sale General – Eating Place), as defined by the California Department of Alcoholic Beverages (ABC), on the premises of an existing restaurant located at 5687 Kanan Road. A Type 47 license would allow the sale and consumption of distilled spirits in addition to beer and wine inside the restaurant and within the permitted outdoor dining area.

The request also includes extending the hours of operation. Currently, the business is conditioned by 14-CUP-002 to operate between the hours of 8:00 a.m. and 11:00 p.m. Sunday through Thursday and 8:00 a.m. to 12:30 a.m. on Fridays and Saturdays. If approved, the restaurant would operate from 7:00 a.m. to 12:00 a.m. Sunday through Thursday and 7:00 a.m. to 1:00 a.m. on Friday and Saturday. Collectively, this is considered (“the Project”). The Applicant is concurrently seeking approval from ABC for the Type 47 license, however, ABC will not approve the license until the Applicant is granted a CUP from the City.

The restaurant is located at in the Agoura Meadows shopping center on the southwest corner of the intersection of Kanan Road and Thousand Oaks Boulevard. The property is zoned Commercial Shopping Center – Mixed Use (CS-MU) with an Affordable Housing Overlay (AH).

The 4,070-square-foot restaurant space has 2,442 square feet of interior dining area and 400 square feet of outdoor dining, and is the corner unit of the L-shaped building adjacent to Thousand Oaks Boulevard with its front door facing east toward the shopping center’s parking lot. The shopping center can be accessed by two driveways from the boulevard immediately adjacent to the unit as shown in the vicinity map (Attachment 2). One driveway is used by customers in the front of the building and another one, at the rear of the building, is used by delivery vehicles and employees.

II. STAFF ANALYSIS

The California Department of Alcoholic Beverage Control (ABC) assesses whether requests for an alcohol license would result in “undue concentration” within the census tract where the property is located. Currently, three (3) sit-down restaurants operate in the shopping center, two with an ABC License Type 41 (Cronies and Parma) and one with a License Type 47 (Latigo Kid). Other licenses at the shopping center include a Type 21 (“Off-Sale General”) issued to the supermarket and drugstore, and a License Type 20

("Off-Sale Beer and Wine") issued to the deli/market; Types 20 and 21 are licenses that allow the retail sale of both beer and wine, and distilled spirits to be consumed off-site. A map of existing facilities in the shopping center with an ABC issued license and City issued CUP for Alcohol is attached to this report for the Planning Commission's reference (Attachment 3). Should ABC identify a high concentration, the agency defers the authority to the City to determine that the issuance of a license would serve a public convenience or necessity. Per the proposed conditions of approval, the Planning Director would have the authority to make a determination of public convenience or necessity if required.

To date, ABC has issued and renewed the licenses to all establishments in the shopping center in addition to the Applicant's current Type 41 license. As part of the licensing process, ABC requires that employees of establishments with a Type 47 license be subject to Responsible Beverage Service (RBS) requirements and requires alcohol servers and managers of alcohol servers to be RBS certified. The mandatory program educates servers and managers on the dangers of serving alcohol to minors and over-serving patrons.

The Project is buffered from residential neighborhoods by public improvements in the form of a flood control channel to the west, two major arterials to the north and east, and a parking lot and driveways along its front and rear. The flood control channel is fenced and does not allow crossing either by foot or by car. The restaurant's entrance faces away from the closest residential property and is separated by about 285 feet which is adequate to mitigate traffic and noise concerns.

The Applicant seeks to extend the service hours to accommodate special events. The Project site is adequately buffered from residents which helps to alleviate nuisance concerns. Additionally, the business is conditioned and is required to comply with all performance and operational standards located in the Agoura Hills Municipal Code (AHMC), which includes decibel limits for exterior noise levels, as well as standards for the loading and unloading of merchandise or trash (must occur between 7:00 a.m. and 10:00 p.m.). The restaurant is also not allowed to use amplified noise outdoors.

The proposal for alcohol service was submitted to the Los Angeles County Sheriff's Department for comments. The Sheriff's Department stated that no recent incidents in the vicinity related to the consumption of alcoholic beverages were reported, and that the use would not require additional police protection resources.

The Los Angeles County Fire Department, upon completing a site inspection, verified that the restaurant operates in accordance with the agency's code including maximum occupancy, required posting of occupancy, and exiting requirements.

While Cronies is currently operating in accordance with all applicable local, state, and federal laws and regulations, it is worth noting that during the Covid-19 pandemic, the restaurant knowingly operated in violation of public health mandates. Condition of approval no. 8 requires that the facility operate in compliance with all applicable local,

state and federal laws and regulations. Failure to abide by all applicable laws and regulations in the future could result in permit suspension, provided that the applicant is given written notice to cease such violation and has failed to do so within 30 days.

Legislative Review

Pursuant to AHMC §9396.2 (Conditional uses), all on-site (“on-sale”) and off-site (“off-sale”) alcoholic beverage establishments are subject to the Planning Commission’s approval of a CUP. Alongside the typical requirements for CUP approval located in AHMC §9673.2.E, the AHMC mandates additional findings regarding alcohol beverage sales and service detailed in §9396.3 and in Section III of this report.

III. FINDINGS

A. Conditional Use Permit. AHMC §9673.2(E)

Finding 1. That 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 purpose of the district in which the use is located.

Analysis: The on-site consumption of alcoholic beverages at a restaurant is permitted in, and consistent with the intent and purpose of, the Commercial Service – Mixed Use – Affordable Housing (CS-MU-AH) district with a CUP. The Project is consistent with General Plan Goals LU-2 (City of Diverse Uses) and LU-27 (Community-serving Shopping Centers) in that the Type 47 license and extended operating hours will increase the services and options provided to the community residents and visitors and will help to improve the economic vitality of the shopping center. **The Project complies with the finding.**

Finding 2. That 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 to nearby residences schools and other sensitive uses; (iii) the topography of the surrounding area likely to affect how noise travels; and (iv) the presence 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 entry to the restaurant faces east, away from the adjoining residential development to the west, which is further separated from the project site by a drainage channel. A large parking lot and Kanan Road separates the business from the residential development to the east thereby limiting impacts on the peaceful enjoyment of residential properties. Due to the location of the business in the shopping center, the Project would not have the potential to generate significant offsite noise because the front of the business faces a large parking lot and two major arterials which would reduce offsite noise impacts. A change in license type to a Type 47 and the slight increase in the hours of operation would not significantly increase vehicular or pedestrian traffic, and the proposed use does not require any additional parking spaces compared to the currently permitted use. No physical changes to the site are proposed. **The Project complies with the finding.**

Finding 3. That 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, 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 public rights-of-way; or (iii) increased risk of trespass, vandalism, or other unlawful activity on adjacent properties 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 Project does not physically alter the site and would not impact public and private roads used to access the property, which are currently adequate to accommodate emergency vehicles. The site is adequately buffered from adjacent properties, limiting the potential for the project to result in littering or public intoxication on adjacent properties. Additionally, a Type 47 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. The Project would not involve activities that would increase the likelihood of fire or other lifesaving emergencies, and would have no impact on the drainage of the site since no construction is proposed. **The Project complies with the finding.**

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

Analysis: The Zoning Ordinance permits the on-site consumption of alcoholic beverages with a CUP at a sit-down restaurant in the CS-MU-AH district. The tenant space exists within a permitted structure that operates within the confines of the current zoning code and the request will not require any modification or variance to the building or the site. Serving alcohol under a Type 47 license requires the business to be a bona fide eating facility wherein a substantial amount of the sales are for food and the restaurant will continue to operate in this manner. **The Project complies with the finding.**

Finding 5. That 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 and/or Outdoor Dining Permit, subject to the approval of the Planning Commission. The restaurant will operate with a Type 47 license, which requires all alcohol servers and their managers to be RBS certified as part of ABC licensing process. The new license will comply with all local, state and federal law. **The Project complies with the finding.**

B. Alcohol 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: The restaurant is adjacent to the Kumon Math and Reading Center of Agoura, however, the restaurant is existing and has operated without any reported impacts to the learning center. The learning center closes at 6:30 p.m., so the extension of Cronies' operating hours would not cause an adverse effect for the learning center. The nearest school is located to the north of the Project site outside of the 500-foot boundary and is buffered by two other shopping centers. **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: A fully enclosed, 100-foot-wide flood control channel separates the shopping center from residentially zoned areas on the west and south sides of the center and a major arterial road from residentially zoned areas on the east side of the center. Customers can only enter the business from the main parking lot, which ensures control of unintended public gatherings. **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 to cause blight or property deterioration, or to substantially diminish or impair property values within the neighborhood.

Analysis: No changes are proposed to the interior and/or the exterior of the tenant space. The exterior improvements are like and similar to other restaurants in 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 has normal operating hours for a sports bar and serves alcohol with meals, similar to other restaurants in the shopping center. Pedestrian and vehicular access to the restaurant is provided from the interior parking lot of the shopping center, and will not disturb the residential neighborhoods across Kanan Road, or those across the flood control channel in the rear of the shopping center. **The Project complies with the finding.**

Finding 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.

Analysis: The restaurant will operate within the permitted hours of 7:00 a.m. and 12:00 a.m. Sunday through Thursday and until 1:00 am on Friday and Saturday. The site is adequately buffered from residential areas which ensures that activities related to the Project are compatible with the quiet enjoyment of the neighborhood. **The Project complies with the finding.**

Finding 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.

Analysis: The Project is not an off-sale license, and, therefore, is not required to abide by the type, location and size limitation imposed by the finding. **This finding is not applicable to the Project.**

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

Analysis: Various types of alcoholic beverage licenses have been issued to businesses in the shopping center and they have not resulted in a nuisance to the adjacent residential neighborhoods and/or caused undue burden on City staff and enforcement agencies in order to preserve the public peace. **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 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. The Sheriff's Department does not anticipate increases in service calls because of the requested license. **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 owners are not requesting, and will not be providing, live entertainment to patrons as part of this Project. Therefore, the request for live entertainment is not being reviewed in conjunction with the CUP for the on-site consumption of alcohol. **This finding is not applicable to the Project.**

IV. ENVIRONMENTAL REVIEW

The Project has been reviewed pursuant to the California Environmental Quality Act (CEQA) and has been determined to be Categorical Exempt from the CEQA Guidelines per §15061(b)(3) because it can be seen with certainty that the proposed project will not have a significant effect on the environment. The Project site is adequately buffered from nearby residential areas, so switching from a Type 41 to a Type 47 ABC license and extending the hours of operation would not impact nearby sensitive uses. The Project does not modify the shopping center's existing physical improvements, and the Los Angeles County Sheriff has stated that no recent incidents in the vicinity related to the consumption of alcoholic beverages were reported. No exception to this categorical exemption applies as set forth in §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.

V. FISCAL IMPACT

The Project has no impact on the budget for Fiscal Year 2023-24 as all fees have been paid by the applicant.

VI. RECOMMENDATION

Based on the foregoing analysis, staff recommends that the Planning Commission approve CUP-2023-0026 to allow a type 47 license for on-site consumption of alcoholic beverages at an existing restaurant and to revise the facility's hours of operation, subject to the Conditions of Approval and based on the findings of the attached Draft Resolution.

VII. ATTACHMENTS

1. Draft Resolution
 - a. Conditions of Approval
2. Vicinity Map
3. Alcohol Licenses Map
4. Project Plans
5. Photographs of the Building

Case Planner: Valerie Darbouze, Associate Planner

ATTACHMENT 1

Draft Resolution for the Conditional Use Permit

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-2023-0026 TO ALLOW A TYPE 47 LICENSE FOR ON-SITE CONSUMPTION OF ALCOHOLIC BEVERAGES AT AN EXISTING RESTAURANT AND TO REVISE THE FACILITY'S HOURS OF OPERATION; AND MAKING A DETERMINATION 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 Dave Foldes for Cronies Sports Grill (Croag Inc.), with respect to the real property located at 5687 Kanan Road (Assessor's Identification Number 2053-007-030), requesting the approval of a Conditional Use Permit (Case No. CUP-2023-0026) to allow a Type 47 license for on-site consumption of alcoholic beverages at an existing restaurant and to revise the facility's hours of operation ("Project").

Section II. The Project has been reviewed pursuant to the California Environmental Quality Act (CEQA) and has been determined to be Categorically Exempt from the CEQA Guidelines per §15061(b)(3) because it can be seen with certainty that the proposed project will not have a significant effect on the environment. The Project site is adequately buffered from nearby residential areas, so switching from a Type 41 to a Type 47 ABC license and extending the hours of operation would not impact nearby sensitive uses. The Project does not modify the shopping center's existing physical improvements, and the Los Angeles County Sheriff has stated that no recent incidents in the vicinity related to the consumption of alcoholic beverages were reported. No exception to this categorical exemption applies as set forth in §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 application at a public hearing held on April 4, 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 consumption of alcoholic beverages at a restaurant is permitted in, and consistent with the intent and purpose of, the Commercial Service – Mixed Use – Affordable Housing (CS-MU-AH) district with a CUP. The Project is consistent with General Plan Goals LU-2 (City of Diverse Uses) and LU-27 (Community-serving Shopping Centers) in that the Type 47 license and extended operating hours will increase the services and options provided to the community residents and visitors and will help to improve the economic vitality of the shopping center.

2. The proposed use is compatible with the surrounding properties based on the factors set forth in AHMC §9673.2.E.2. The entry to the restaurant faces east, away from the adjoining residential development to the west, which is further separated from the project site by a drainage channel. A large parking lot and Kanan Road separates the business from the residential development to the east thereby limiting impacts on the peaceful enjoyment of residential properties. Due to the location of the business in the shopping center, the Project would not have the potential to generate significant offsite noise because the front of the business faces a large parking lot and two major arterials which would reduce offsite noise impacts. A change in license type to a Type 47 and the slight increase in the hours of operation would not significantly increase vehicular or pedestrian traffic, and the proposed use does not require any additional parking spaces compared to the currently permitted use. No physical changes to the site are proposed.

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.3. The Project does not physically alter the site and would not impact public and private roads used to access the property, which are currently adequate to accommodate emergency vehicles. The site is adequately buffered from adjacent properties, limiting the potential for the project to result in littering or public intoxication on adjacent properties. Additionally, a Type 47 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. The Project would not involve activities that would increase the likelihood of fire or other lifesaving emergencies, and would have no impact on the drainage of the site since no construction is proposed.

4. The proposed use complies with all applicable provisions of Article IX of the AHMC, and no variances or modifications have been requested. The Zoning Ordinance permits the on-site consumption of alcoholic beverages with a CUP at a sit-down restaurant in the CS-MU-AH district. The tenant space exists within a permitted structure that operates within the confines of the current zoning code and the request will not require any modification or variance to the building or the site. Serving alcohol under a Type 47 license requires the business to be a bona fide eating facility wherein a substantial amount of the sales are for food and the restaurant will continue to operate in this manner.

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 and/or Outdoor Dining Permit, subject to the approval of the Planning Commission. The restaurant will operate with a Type 47 license, which requires all alcohol servers and their managers to be RBS certified as part of ABC licensing process. The new license will comply with all local, state and federal law.

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. The restaurant is adjacent to the Kumon Math and Reading Center of Agoura, however, the restaurant is existing and has operated without any reported impacts to the learning center. The learning center closes at 6:30 p.m., so the extension of Cronies' operating hours would not cause an adverse effect for the learning center. The nearest school is located to the north of the Project site outside of the 500-foot boundary and is buffered by two other shopping centers.

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. A fully enclosed, 100-foot-wide flood control channel separates the shopping center from residentially zoned areas on the west and south sides of the center and a major arterial road from residentially zoned areas on the east side of the center. Customers can only enter the business from the main parking lot, which ensures control of unintended public gatherings.

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. No changes are proposed to the interior and/or the exterior of the tenant space. The exterior improvements are like and similar to other restaurants in 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 has normal operating hours for a sports bar and serves alcohol with meals, similar to other restaurants in the shopping center. Pedestrian and vehicular access to the restaurant is provided from the interior parking lot of the shopping center, and will not disturb the residential neighborhoods across Kanan Road, or those across the flood control channel in the rear of the shopping center.

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 will operate within the permitted hours of 7:00 a.m. and 12:00 a.m. Sunday through Thursday and until 1:00 am on Friday and Saturday. The site is adequately buffered from residential areas which ensures that activities related to the Project are compatible with the quiet enjoyment of the neighborhood.

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/foot store larger than ten thousand square feet of floor area. The Project is not an off-sale license, and, therefore, is not required to abide by the type, location and size limitation imposed by the finding.

G. The requested use will not contribute to an undue concentration of alcoholic beverage establishments in the area. Various types of alcoholic beverage licenses have been issued to businesses in the shopping center and they have not resulted in a nuisance to the adjacent residential neighborhoods and/or caused undue burden on City staff and enforcement agencies in order to preserve the public peace.

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. The Sheriff's Department does not anticipate increases in service calls because of the requested license.

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 owners are not requesting, and will not be providing, live entertainment to patrons

as part of this Project. Therefore, the request for live entertainment 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 Conditional Use Permit Case No. CUP-2023-0026, 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 4th day of April 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 No. CUP-2023-0026)

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 specifically modified by conditions of approval, the Project shall operate in substantial conformance with the approved plans and project description. The Project shall further comply with all conditions of approval stipulated in this resolution attached hereto. In the event project plans conflict with any condition of approval, the condition shall take precedence.
4. All Conditions of Approval for 14-CUP-002 and 14-ODP-001 shall remain in full force and effect, except for the approved license type and hours of operation, which are superseded by this Conditional Use Permit (CUP-2023-0026).
5. If any provision of this permit is held or declared invalid, the approval shall be void and the privileges granted hereunder shall lapse.
6. 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.
7. The facility must comply with all requirements of the Agoura Hills Municipal Code and of the specific zoning designation of the subject property.
8. The facility shall operate in compliance with all applicable local, state and federal laws and regulations.
9. Unless all final approvals have been obtained within two (2) years from the date of approval, Conditional Use Permit Case No. CUP-2023-0026 will expire.
10. Operation of the use shall not be granted until all Conditions of Approval have been complied with as determined by the Planning Director.
11. 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, fines, 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.

12. The Applicant shall comply with all requirements of the California Department of Alcohol Beverage Control.
13. The CUP shall be valid strictly for license type 47 as defined by the California Department of Alcohol Beverage Control (ABC). The City will cause the conditions of approval of this permit to be made a part of the ABC issued license.
14. The approved hours of operation for the restaurant and its outdoor dining area are from 7:00 a.m. to 12:00 a.m. Sunday through Thursday and from 7:00 a.m. to 1:00 a.m. on Friday and Saturday.
15. This Conditional Use Permit only authorizes consumption on site, which includes the existing outdoor dining area. No retail sale of alcohol for off-site consumption is allowed.
16. Live entertainment is not permitted as part of this permit.
17. No amplified sound and/or music shall be permitted in the designated outdoor dining area.
18. The facility shall comply with all applicable noise regulations contained in the Agoura Hills Municipal Code.
19. The facility shall comply with all applicable performance and operational standards of the underlying zoning district, as required by the Agoura Hills Municipal Code.
20. Signage on the site is limited to the signage permitted by the Agoura Hills Municipal Code and any approved sign program or permit. New building signage shall be permitted by separate permit.
21. The site shall be maintained clean, sanitary, and free of litter and any other waste materials and shall be cleaned regularly daily.

22. All temporary movable items associated with the operation of the facility shall be stored away when the facility is closed.
23. No pickup or delivery of merchandise shall occur before 7:00 a.m. on any morning.
24. The facility shall maintain a current business license and provide current emergency contact information at all times.
25. 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.
26. 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

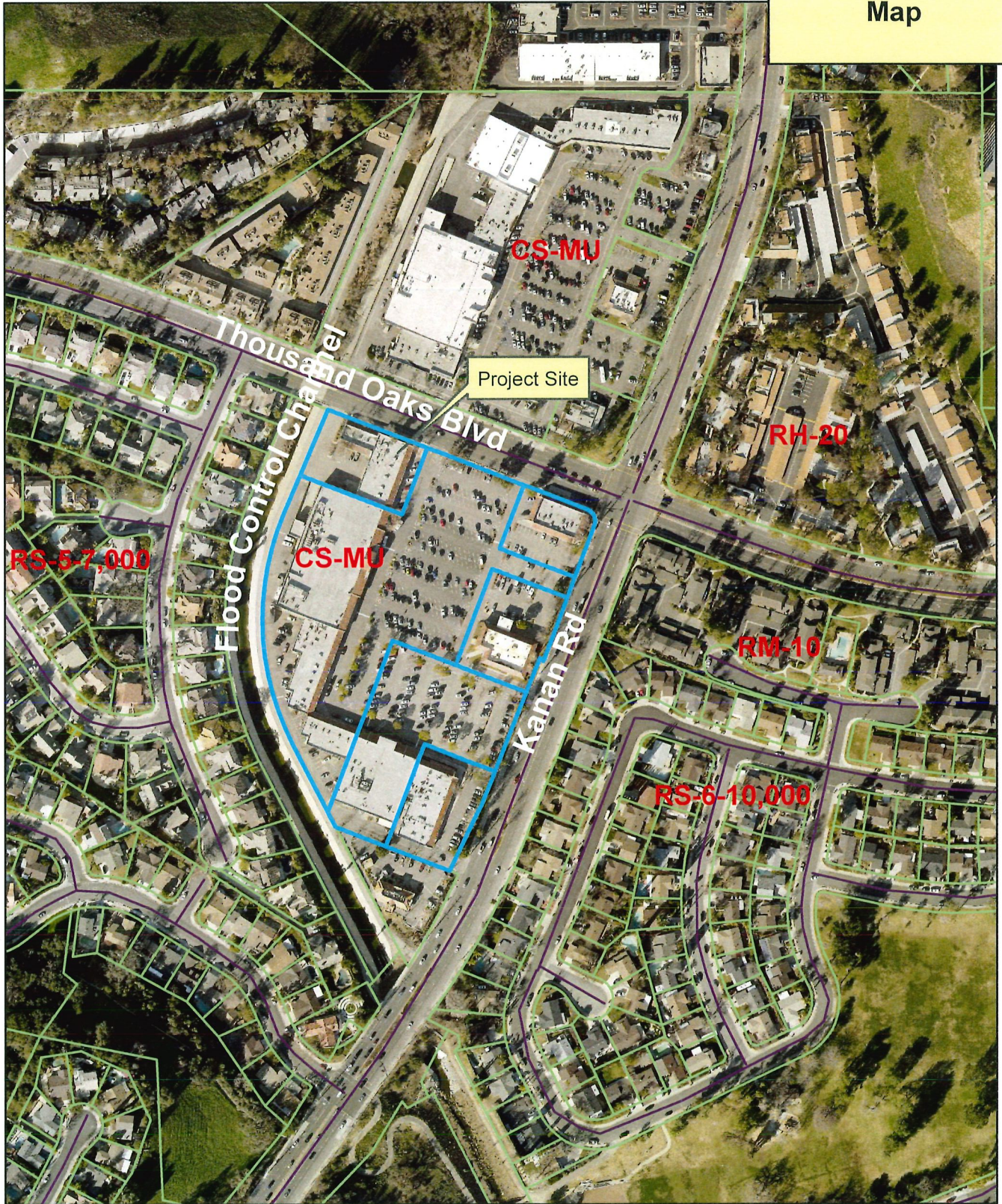
ATTACHMENT 2

Vicinity Map

City of Agoura Hills

Conditional Use Permit Case No. CUP-2023-0026

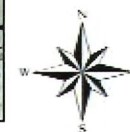
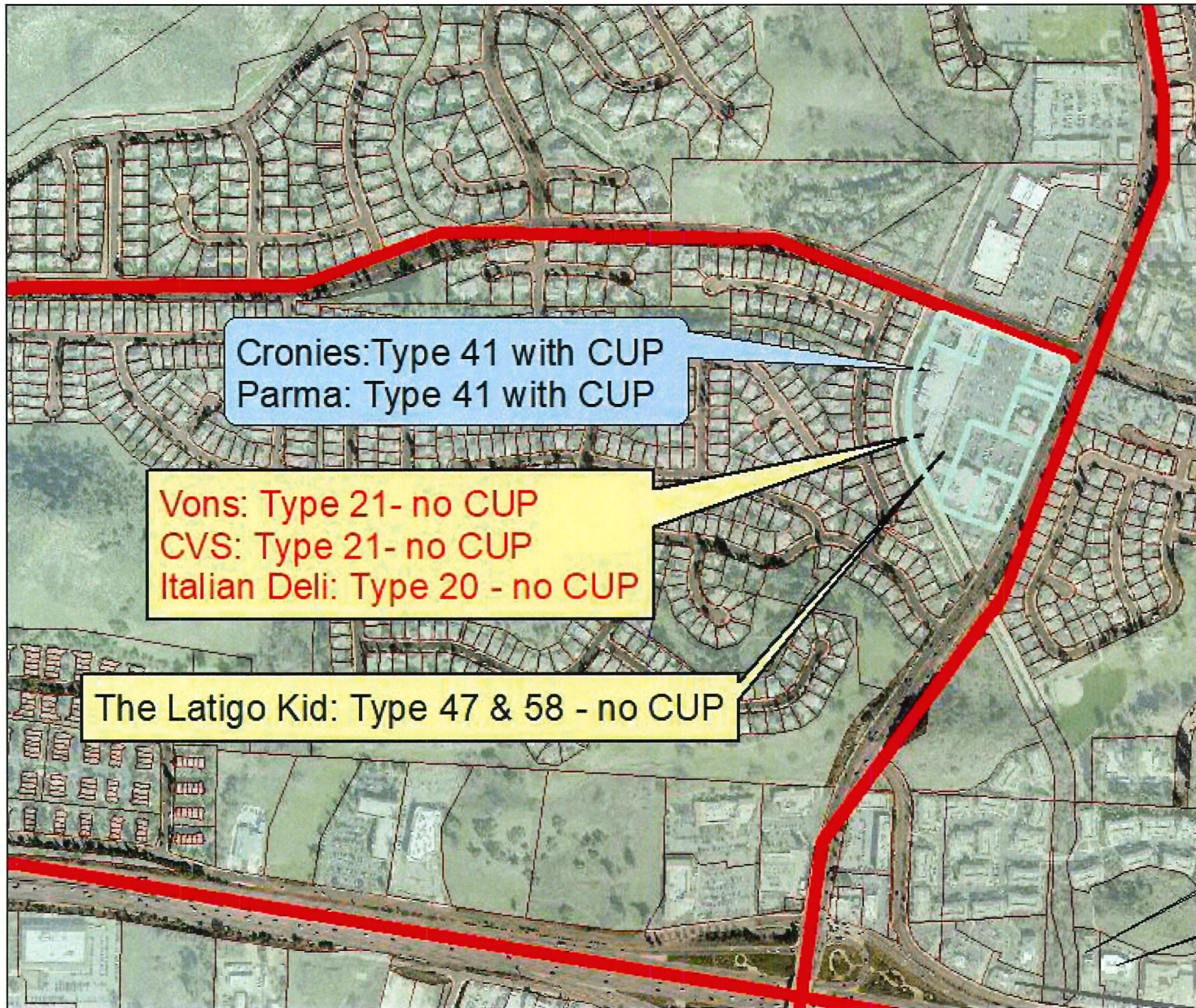
Vicinity/Zoning
Map



ATTACHMENT 3

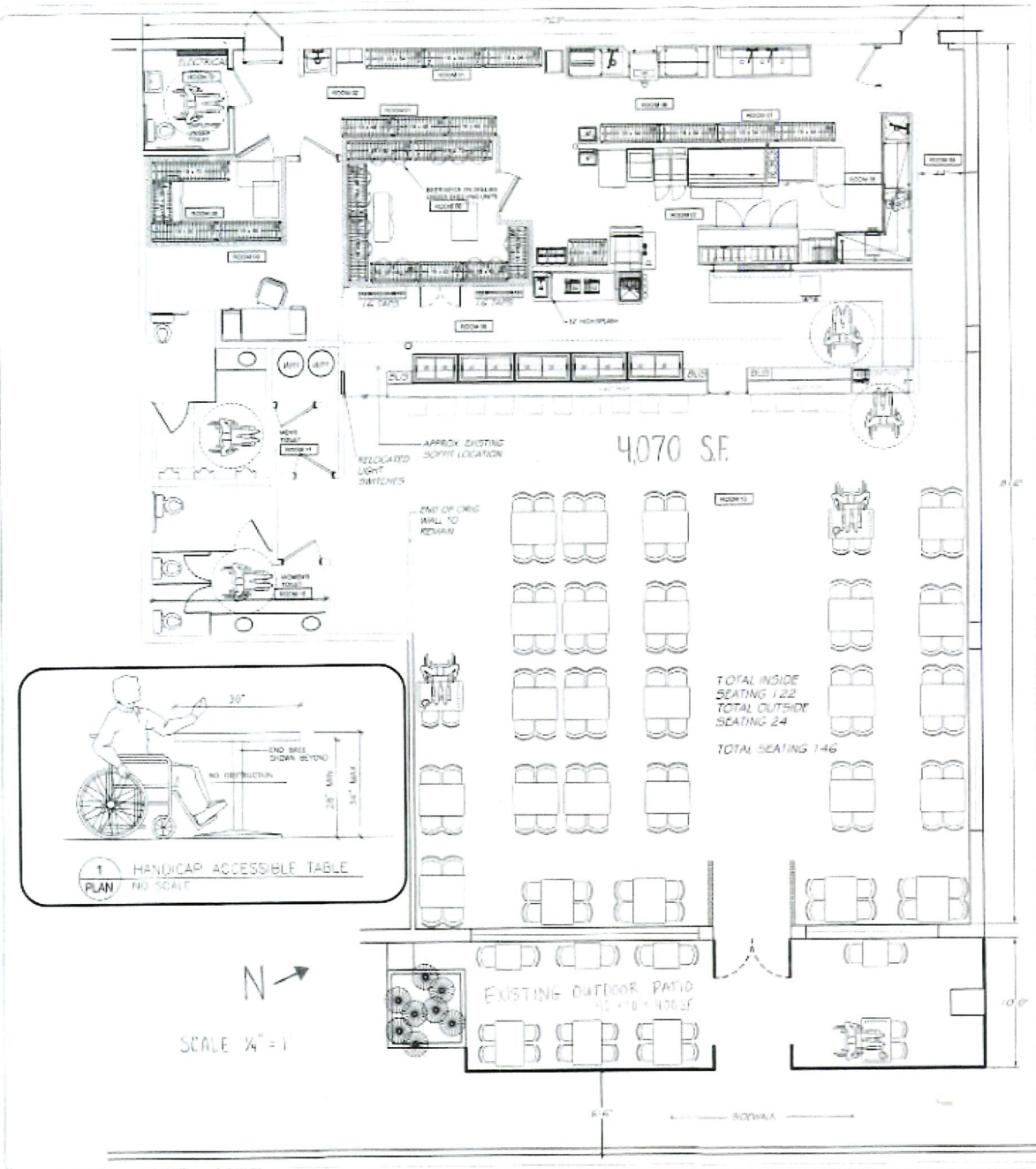
Alcohol Licenses Map

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



ATTACHMENT 4

Project Plans



DRAWN: PCL/BAW
 DATE: 02/18/24

PREPARED BY: OAKFIELD DESIGN GROUP
 20031 167th Place S.E.
 Covington, WA 98042
 (206) 831-0559

CROWIES SPORTS GRILL
 1416 S. 111th St.
 98042-1111
 CROVIER BLVD - CALIFORNIA BLVD

Equipment Schedule
 Equipment # #
 Sheet of PUNCH-07

ATTACHMENT 5

Photographs



DINING AREA



COUNTER BEER TAP AREA



COUNTER FOOD WINDOW AREA



FRONT DOOR VIEW FROM EAST



**SIDE VIEW FROM THE NORTH FROM
THOUSAND OAKS BLVD.**



REAR DELIVERY ACCESS DOOR



SIDE / FRONT VIEW FROM THE WEST



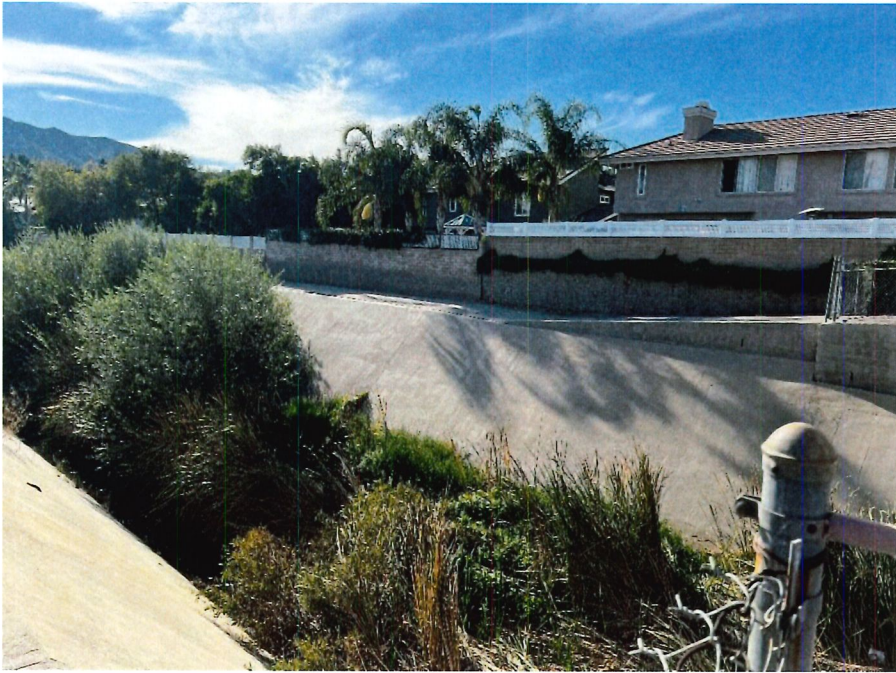
**REAR ALLEY DELIVERY ACCESS AND
FLOOD CONTROL AREA**



**REAR ALLEY FLOOD CONTROL WALL
AND FENCE BARRIER**



**REAR VIEW OF CLOSEST RESIDENCE
THAT IS SEPERATED BY THE FLOOD
CONTROL AREA AND THE TWO WALL
AND FENCE BARRIERS**



REAR FLOOD CONTROL AREA