



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

ACTION DATE: September 6, 2007

APPLICANT: Brian Norris for Chapter 8
30856 Agoura Road, Suite B10
Agoura Hills, CA 91301

TO: Planning Commission

CASE NO.: 05-CUP-001 Amendment

LOCATION: 29020 Agoura Road
(A.P.N. 2061-031-023 & 024)

REQUEST: Request to approve a Conditional Use Permit Amendment to allow live band performance in conjunction with an existing restaurant.

DETERMINATION: The request is not a project per CEQA guidelines.

ENVIRONMENTAL RECOMMENDATION: Staff recommends approval of Conditional Use Permit Amendment Case No. 05-CUP-001 Amendment, subject to the conditions based on the findings of the attached Resolution.

ZONING DESIGNATION: CRS-FC-AV (Commercial Retail Service – Freeway Corridor – Agoura Village)

GENERAL PLAN DESIGNATION: CG (Commercial Retail/Service)

I. PROJECT BACKGROUND AND DESCRIPTION

The applicant, Brian Norris, representing Chapter 8 Restaurant, is requesting an amendment to the restaurant's existing Conditional Use Permit to include a 3-piece live band as part of their live entertainment. The restaurant is located at 29020 Agoura Road in the Agoura Village Shopping Center and is one of seven tenants in the shopping center. Live Entertainment was approved for the restaurant as a Conditional Use permit

in July of 2006. The approval was limited to dancing to recorded music. Although live entertainment is ancillary to dining, the Zoning Ordinance requires the submittal of a Conditional Use Permit to be reviewed and approved by the Planning Commission to ensure compatibility with neighboring uses.

The shopping center is located at the southwest corner of Agoura Road and Cornell Road. The parcel is bordered by the Medea Creek flood control channel. The parcel is zoned CRS-FC-AV (Commercial Retail Service/Freeway Corridor/Agoura Village). The parcel is also bordered to the east and to the south by Business Park - Office Retail and Open Space zoned lots that are currently undeveloped.

The data used for the proposal is summarized as follows:

		Total Tenant Space	Dining Area	Existing Entertainment Area	Proposed Entertainment Area
<u>Chapter 8:</u>	Indoor	6,531 sq.ft.	3,500 sq.ft.	695 sqft.*	695 sqft.
	Outdoor	1,000 sq.ft.	1,000 sq.ft.	None	None

* Excluding booths on the perimeter

II. STAFF ANALYSIS

The applicant’s existing Conditional Use Permit allows for strictly dancing to recorded music between the hours of 10:00 p.m. and 2:00 a.m. or close of business on Fridays and Saturdays. The entertainment is required to be provided inside the restaurant. The applicant is requesting to amend the permit and add a live band that would perform Tuesday through Friday, from 5:00 p.m. to 10:00 p.m. If implemented, Fridays would be the only day when the two types of entertainment would be provided from 5:00 p.m. to 2:00 a.m.

The floor plan of the restaurant has not changed since the Planning Commission’s last review of the Conditional Use Permit. The band would be located in the same area where the dancing was originally permitted under the approved Conditional Use Permit and would share the space with dining customers. The size of the space would continue to be limited to 695 square feet. The band would provide ambient music for the diners. The applicant does not expect to change or upgrade the sound system to accommodate the live band nor would interior improvements be required. The music from the band would be minimally amplified and would not expand to the outdoor dining patio. The sound level is expected to be lower than the sound from the recorded music.

The proposed additional live entertainment would be considered ancillary to the dining. As such, no additional parking spaces are required per the Zoning Ordinance. Staff visited the site to observe the circulation throughout the parking lot and to sample the parking level of use during the hours of 5:00 p.m. and 10:00 p.m. It was found that the circulation does not impact the lot and the parking lot does not always operate at full

capacity. Two of the seven tenants in the shopping center, Fabrocini Restaurant and Pilates Fitness, continue to operate during the hours the band would be performing. The hours of operation of all the tenants have not changed since the last review, however. In order to avoid Chapter 8's customers from occupying the entire parking lot and prevent the other tenant's clientele from accessing the other businesses, Chapter 8 has used the services of a security and valet parking company to monitor traffic and direct all the customers to the appropriate designated parking spaces. The applicant has stated that Chapter 8 will continue to provide these services while providing live entertainment.

With respect to noise impacts, the use is subject to the requirements of the Noise Ordinance which establishes maximum decibel levels. In the event that complaints are received by the Planning Department, the Planning Commission may initiate a public hearing to reconsider the Conditional Use Permit. The project is conditioned accordingly.

Staff requested comments and recommendations regarding the proposal from the Los Angeles County Fire Department and the Los Angeles County (Lost Hills) Sheriff Department. Both departments determined that the request would not, at this time, impede the delivery of emergency and protection services and no new conditions of approval were recommended at this time.

III. RECOMMENDATION

Based on the above analysis, staff recommends approval of Conditional Use Permit Amendment Case No. 05-CUP-001, subject to the findings and conditions in the attached Resolution.

IV. ATTACHMENTS

- Draft Resolution and Conditions of Approval for the Conditional Use Permit
- Exhibit A: Vicinity/Zoning Map
- Exhibit B: Architectural Plans

CASE PLANNER: Valerie Darbouze, Associate Planner