



DEPARTMENT OF PLANNING AND
COMMUNITY DEVELOPMENT

ACTION DATE: November 16, 2006

TO: Planning Commission

APPLICANT: Carlos Orozco
30315 Canwood Street, Suite 1-5
Agoura Hills, CA 91301

CASE NO. 06-CUP-012

LOCATION: 30315 Canwood Street, Suite 1-5
(Reyes Adobe Plaza)

REQUEST: Request for approval of a Conditional Use Permit to allow
live entertainment in an existing restaurant and bar.

ENVIRONMENTAL
ANALYSIS: Exempt from CEQA per Section 15301

RECOMMENDATION: Staff recommends approval of Conditional Use Permit
Case No. 06-CUP-012, subject to conditions, based on
findings in the attached draft Resolution.

ZONING DESIGNATION: CRS-FC (Commercial Retail Service- Freeway Corridor
Overlay)

GENERAL PLAN DESIGNATION: CG (Commercial-Retail/Service)

I. PROJECT BACKGROUND AND DESCRIPTION

Carlos Orozco, owner of Agoura Bistro & Wine Bar in the Reyes Adobe Plaza, is requesting approval of a Conditional Use Permit to conduct live entertainment as an ancillary use in the restaurant. The shopping center is located at 30315 Canwood Street and is within the CRS (Commercial Retail Service) and FC (Freeway Corridor Overlay) zones.

The type of live entertainment requested by the applicant includes the following types performances: guitar, drums, piano and bass instruments, singers, a disc jockey, karaoke and dancing. The proposed hours of the live entertainment are from 9:00 p.m to 1:30 a.m. on Monday through Saturday.

II. STAFF ANALYSIS

Live entertainment as an ancillary use to a restaurant is allowed per the Zoning Ordinance, but is subject to the issuance of a Conditional Use Permit. Due to their unusual or special characteristics, conditional uses require special consideration by the Planning Commission so that they may be located properly with respect to the objectives of the Zoning Ordinance and with respect to their effects on surrounding properties. The Planning Commission may grant or deny a Conditional Use Permit application, and may impose reasonable conditions upon the granting of Conditional Use Permits.

The applicant desires to allow live entertainment within a defined area, approximately 6' x 6' in size, adjacent to the entrance to the restaurant and bar. Kitchen services end at 10:00 p.m., so the entertainment is intended for primarily for the bar patrons, although seating would remain available within the dining area. Sofas are currently placed in the designated entertainment area and will be removed and placed outside when hours of entertainment begin. Although the applicant desires to allow for dancing, the only available area would be adjacent to the performance area, which would block ingress and egress at the main restaurant entrance. As such, staff recommends against the proposed dancing until the applicant finds an alternate location that is supported by the City Building Official and approved by the Planning Commission. The Building Official also recommends that the performance area either be raised or partitioned to allow patrons to enter and exit the restaurant without conflicting with the performers.

While the applicant intends to keep the entertainment somewhat subdued, it will be necessary for certain performers to use portable amplifiers. The restaurant is located near the southwest corner of the property. Its main entrance is located approximately 335 feet from the Stone Crest Homes tract to the north, 97 feet away from the nearest business within the center, and 140 feet from Canwood Street. An outdoor, patio dining area is located on the south end of the restaurant. An office building is located to the west of the shopping center. Staff finds the distance between adjacent uses to be sufficient for controlling potential noise. The applicant is agreeable to keeping doors closed and providing security during the entertainment performances.

In addition to considering potential impacts of the use to surrounding businesses, staff asks that the Planning Commission also consider potential impacts to the residences north of the shopping center. The property manager for the shopping center has authorized the applicant's Conditional Permit request and property owners within 750 feet of the

shopping center have been notified of the public hearing for this request. If approved, this application would be the second live entertainment permit issued by the Planning Commission for property located north of the 101 freeway, in which most residential development exists within the City. The most recent live entertainment permit issued by the Planning Commission was for Kava Dume located in the Agoura Meadows Shopping Center. Previous live entertainment permits issued for the following businesses located south of the 101 Freeway include The Canyon Club, Corfu Island, Padri's and Chapter 8 Restaurant. Milano II Restaurant, which previously occupied the applicant's restaurant location, included a pianist who played while patrons were dining.

As an ancillary use to the restaurant, the proposed entertainment does not require the provision of additional parking spaces within the shopping center. With the recommended conditions, staff supports the request. If the Conditional Use Permit is approved, and if complaints are subsequently received regarding excessive noise, loitering and parking/traffic safety issues and the like associated with the live entertainment use, the Planning Commission may initiate a public hearing to reconsider the Conditional Use Permit. Staff recommends that the Planning Commission review a permit compliance monitoring report for permit six months after the live entertainment has commenced. Upon review of the report, the Planning Commission may require a public hearing to be held to reconsider the entitlement. Based on the criteria established by the Agoura Hills Municipal Code, the Planning Commission may also consider revocation, or new or revised conditions of approval may be placed if deemed necessary by the Commission.

III. RECOMMENDATION

Staff recommends the Planning Commission to adopt a motion to approve Conditional Use Permit Case No. 06-CUP-012, subject to Conditions, based upon the finds of the attached Draft Resolution.

IV. ATTACHMENTS

- Draft Resolution and Conditions of Approval
- Exhibit A: Categorical Exemption from CEQA
- Exhibit B: Vicinity Map
- Exhibit C: Reduced Copies of Site and Floor Plan
- Exhibit D: Photographs of interior space, exterior space and restaurant frontage

Case Planner: Britteny Tang, Planning Technician

DRAFT RESOLUTION NO. ____

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF AGOURA HILLS
APPROVING CONDITIONAL USE PERMIT CASE NO. 06-CUP-012

THE PLANNING COMMISSION OF THE CITY OF AGOURA HILLS HEREBY
FINDS, RESOLVES AND ORDERS AND FOLLOWS:

Section 1. An application was duly filed by Carlos Orozco for Agoura Bistro & Wine Bar, with respect to the real property located at 30315 Canwood Street, Unit 1-5, Assessor's Parcel Number 2054-020-040, requesting approval of a Conditional Use Permit to conduct live entertainment as an ancillary use in an existing restaurant. A public hearing was duly held on November 16, 2006, at 6:30 p.m. in the Council Chambers, City Hall at 30001 Ladyface Court, Agoura Hills, CA 91301. Notice of the time and date and place and purpose of the aforesaid was duly given.

Section 2. Evidence, both written and oral, was duly presented to and considered by the Planning Commission at the aforesaid public hearing.

Section 3. The Planning Commission finds pursuant to the Agoura Hills Zoning Ordinance, that:

A. The proposed use, as conditioned, is consistent with the objectives of the Zoning Ordinance and the purposes of the district in which the use is located in that live entertainment is permitted in the CRS-FC (Retail Service Commercial - Freeway Corridor Overlay) zone, subject to approval of a Conditional Use Permit.

B. The proposed use, as conditioned, is compatible with the surrounding area in that it is located a sufficient distance from adjacent residential uses and businesses so as to sufficiently reduce potential noise impacts associated with the use. The hours of operation and the parking demand for the use will not conflict with other businesses located in the same shopping center.

C. The proposed use and the conditions under which it would be operated or maintained will not be detrimental to the public health and safety, or welfare. The live entertainment will be conducted indoors and will serve as an ancillary use to the restaurant and bar, thereby not creating an additional parking demand. On-site security will be provided during the hours of live entertainment.

D. The proposed use, as conditioned, will comply with each of the applicable provisions of the Zoning Ordinance in that the live entertainment is a permitted accessory use to restaurant and bar and conditions are imposed to reduce potential impacts to neighboring businesses and residents. A sufficient amount of on-site parking is available to accommodate this accessory use.

E. The proposed use as conditioned, is consistent with the goals, objectives, and policies of the General Plan in that live entertainment offers a land use which meets the diverse needs of Agoura Hills' residents, as called for in the Land Use Element of the City's General Plan.

Section 4. The Planning Commission finds that the proposed Conditional Use Permit to be categorically exempt from the requirements of the California Environmental Quality Act, per Section 15301, that the project involves ancillary live entertainment within an existing restaurant.

Section 5. Based on the aforementioned findings, the Planning Commission hereby approves Conditional Use Permit Case No. 06-CUP-012, with respect the property described in Section 1.

PASSED, APPROVED, and ADOPTED this 16th day of November, 2006 by the following vote to wit:

AYES:
NOES:
ABSTAIN:
ABSENT:

Phil Ramuno, Chairperson

ATTEST:

Doug Hooper, Secretary

CONDITIONS OF APPROVAL (Case No. 06-CUP-012)

STANDARD CONDITIONS

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. This action 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 Department of Planning and Community Development.
3. Except as modified herein, the approval of this action is limited to and requires complete conformation to approved Floor Plan.
4. It is hereby declared to be the intent that if any provision of this Permit is held or declared to be invalid, the Permit 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 Permit shall be suspended and the privileges granted hereunder shall lapse; provided that the applicant has been given written notice to cease such violation and has failed to do so for a period of thirty (30) days.
6. Unless this permit is used within two (2) years from the date of City approval, Case No. 06-CUP-012 will expire. A written request for a one (1) year extension may be considered prior to the expiration date.

SPECIAL CONDITIONS

7. Live entertainment shall be conducted within the area specified on the approved Floor Plan and shall be limited to guitar, drums, piano and bass instruments, singers, a disc jockey, and karaoke. Dancing is prohibited.
8. Live entertainment is allowed from 9:00 p.m. to 1:30 a.m., Monday through Saturday.
9. No additional exterior lighting or exterior amplified music or vocals are permitted as part of this application.
10. No signage is approved as part of this application.
11. Outdoor entertainment is strictly prohibited under this application.
12. The applicant shall clean the area outside of the tenant space every night upon the close of business.

Conditions of Approval (Case No. 06-CUP-012)

Page 2

13. The entry, exit and patio doors shall be closed during the time of live entertainment.
14. The applicant shall separate the performance area from the adjacent required pedestrian path of access in a manner approved by the City Building Official.
15. The applicant shall post maximum occupancy signs within the restaurant and bar, based on the approved occupancy determined by the Building and Safety Department.
16. Live entertainment shall not occur until all required building permits of the restaurant have been finalized by the Building and Safety Department.
17. Live entertainment shall not occur until the applicant has obtained a Public Assembly Permit from Los Angeles County Fire District.
18. The applicant shall obtain an Entertainment Permit from the Los Angeles County Business License Commission, and shall obtain approval of the performance location within the restaurant from the Los Angeles County Fire District. Proof of approval shall be submitted to the Department of Planning and Community Development prior to the start of live entertainment.
19. The applicant shall update his annual City of Agoura Hills Business Registration and provide a description of all activities conducted in the tenant space.
20. If complaints are received regarding excessive noise, loitering and parking/traffic safety issues and the like associated with the live entertainment use, the Planning Commission may initiate a public hearing to reconsider the Conditional Use Permit.
21. A monitoring report on the applicant's compliance with the conditions of approval shall be reviewed by the Planning Commission six (6) months after (or shortly thereafter) the business provides live entertainment. Upon review of the report, the Planning Commission may require a public hearing to be held to reconsider the entitlement. Based on the criteria established by the Agoura Hills Municipal Code, the Planning Commission may also consider revocation, or new or revised conditions of approval may be placed if deemed necessary by the Commission.

END



CONDITIONAL USE PERMIT – CASE NO. 06-CUP-012

**FOR THE PROPERTY LOCATED AT
30315 CANWOOD STREET, SUITE 1-5, AGOURA HILLS**

EXHIBIT A

CATEGORICAL EXEMPTION FROM CEQA

Notice of Exemption

To: Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, Ca 95814

From: City of Agoura Hills
30001 Ladyface Court
Agoura Hills, CA 91301

County Clerk
County of Los Angeles
Los Angeles County Clerk
12400 E. Imperial Hwy.
Norwalk, CA 90659

Project Title: Agoura Bistro Restaurant

Project Location-Specific: 30315 Canwood Street; APN 2054-020-040

Project Location-City: City of Agoura Hills

Project Location-County: Los Angeles

Description of Nature, Purpose, and Beneficiaries of Project: Conditional Use Permit request to allow live entertainment in a portion of the existing designated bar area of the restaurant. No changes to the exterior of the building and no additional seating are proposed.

Name of Public Agency Approving Project: City of Agoura Hills

Name of Person or Agency Carrying Out Project: Carlos Orozco/Agoura Bistro Restaurant

Exempt Status: (Check One)

- Ministerial (14 Cal Code of Regs. Sec. 15268);
 Declared Emergency (14 Cal Code of Regs. Sec. 15269(a))
 Emergency Project (14 Cal Code of Regs. Sec. 15269(b),(c), (d) and (e)). State subsection letter
 Statutory Exemption (14 Cal. Code of Regs. Sections 15260 et seq.) State Statutory Number
 Categorical Exemption (14 Cal Code of Regs. Sections 15300 et seq.) State of California CEQA Guidelines Section 15301, Class 1.
 No possibility of physical impact. (14 Cal Code of Regs. Section 15061 (b)(3))

Reasons why project is exempt: The project consists of allowing live entertainment use in a portion of an existing restaurant. No additional seating capacity is being provided, and no changes to the exterior or interior remodeling are proposed. Existing parking capacity has been determined to be adequate for the proposed project. The project would not result in any significant environmental impacts. Also, the project site is not in a scenic highway area, and is not a hazardous waste site or a historical resource.

Lead Agency Contact Person: Allison Cook, Senior Planner, City of Agoura Hills

Area Code/Telephone/Extension: (818) 597-7310

Signature: Allison Cook

Date: 9/22/06

Title: Senior Planner



CONDITIONAL USE PERMIT – CASE NO. 06-CUP-012

**FOR THE PROPERTY LOCATED AT
30315 CANWOOD STREET, SUITE 1-5, AGOURA HILLS**

EXHIBIT B

VICINITY MAP

Agoura Bistro and Wine Bar 06-CUP-012





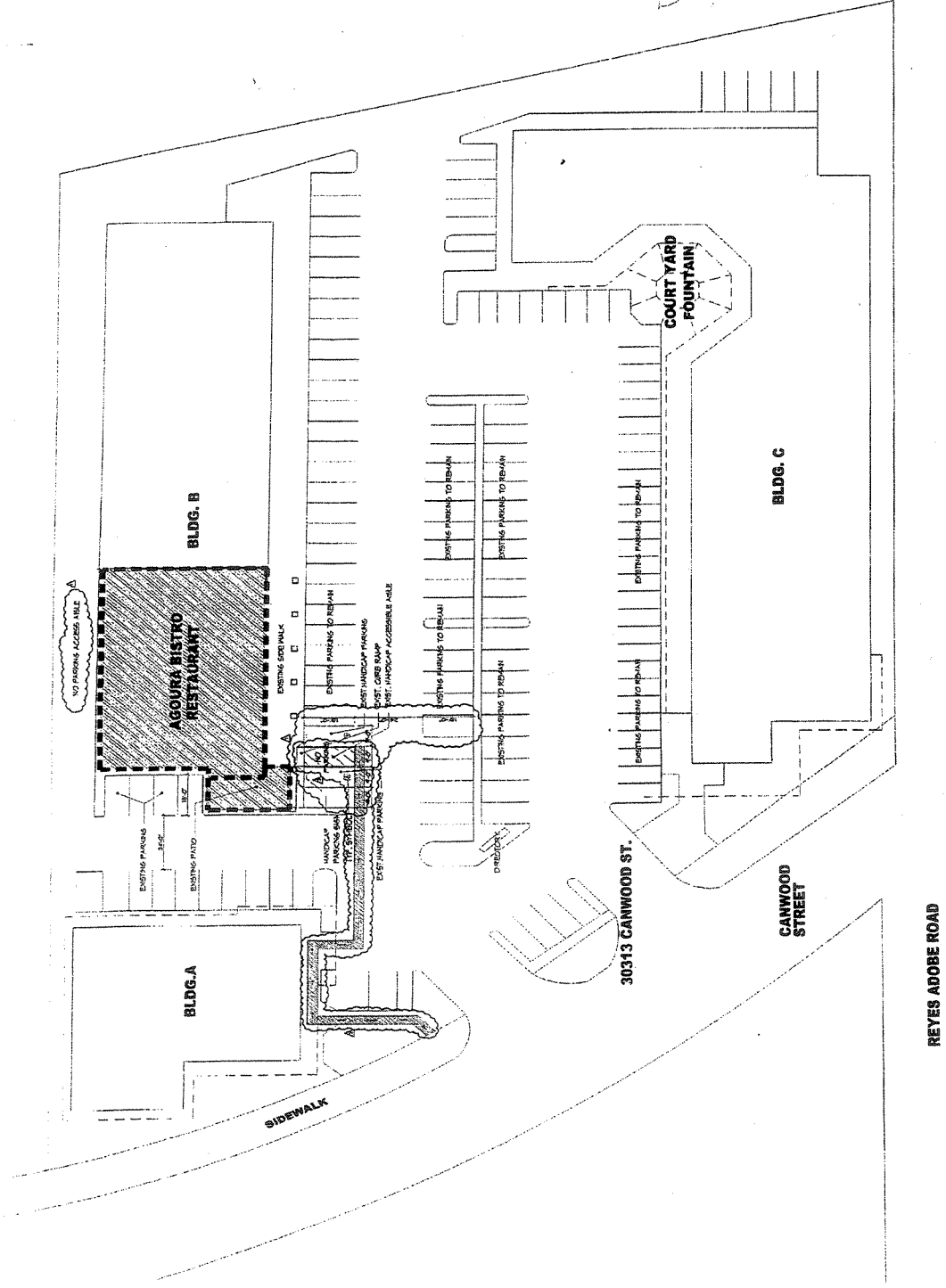
CONDITIONAL USE PERMIT – CASE NO. 06-CUP-012

**FOR THE PROPERTY LOCATED AT
30315 CANWOOD STREET, SUITE 1-5, AGOURA HILLS**

EXHIBIT C

REDUCED COPIES OF SITE AND FLOOR PLAN

06-010-012



1 SITE PLAN
SCALE: 1/4" = 1'-0"

DATE	NO.	DESCRIPTION

AGOURA BISTRO RESTAURANT
 10000 AGOURA HILLS BLVD. STE. 100
 AGOURA HILLS, CA 92603
 DATE: 02/20/09
 DRAWN BY: [Signature]
 PROJECT NO.: 09-001

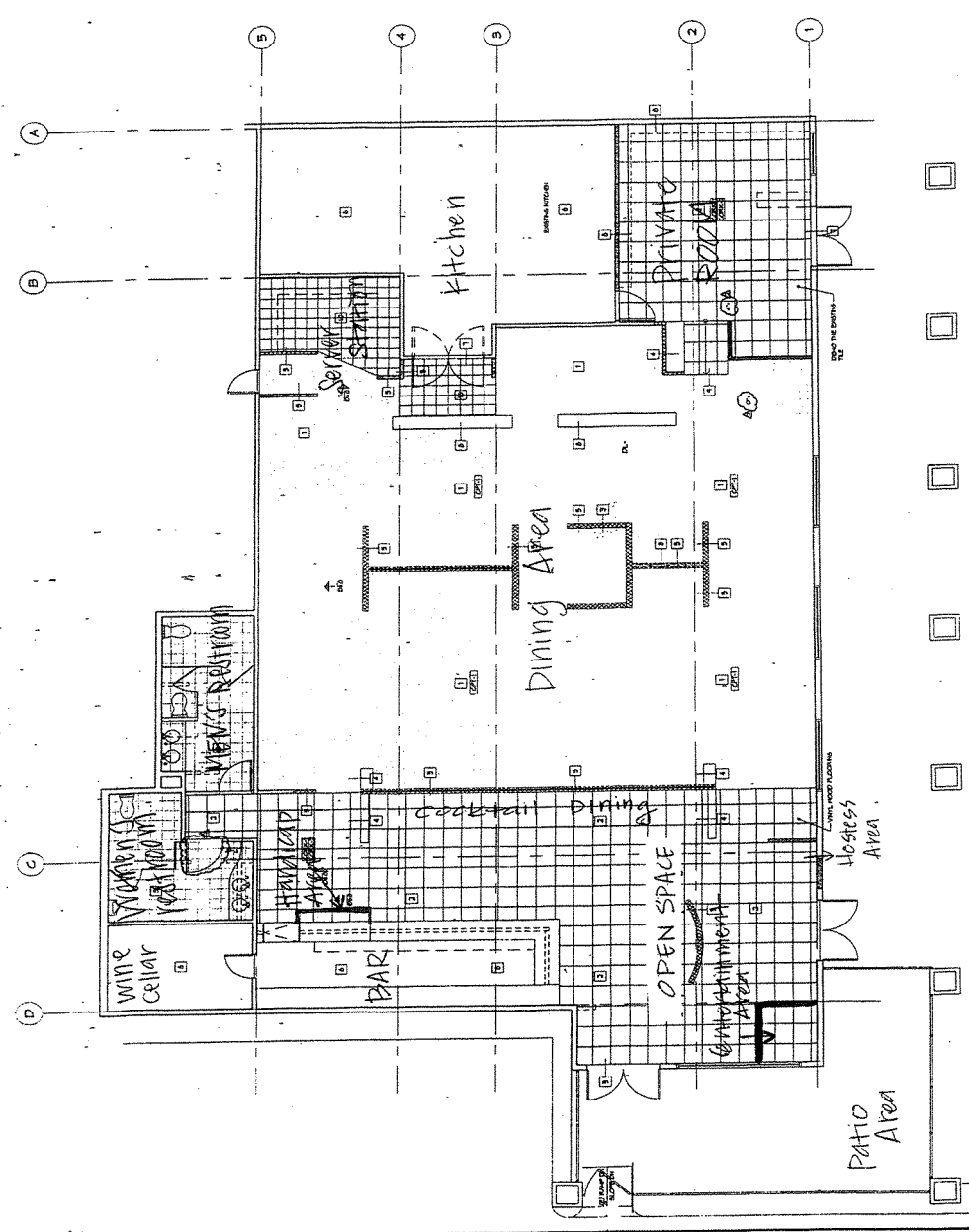
AGOURA BISTRO RESTAURANT
 FLOOR FINISH PLAN
 SCALE: 1/8" = 1'-0"

AGOURA BISTRO RESTAURANT
 FLOOR FINISH PLAN
 SCALE: 1/8" = 1'-0"

CITY OF
 AGOURA HILLS
 NORTH
 1 FLOOR FINISH PLAN
 DATE: 02/20/09

- FLOOR FINISH PLAN KEYED NOTES:**
- 1) NEW CARPET BY OWNER S.E.C. TO INSTALL
 - 2) REMOVE EXISTING CARPET AND PATCH TILE TO FINISH
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1 FLOOR FINISH PLAN
 DATE: 02/20/09

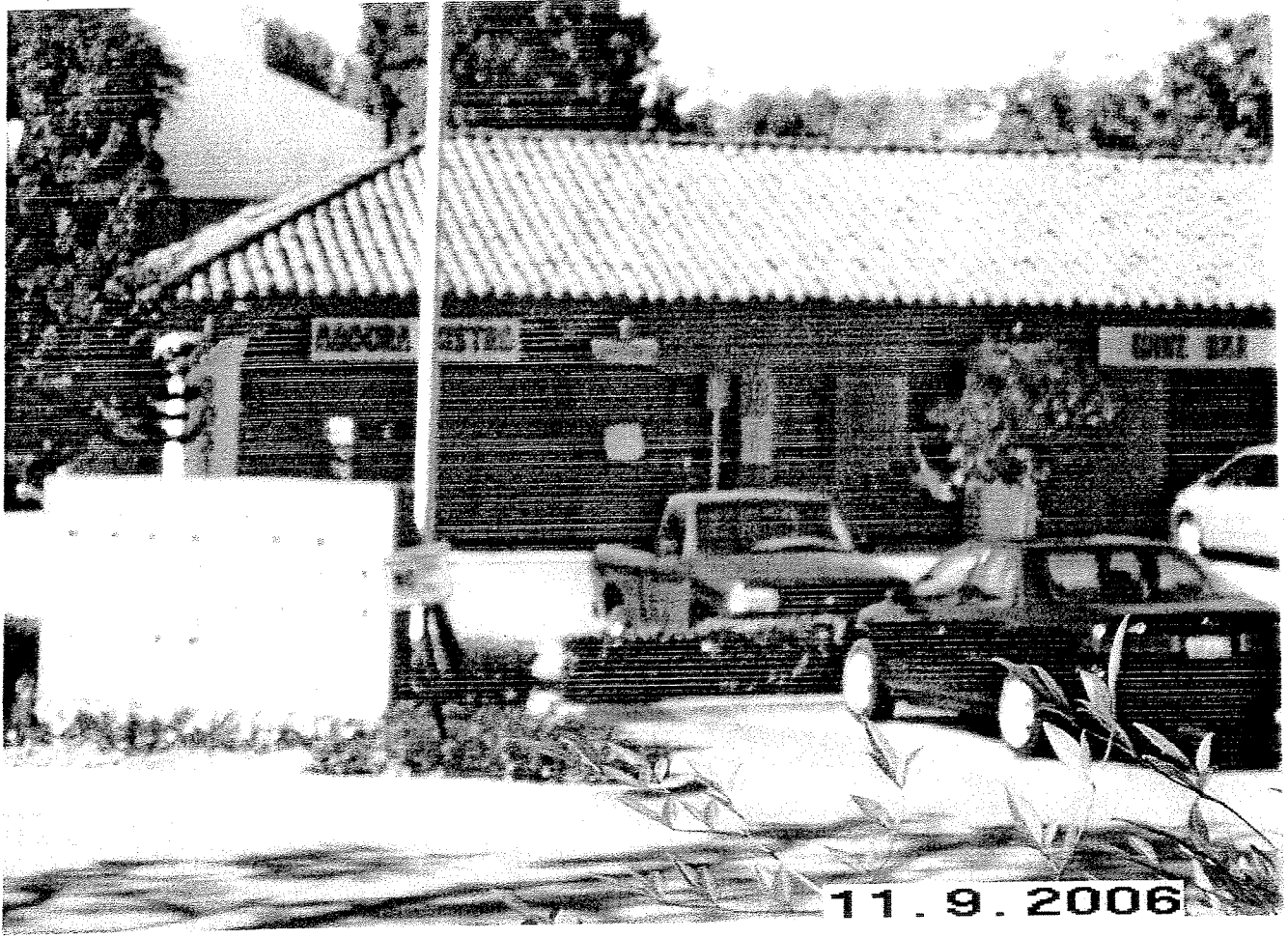


CONDITIONAL USE PERMIT – CASE NO. 06-CUP-012

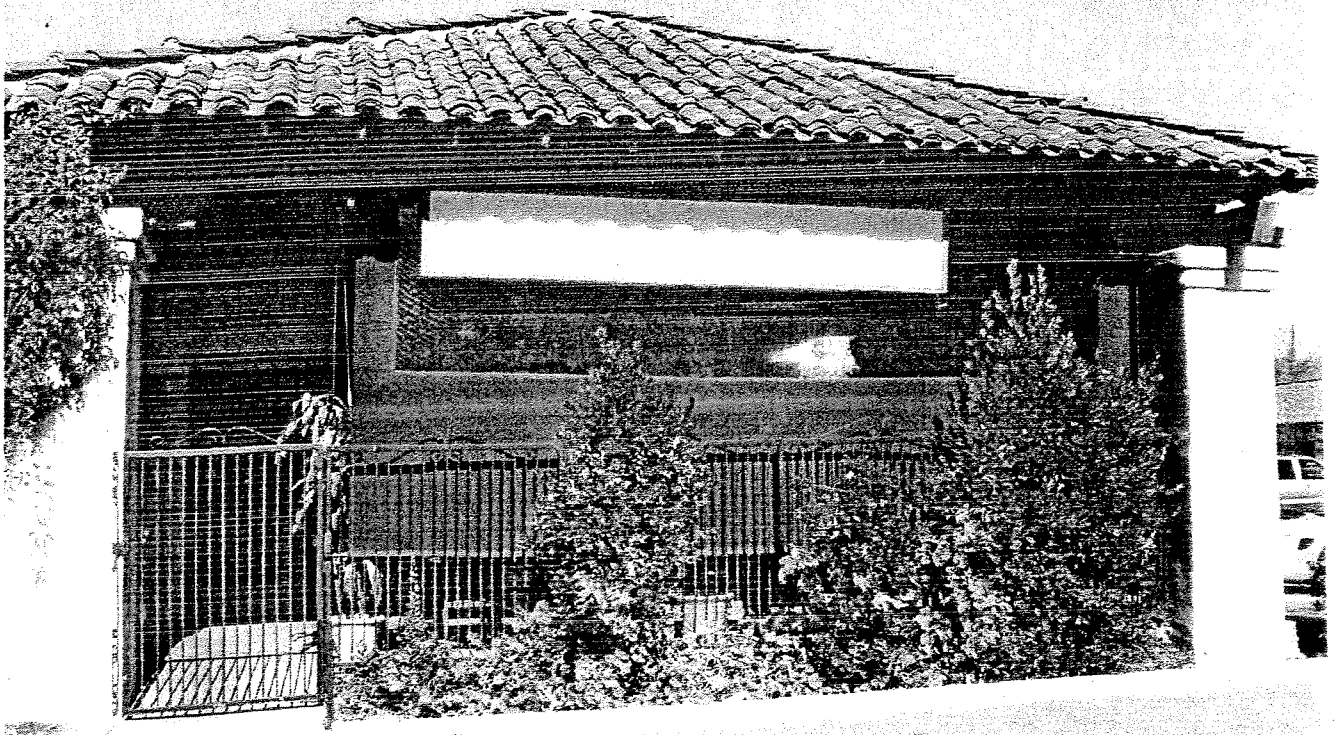
**FOR THE PROPERTY LOCATED AT
30315 CANWOOD STREET, SUITE 1-5, AGOURA HILLS**

EXHIBIT D

**PHOTOGRAPHS OF INTERIOR SPACE, EXTERIOR SPACE, AND
RESTAURANT FRONTAGE**



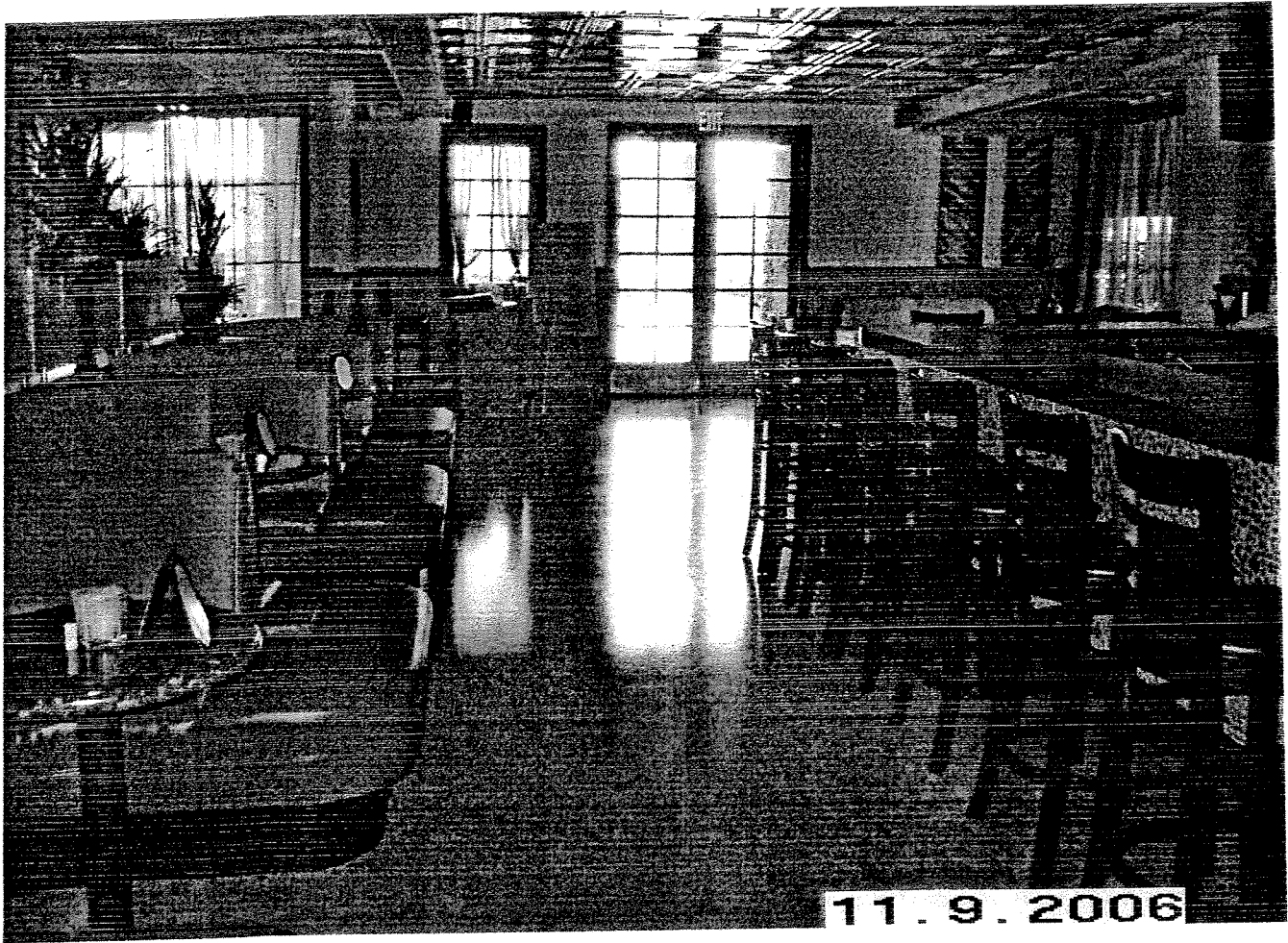




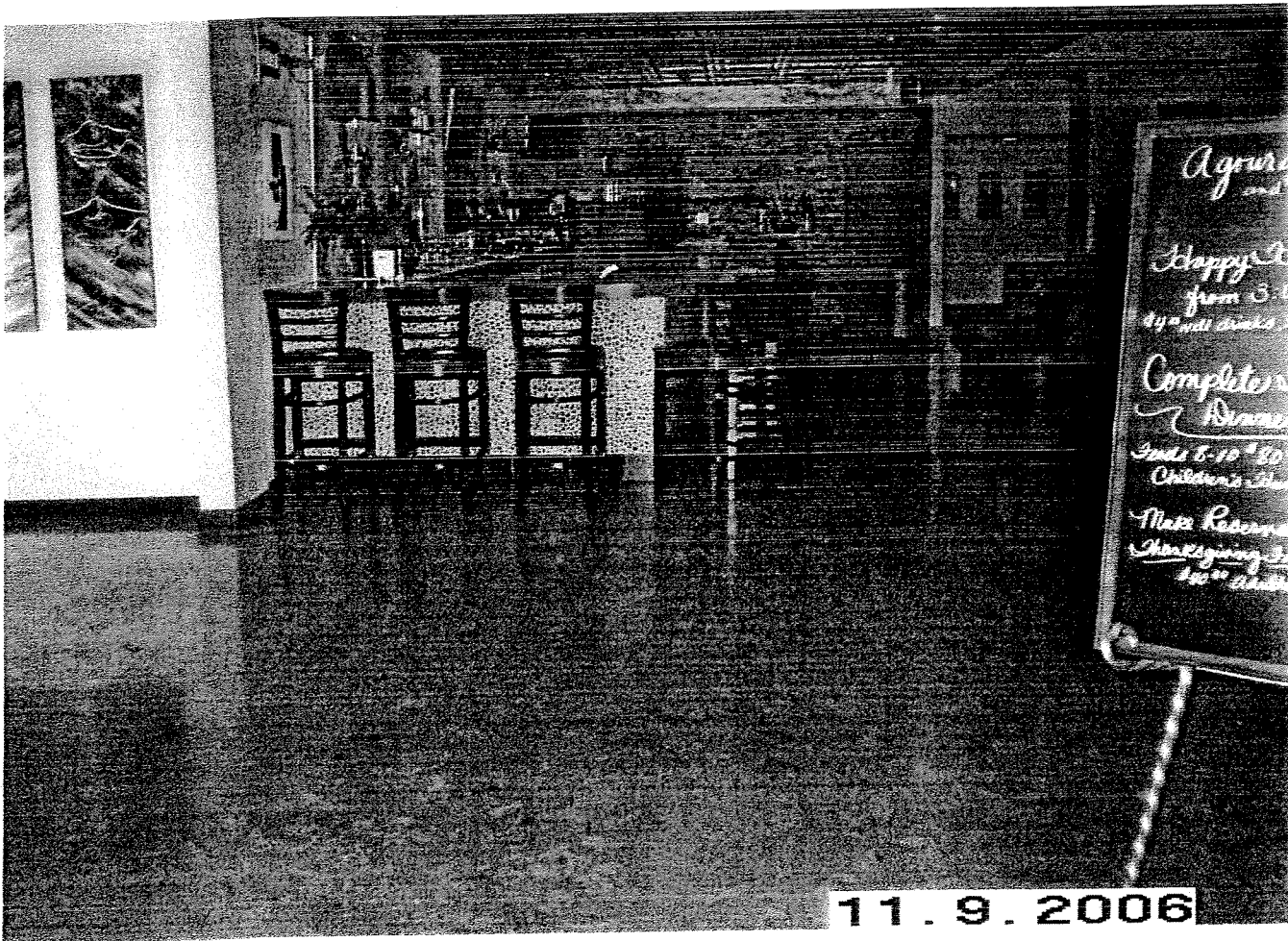
11.9.2006



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Agave
and
Happy
from 3-6
49 and drinks
Complete
Dinner
and 5-10 50
Children's
Mass Room
Thanksgiving
100 and

11.9.2006



