



**DEPARTMENT OF PLANNING AND
COMMUNITY DEVELOPMENT**

TO: Planning Commission

FROM: Planning Staff

SUBJECT: Monitoring Report for Conditional Use Permit Case No. 06-CUP-012 - Senor Carlos Grill and Tequila Lounge

DATE: February 19, 2009

BACKGROUND

On November 16, 2006, the Planning Commission approved Conditional Use Permit Case No. 06-CUP-012, allowing for live entertainment to be conducted in Agoura Bistro. The restaurant, which has since been renamed to Senor Carlos Grill and Tequila Lounge, is located at 30315 Canwood Street, Unit 1-5, in the Reyes Adobe Plaza. The live entertainment was approved as an ancillary component of the restaurant and the Planning Commission required staff to return with a monitoring report on the applicant's compliance with the required conditions of approval for live entertainment.

The restaurant owner received his entertainment license from the County of Los Angeles in November of 2007. However, in the later half of 2008, staff received complaints regarding on-site loitering and noise impacts to neighboring residents associated with the live entertainment. Staff subsequently inspected the live entertainment on a Sunday night (November 16, 2008) and found the following violations of the Conditional Use Permit that included alterations to the approved floor plan; entertainment occurring beyond the approved hours; restaurant door kept open during the entertainment; blocking of paths of exit; and failing to provide the City with proof of a current entertainment permit required from the Los Angeles County Health Department.

Staff's findings were presented to the Planning Commission as a discussion item on December 18, 2008. Options that were provided by staff on how to proceed with the violations were to: 1) schedule a public hearing for reconsideration of the Conditional Use Permit; 2) request staff to continue monitoring the live entertainment and report the findings to the Planning Commission; or 3) take no action on the Conditional Use Permit. Based on testimony given by the applicant and the public, the consensus of the Planning Commission was to request staff to continue monitoring the restaurant's live entertainment and provide another monitoring report to Planning Commission for discussion. A copy of the December 18, 2008 Planning Commission Meeting minutes and staff report are attached for reference.

DISCUSSION

Since the violations reported to the Planning Commission were found to occur on a Sunday evening, staff re-inspected the restaurant on Sunday, February 8th, after the allowable entertainment hours. No live entertainment was found to be occurring after 10:00 p.m.

Staff had also inspected the restaurant on Friday, January 30th. This inspection revealed several violations of the Conditional Use Permit. Food service stopped at 9:30 p.m. for customers and the restaurant then operated as a nightclub. An entrance cover charge of \$20.00 was required of customers. This was also required during staff's November, 2008 inspection. The approximate 1,100 square foot dining floor area located in the middle of the restaurant was cleared for the entertainers and customer dancing. This area differs from the approved entertainment area approved by the Planning Commission, which was to be located in a 77 square-foot corner at the south end of the restaurant. Entertainment consisted of a disc-jockey and adult female "go-go" dancers who performed every hour. The entertainment occurred until 2:30 a.m., beyond the 1:30 a.m. limit imposed by the Planning Commission. Also, as shown in the attached flyer, the same entertainment was advertised for the following Friday evening, on February 6th.

At the December 18th Planning Commission meeting, the applicant provided staff with a copy of his current Entertainment Permit from Los Angeles. After the Planning Commission meeting, staff spoke with the applicant to remind him of his conditions of approval. He since attempted to file an application in January to amend his Conditional Use Permit, but the application was incomplete and staff did not accept it.

Staff has not received any noise complaints from neighboring residents or businesses since the matter was last discussed by the Planning Commission. However, staff's observations of the restaurant reveal to us that entertainment is no longer ancillary to the restaurant use. Rather, with the floor plan conversion, the non-permitted type entertainment being conducted, the hours of operation, and the requirement of a cover charge reveal the restaurant is being used in the evenings for nightclub purposes, which is beyond the limits of the applicant's Conditional Use Permit. This has occurred after the Planning Commission informed the applicant of their concerns last December.

Regardless of whether the applicant files an application to amend his Conditional Use Permit, staff recommends the Planning Commission direct staff to schedule a public hearing for reconsideration of the current Conditional Use Permit. No formal action can be taken this evening by the Planning Commission to revoke or amend the Conditional Use Permit. Rather, if reconsideration of the Conditional Use Permit is desired by the Planning Commission, the applicant and the public would be notified and given an opportunity to provide testimony in a public hearing.

RECOMMENDATION

Staff recommends the Planning Commission direct staff to schedule a public hearing for the Planning Commission's reconsideration of Conditional Use Permit Case No. 06-CUP-012.

ATTACHMENTS

- Letters From the Public
- Planning Commission Meeting Minutes (December 18, 2008)
- Planning Commission Staff Report (December 18, 2008)

LETTERS FROM THE PUBLIC

December 19, 2008

Agoura Hills Planning Commission
30001 Ladyface Court
Agoura Hills, CA. 91301

RE: Conditional Use Permit Case No. 06-CUP-012 Senor Carlos Grill and Tequila Lounge

Dear Committee Members;

First and foremost we would like to thank you for your involvement thus far on this issue and the opportunity to speak at the commission hearing on December 18, 2008. The intended recipients were the panel members from the December 18th meeting; however we were unable to obtain direct email addresses.

An overview of our thoughts on the issues presented last evening were of severe disappointment for the following reasons:

1. The applicant at no time presented any viable data on mitigating any of the following complaints or violations of his permit:

A. Condition 7 staff inspection stated that the dance floor area was extended beyond the designated area. Access near the westerly door was blocked.

Note: West Warwick Rhode Island Fire at night club, Station Concert Club and band Great White with 100 human casualties and injuring 200.

Appeal. Applicant's response to this was he was applying for a new permit to modify his current facility to provide for additional live entertainment. However no repercussions or conditions were placed on the applicant for the modifications that have already been completed. Nor were any conditions placed on the applicant for the increased size of the current live entertainment area that is in violation of the applicant's permit.

Note: Is there a rated capacity for this facility? Was this or could this be an additional violation?

B. Condition 8 staff inspection stated that the live entertainment extended until 2 am.

Note: The noise level was high during all weekend night not just Sunday.

Appeal. Applicant did not state he would change or modify his hours of operation and no conditions were placed on the applicant in this regard. Commission staff did comment they did not like the hours of operation during the

week and especially on Sunday. Additionally, the number of complaints to the Lost Hills Sheriff's Department should be noted and further consideration given to these disturbances. We feel the spot light issue should also be given further merit as this could be verified by determining who rented the light. There was also a burglary reported to the Lost Hills Sheriff's department at this location which may/may not be relevant to the establishment or patrons and may merit further evaluation.

C. Condition 13 staff inspection stated that patrons of the building entered through the outdoor patio area.

Appeal. Applicant did not state he would change or modify the entry/exit to the current facility and no conditions were placed on the applicant.

Note: This seems to be a security concern for the applicant, not to mention that any patron of legal age or not can enter the facility during the hours of operation.

D. Condition 14 staff inspection stated the entertainment area partially blocked access to the westerly entrance/exit doors.

Appeal. Applicant did not state that he would change or modify his current facility to provide proper access or egress to his facility and no conditions were placed on the applicant.

This is a fire code violation as access or egress for a building can be blocked as this will not provide adequate emergency escapes out of the facility.

Note: West Warwick Rhode Island Fire at night club, Station Concert Club and band Great White with 100 human casualties and injuring 200.

E. Condition 18 staff inspection stated that Agoura Staff did not have proof of a current Los Angeles County Live Entertainment Permit and that the current permit had expired on October 31, 2008.

Appeal. The applicant applied or received a new permit only after he was inspected on November 16, 2008. No condition was placed on the applicant for operating without a valid permit.

2. We feel that further clarification on what the establishment's intended use will be, i.e. the commissions initial application was for an establishment with piano type entertainment. Now the establishment has changed to live entertainment and a name of Tequila Lounge. In addition to this other communities have different guidelines or codes for restaurants vs. a nightclub including noise levels. Is this a nightclub or is this a restaurant? Why the night club atmosphere at this establishment which is located closer to residents and not at his Agoura Road Cantina?

We would ask that the Committee provide us with further details on the appeal items listed above. In addition we would like to know if there is an appeal process on this decision on Conditional Use Permit Case No. 06-CUP-012 or what other action we can take to either the Planning Commission or to the City Council.

Respectfully submitted,

Barry & Cynthia Bartholomay
5301 Jon Dodson Drive
Agoura Hills, CA. 91301
Phone: (818) 865-0846
Email: cahkycoach@aol.com
cbcalie@sbcglobal.net
Cell: (818) 300-5903

From: Angela Parmelee [mailto:Angela@parmeleegeology.com]
Sent: Thu 12/18/2008 1:22 PM
To: Denis Weber; William Koehler; John Edelston; Dan Kuperberg; Harry Schwarz
Cc: cahkycoach@aol.com
Subject: Re: City Planning Agenda Meeting 12-18-08

Dear Council Members,

Please see attached flier that Carlos distributed all the way from Van Nuys to Oxnard and beyond. This picture alone speaks a thousand words. Would you want such an establishment in **YOUR** family's back yard? Please keep it in mind as you vote on whether it's appropriate to have **a night club that attracts criminal element in a residential area.**

Sincerely,

Angela Parmelee

Dear Council Members,

I am writing to you concerning the public hearing tonight regarding Senor Carlos's restaurant. Unfortunately I will not be able to attend, but I would like to pass on my thoughts concerning this matter. When the restaurant first started live entertainment, we happened to be at the restaurant that evening. We spoke with Carlos that night after getting "stared down" by some of the night club patrons hanging out in the parking lot. His response was he had a license to conduct his business and to butt-out of his affairs. He advertises the night club from outside areas, attracting gang-bangers and other undesirable types. Please find the attachment of one of his advertisement cards. It is my understanding that he was recently cited for using a spotlight without a permit to attract people from outside our area. I am concerned about his defiance regarding conformance with his conditional use permit and personal experience about his disregard for the neighborhood and community. I feel that the night club portion of his business should either be taken away or severely limited. The noise and traffic impact on the neighborhood would be significant. A night club establishment adjoining a residential area is not appropriate. I truly hope that you take this into consideration and not let this become a blight on our community. Please feel free to contact me if you have any comments or questions.

Sincerely,

Larry Parmelee

- SATURDAY NIGHTS -

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PLANNING COMMISSION
MEETING MINUTES
(DECEMBER 18, 2008)



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

**MINUTES OF THE REGULAR SCHEDULED MEETING OF
THE PLANNING COMMISSION
December 18, 2008**

CALL TO ORDER: Chair O'Meara called the meeting to order at 6:30 p.m.

FLAG SALUTE: Commissioner Rishoff

ROLL CALL: Chair John O'Meara, Vice Chair Curtis Zacuto, Commissioners Ilce Buckley Weber, Cyrena Nouzille, and Steve Rishoff.

Also, present were Assistant Community Development Director Doug Hooper, Associate Planner Valerie Darbouze, Assistant Engineer Kelly Fisher, and Recording Secretary Sheila Keckhut.

1. **APPROVAL OF MINUTES:** December 4, 2008 Planning Commission Meeting

On a motion by Vice Chair Zacuto, seconded by Commissioner Buckley Weber, the Planning Commission moved to approve the Amended Minutes of the December 4, 2008 Planning Commission Meeting. Motion carried 4-0-1. Commissioner Rishoff abstained.

COMMENTS FROM THE PUBLIC ON ITEMS NOT LISTED ON THE AGENDA:

The following persons spoke on items not listed on the agenda.

Giuseppe Bellisario - Owner of Grissini Ristorante

CONTINUED PUBLIC HEARING

2. REQUEST: Request for approval of a Conditional Use Permit to construct a 3,994 square-foot, two-story, single-family residence, with a 475 square foot attached two-car garage, and a 39 square-foot balcony; and a request for an Oak Tree Permit to remove 1 oak tree and encroach in the protected zone of 9 oak trees for the proposed construction.
- APPLICANT: Sean Ben-Menahem
5000 N. Parkway Calabasas, Suite 106
Calabasas, CA 91302
- CASE NOS.: 03-CUP-016 & 03-OTP-017
- LOCATION: 6149 Palo Comado Drive
(A.P.N. 2055-023-073)
- ENVIRONMENTAL DETERMINATION: Categorically Exempt from CEQA per Section 15303.
- RECOMMENDATION: If it was the Planning Commission's decision to approve Conditional Use Permit No. 03-CUP-016 and Oak Tree Permit Case No. 03-OTP-017, staff recommended adoption of the Resolution.
- PUBLIC COMMENTS: Chair O'Meara opened the Public Hearing
- The following persons spoke on this agenda item.
- Ken Stockton – Landscape Architect, representing the applicant.
- Ivan Chiu, Calcivic Engineering, representing the applicant.
- George Shakiban, Enco Structural Consultants, Inc., representing the applicant.
- Mike Kaye, Resident
- Kevin Austin, Resident
- REBUTTAL: Ivan Chiu, Calcivic Engineering representing the applicant gave rebuttal regarding the project and answered additional questions of the Planning Commission.

Chair O'Meara closed the public hearing.

RECESS: Chair O'Meara called for a recess at 8:28 p.m.

RECONVENE: Chair O'Meara reconvened the meeting at 8:45 p.m.

Chair O'Meara reopened and closed the public hearing twice and the applicant, Sean Ben-Menahem, spoke.

ACTION: On a motion by Commissioner Rishoff, seconded by Vice Chair Zacuto, the Planning Commission moved to continue Conditional Use Permit No. 03-CUP-016 and Oak Tree Permit Case No. 03-OTP-017 to the January 15, 2009 Planning Commission meeting. Motion carried 5-0.

DISCUSSION ITEM

3. Monitoring Report for Conditional Use Permit Case No. 06-CUP-012 - Senor Carlos Grill and Tequila Lounge.

PUBLIC COMMENTS: Chair O'Meara allowed for public comments

The following persons spoke on this agenda item.

Carlos Orozco, applicant

Barry Bartholomay, resident

Cynthia Bartholomay, resident

RECESS: Chair O'Meara called for a recess at 10:42 p.m.

RECONVENE: Chair O'Meara reconvened the meeting at 10:48 p.m.

ACTION: On a motion by Commissioner Rishoff, seconded by Vice Chair Zacuto, the Planning Commission moved to continue the discussion of Conditional Use Permit Case No. 06-CUP-012 to the February 19, 2009 Planning Commission meeting. Motion carried 5-0.

PLANNING COMMISSION
STAFF REPORT
(DECEMBER 18, 2008)



DEPARTMENT OF PLANNING AND
COMMUNITY DEVELOPMENT

TO: Planning Commission

FROM: Planning Staff

SUBJECT: Monitoring Report for Conditional Use Permit Case No. 06-CUP-012 - Senor Carlos Grill and Tequila Lounge

DATE: December 18, 2008

BACKGROUND AND DISCUSSION

On November 16, 2006, the Planning Commission approved Conditional Use Permit Case No. 06-CUP-012, allowing for live entertainment to be conducted in Agoura Bistro. The restaurant, which has since been renamed to Senor Carlos Grill and Tequila Lounge, is located at 30315 Canwood Street, Unit 1-5, in the Reyes Adobe Plaza. The live entertainment was approved as an ancillary component of the restaurant and the Planning Commission required staff to return with a monitoring report on the applicant's compliance with the required conditions of approval for live entertainment. A copy of the November 16, 2006 staff report, meeting minutes, and Resolution of approval (Resolution No. 894) with conditions is attached for reference.

The restaurant owner received his entertainment license from the County of Los Angeles in November of 2007. However, within the last few months staff received complaints regarding on-site loitering and noise impacts to neighboring residents associated with the live entertainment. Staff subsequently inspected the live entertainment on a Sunday night (November 16, 2008) and found the following violations of the Conditional Use Permit:

Condition No. 7: "Live entertainment may be conducted within the area specified on the approved Floor Plan having a dimension of approximately 11 feet west and 7 feet north from the southeast corner of the building, and shall be limited to guitar, drums, piano, bass instruments, singers, a disc jockey, and karaoke. Dancing is permitted during the hours of live entertainment provided the applicant can demonstrate in a manner approved by the Building Official that appropriate pedestrian and fire access is provided."

Staff's Inspection: The floor area of the entertainment and dancing was extended beyond the approved designated entertainment area. Access near the westerly entry/exit door was also partially blocked.

Condition No. 8: "Live entertainment is allowed during the following hours: Monday through Thursday from 9:00 p.m. to 1:30 a.m.; Friday from 4:00 p.m. to 1:30 a.m.; Saturday from 9:00 p.m. to 1:30 a.m. and Sunday from 4:00 p.m. to 10:00 p.m."

Staff's Inspection: Live entertainment on a Sunday evening extended to 2:00 a.m.

Condition No. 13: "The entry, exit and patio doors shall be closed during the time of live entertainment."

Staff's Inspection: Patrons of the restaurant entered the building through the outdoor patio area.

Condition 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."

Staff's Inspection: The entertainment area partially blocked access to the westerly entry/exit door.

Condition No. 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."

Staff's Inspection: Staff does not have proof of a current Entertainment Permit from the Los Angeles County Business License Commission for the current live entertainment. The latest County permits provided by applicant to the City expired on October 31, 2008.

Although staff has received complaints regarding the restaurant and the live entertainment, the Los Angeles County Sheriff's Department has no incident reports related specifically to the live entertainment.

Based on this monitoring report, staff is requesting the Planning Commission provide direction on the Conditional Use Permit application. This agenda item is not a public hearing and notification of this discussion has not been advertised on the local newspaper, nor mailed to surrounding property owners. Options that the Planning Commission can consider include:

1. **Schedule a public hearing for reconsideration of the Conditional Use Permit.** The conditions of approval state that if complaints are received regarding excessive noise, loitering, and parking/traffic safety issues and the like associated with the live entertainment, the Planning Commission may initiate a public hearing to reconsider the Conditional Use Permit. The conditions of approval also gives the Planning Commission discretion to amend the conditions of the permit as deemed necessary to address land use impacts to adjoining properties.
2. **Request staff to continue monitoring the live entertainment and report the findings to the Planning Commission.**

3. **Take no action on the Conditional Use Permit.** This option would allow the applicant to continue providing live entertainment under the existing conditions of approval.

Staff has contacted the restaurant owner regarding our finding of violations of the Conditional Use Permit. He subsequently expressed a desire to remodel the restaurant to reduce the eating area and expand the live entertainment floor area. The owner was informed by staff that the proposal would require him to file a Conditional Use Permit Amendment application for consideration by the Planning Commission. To date, no application has been filed.

RECOMMENDATION

Staff recommends the Planning Commission provide direction to staff regarding the live entertainment associated with Conditional Use Permit Case No. 06-CUP-012.

ATTACHMENTS

- Resolution No. 894
- Planning Commission Meeting Minutes (November 16, 2006)
- Planning Commission Staff Report (November 16, 2006)

ATTACHMENT NO. 1
RESOLUTION NO. 894

RESOLUTION NO. 894

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: Buckley Weber, O'Meara, Ramuno, Rishoff, Zacuto
NOES: None
ABSTAIN: None
ABSENT: None


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 may be conducted within the area specified on the approved Floor Plan having a dimension of approximately 11 feet west and 7 feet north from the southeast corner of the building, and shall be limited to guitar, drums, piano and bass instruments, singers, a disc jockey, and karaoke. Dancing is permitted during the hours of live entertainment provided the applicant can demonstrate in manner approved by the Building Official that appropriate pedestrian and fire access is provided.
8. Live entertainment is allowed during the following hours: Monday through Thursday from 9:00 p.m. to 1:30 a.m.; Friday from 4:00 p.m. to 1:30 a.m.; Saturday from 9:00 p.m. to 1:30 a.m.; and Sunday from 4:00 p.m. to 10:00 p.m.
9. No additional exterior lighting or exterior amplified music or vocals are permitted as part of this application.

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

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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.
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

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

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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

ATTACHMENT NO. 2

PLANNING COMMISSION
MEETING MINUTES
NOVEMBER 16, 2006



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

**MINUTES OF THE REGULAR SCHEDULED MEETING OF
THE PLANNING COMMISSION
November 16, 2006**

1. CALL TO ORDER: Chairperson Ramuno called the meeting to order at 6:40p.m.

2. FLAG SALUTE: Vice Chair Rishoff

3. ROLL CALL: Chairperson Phil Ramuno, Vice Chair Stephen Rishoff, Commissioner Illece Buckley Weber, Commissioner Curtis Zacuto, and Commissioner John O'Meara.

Also present were Assistant Community Development Director Doug Hooper, Associate Planner Valerie Darbouze, Assistant Planner Renee Madrigal, and Planning Technician Britteny Tang, Assistant Engineer Kelly Fisher, Oak Tree/Landscape Consultant Kay Greeley and Recording Secretary Sheila Schrupp.

4. APPROVAL OF MINUTES: October 19, 2006

On a motion by Vice Chair Rishoff, seconded by Commissioner Buckley Weber, the Planning Commission moved to approve the minutes of the October 19, 2006 Planning Commission meeting. Motion carried 3-0. (Commissioners Zacuto and O'Meara abstained).

5. COMMENTS FROM THE PUBLIC ON ITEMS NOT LISTED ON THE AGENDA:

None

6. CONSENT ITEMS: None

7. NEW PUBLIC HEARING

A. APPLICANT: Rabbi Moshe Bryski for Chabad of Conejo
30345 Canwood Street
Agoura Hills, CA 91301

CASE NOS.: 06-CUP-006 & 06-VAR-002

LOCATION: 30345 Canwood Street
(A.P.N. 2054-020-038 & 039)

REQUEST: Request for approval of a Conditional Use Permit to remodel an existing temple and build a new, 6,999 square-foot, two-story office building for religious education classes and administrative offices; and a Variance request from Zoning Ordinance Sections 9333.4.C., 9654.6.B and 9654.5.B & C. to provide a 5-foot rear yard setback instead of the required 35 feet; to provide 8 parking spaces instead of the required 64 spaces and to provide a reduced amount of required parking lot landscaping and tree canopy coverage.

ENVIRONMENTAL DETERMINATION: Exempt from CEQA per Section 15303

RECOMMENDATION: Staff recommended approval of Conditional Use Permit Case No. 06-CUP-006, Variance Case No. 06-VAR-002, subject to conditions, based on the findings of the draft Resolutions.

PUBLIC HEARING OPENED: Associate Planner Valerie Darbouze presented the case and answered questions of the Planning Commission.

Assistant Community Development Director Doug Hooper and Oak Tree/ Landscape Consultant Kay Greeley answered questions of the planning Commission.

Rabbi Moshe Bryski, 5662 Middle Crest Dr., Agoura Hills, representing Chabad of Conejo, presented his case and answered questions of the Planning Commission.

Brett Shaw, Lanet-Shaw Architects, 11741 W. Pico, Los Angeles, project architect representing Chabad of Conejo, answered questions of the Planning Commission.

Stephen Fewster, 30051 Quail Run Drive, Agoura Hills, attorney representing Chabad of Conejo, was available for questions.

Teri French, representing Harrington Family Trust, Agoura Hills, turned in a speaker card but did not speak.

ACTION: On a motion by Vice Chair Rishoff, seconded by Commissioner Zacuto, the Planning Commission moved to approve Resolution No. 892, approving Conditional Use Permit Case No. 06-CUP-006, subject to amended conditions. Motion carried 5-0.

On a motion by Vice Chair Rishoff, seconded by Commissioner Buckley Weber the Planning Commission moved to approve Resolution No. 893, approving Variance Case No. 06-VAR-002, subject to amended conditions. Motion carried 5-0.

RECESS: Chair Ramuno called for a recess at 8:37 p.m.

RECONVENE: Chair Ramuno reconvened the meeting at 8:47 p.m.

B. 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
DETERMINATION:

Exempt from CEQA per section 15301

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

PUBLIC HEARING
OPENED:

Planning Technician Britteny Tang presented the case and answered questions of the Planning Commission.

Assistant Community Development Director Doug Hooper answered questions of the planning Commission.

Carlos Orozco, applicant, Agoura Bistro, 30315 Canwood Street, Suite 1-5, 662 Middle Crest Dr., Agoura Hills, presented his case and answered questions of the Planning Commission.

ACTION:

On a motion by Vice Chair Rishoff, seconded by Commissioner Zacuto, the Planning Commission moved to approve to adopt Resolution No. 894, approving Conditional Use Permit Case No. 06-CUP-012, subject to amended conditions. Motion carried 5-0.

C. APPLICANT:

Agoura TNT LLC/Terry Gray
5936 Fairview Place
Agoura Hills, Ca 91301

CASE NOS.:

06-CUP-005 and 06-OTP-008

LOCATION:

6160 Fairview Place
(A.P.N. 2055-023-096)

REQUEST:

Request for approval of a Conditional Use Permit to construct a 5,764 square-foot, two-story, single-family residence with a 1,008 square-foot attached garage, a swimming pool, and a 464 square-foot

ATTACHMENT NO. 3

PLANNING COMMISSION
STAFF REPORT
NOVEMBER 16, 2006



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.

Draft Resolution No. ____

Page 2

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

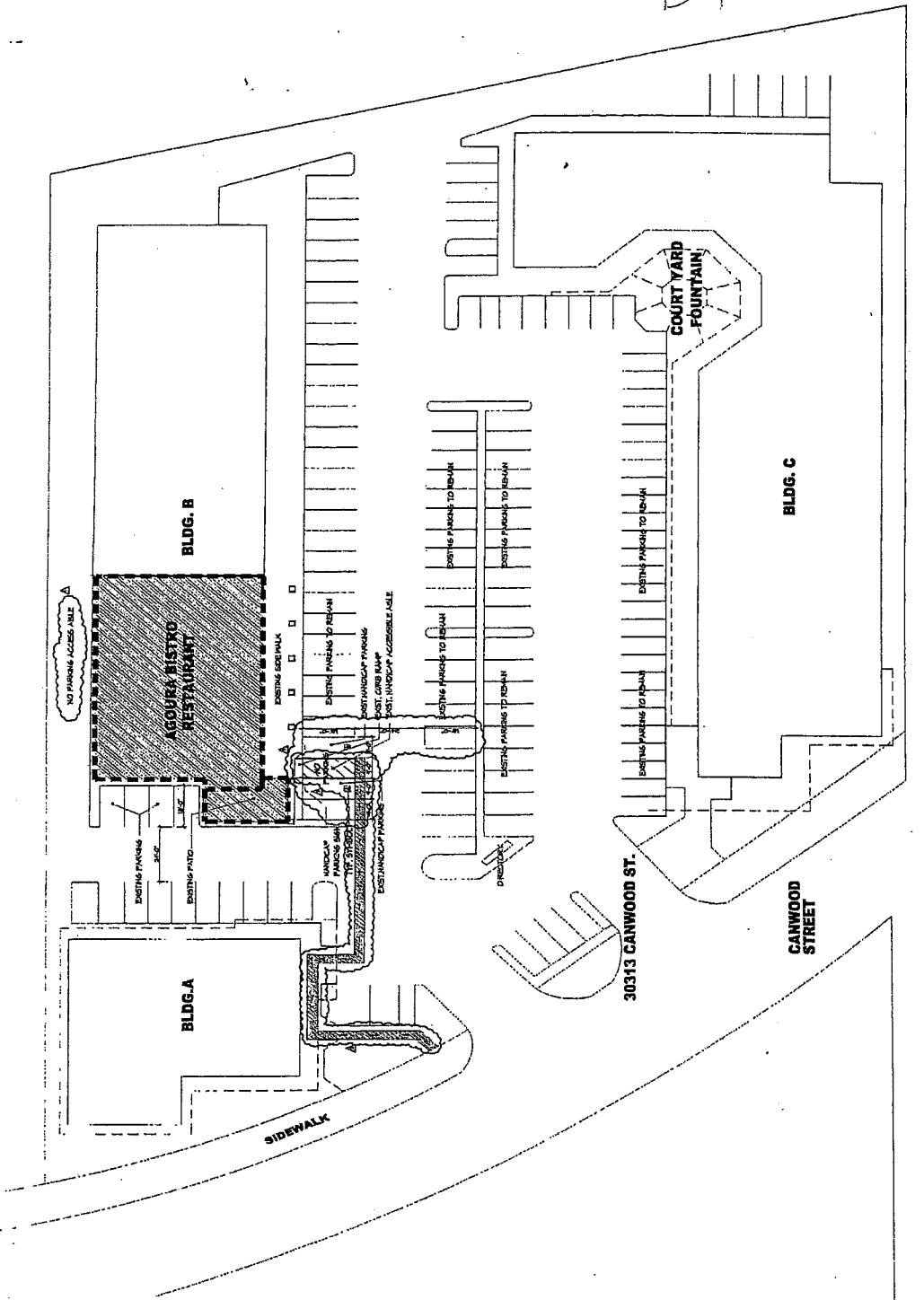
REDUCED COPIES OF SITE AND FLOOR PLAN

06-CP-012

SITE PLAN

AGOURA BISTRO/RESTAURANT
118 CANWOOD STREET
AGOURA, CALIFORNIA 91301

DATE: 11/12/09
SCALE: 1/8" = 1'-0"
ID: 1001



1 SITE PLAN
Scale: 1/8" = 1'-0"

NO.	DATE	REVISION
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

AGOURA BISTRO RESTAURANT
 3015 HILLSIDE DRIVE
 AGOURA HILLS, CA 91901

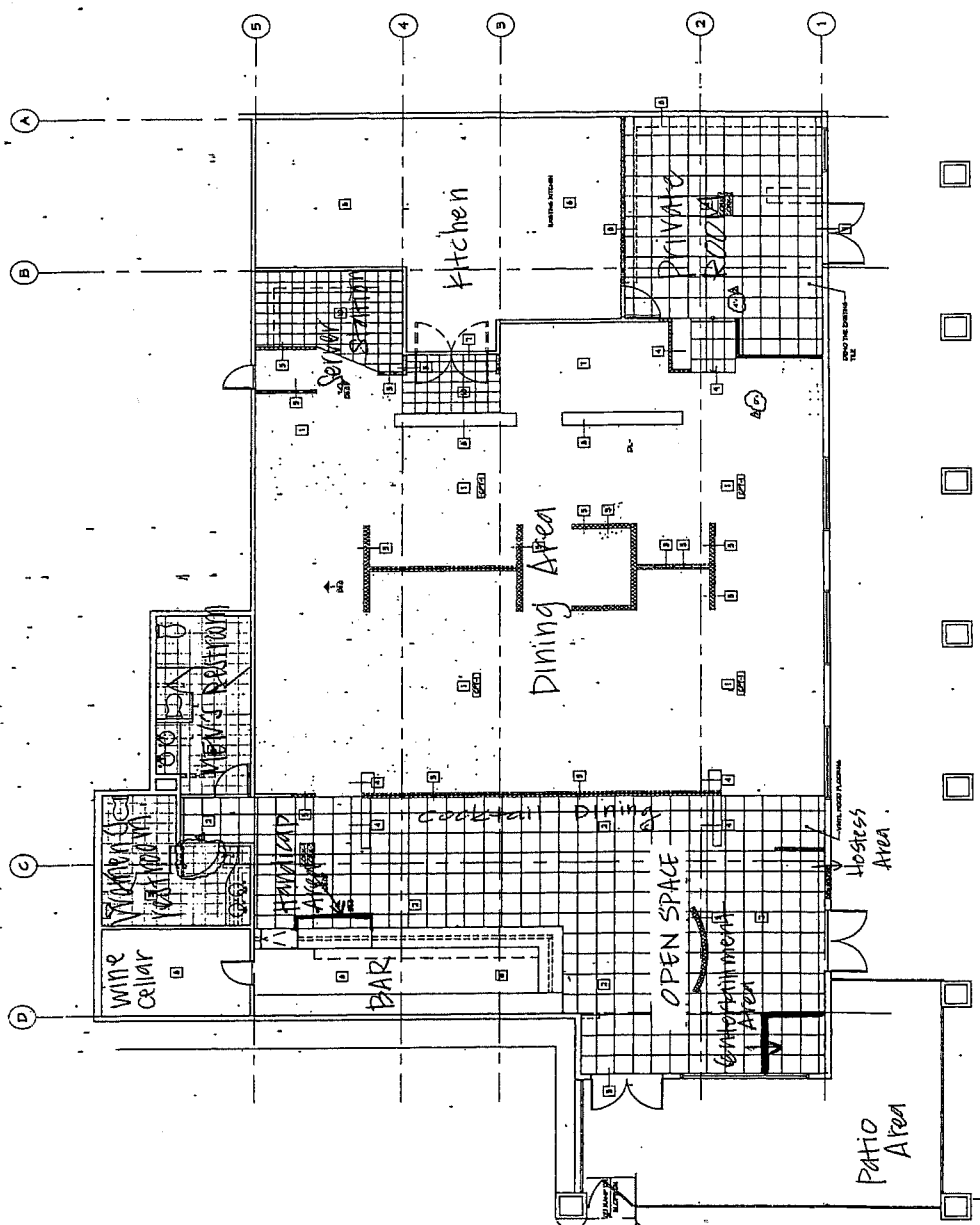
FLOOR FINISH PLAN

AGOURA BISTRO RESTAURANT
 3015 HILLSIDE DRIVE
 AGOURA HILLS, CA 91901

DATE: 10/21/12
 DRAWN BY: [Signature]
 CHECKED BY: [Signature]

- FLOOR FINISH PLAN KEYED NOTES:**
- 1) INDICATED BY OTHER A.C. TO INSTALL
 - 2) FINISH TO MATCH ADJACENT WALL
 - 3) FINISH TO MATCH ADJACENT WALL
 - 4) FINISH TO MATCH ADJACENT WALL
 - 5) FINISH TO MATCH ADJACENT WALL
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 - 9) FINISH TO MATCH ADJACENT WALL
 - 10) FINISH TO MATCH ADJACENT WALL

- FINISH MATERIAL LEGEND:**
- 1) CERAMIC TILE
 - 2) CERAMIC TILE
 - 3) CERAMIC TILE
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 - 5) CERAMIC TILE
 - 6) CERAMIC TILE
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 - 10) CERAMIC TILE



1 FLOOR FINISH PLAN
 Date: 10/21/12

1030

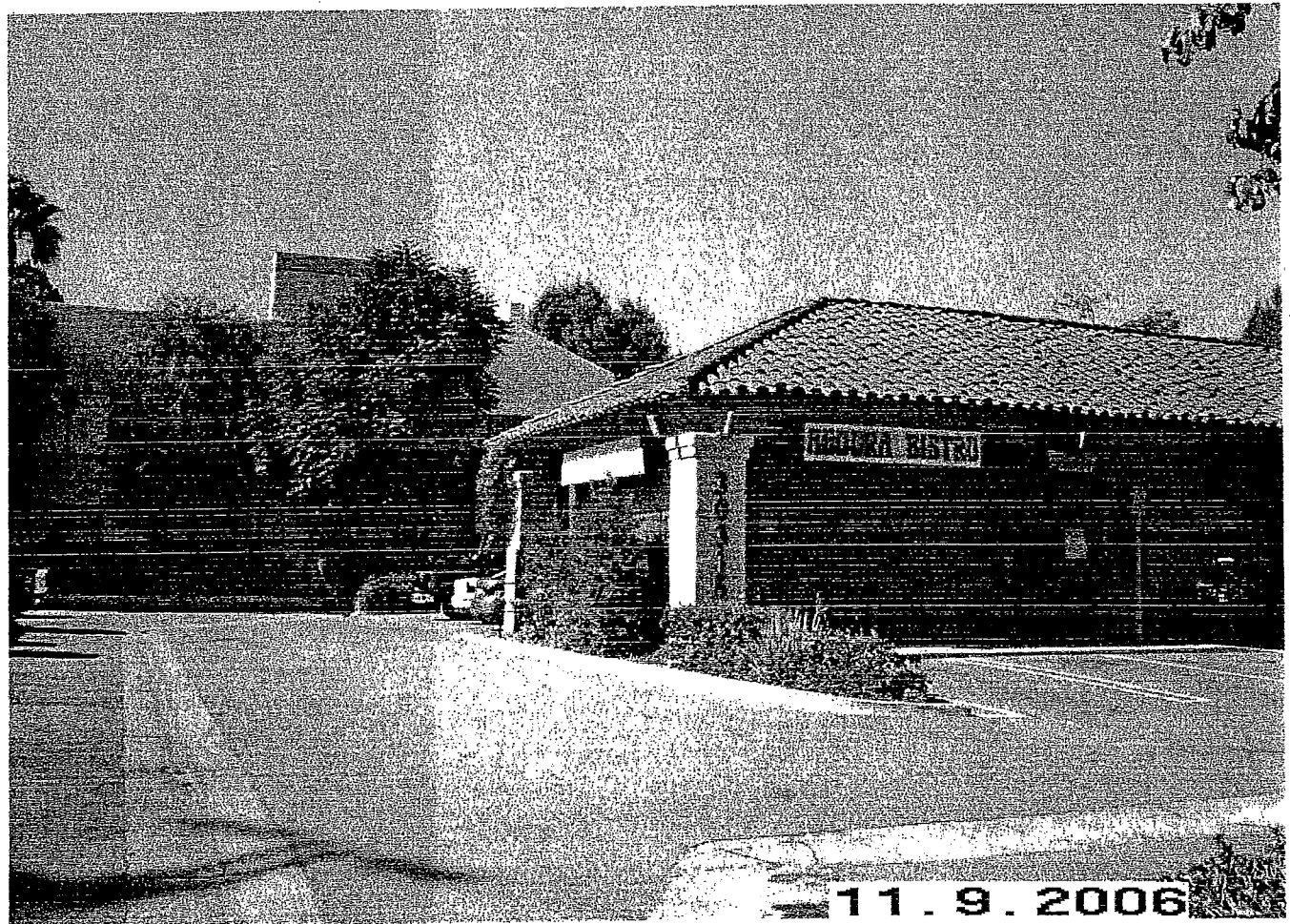
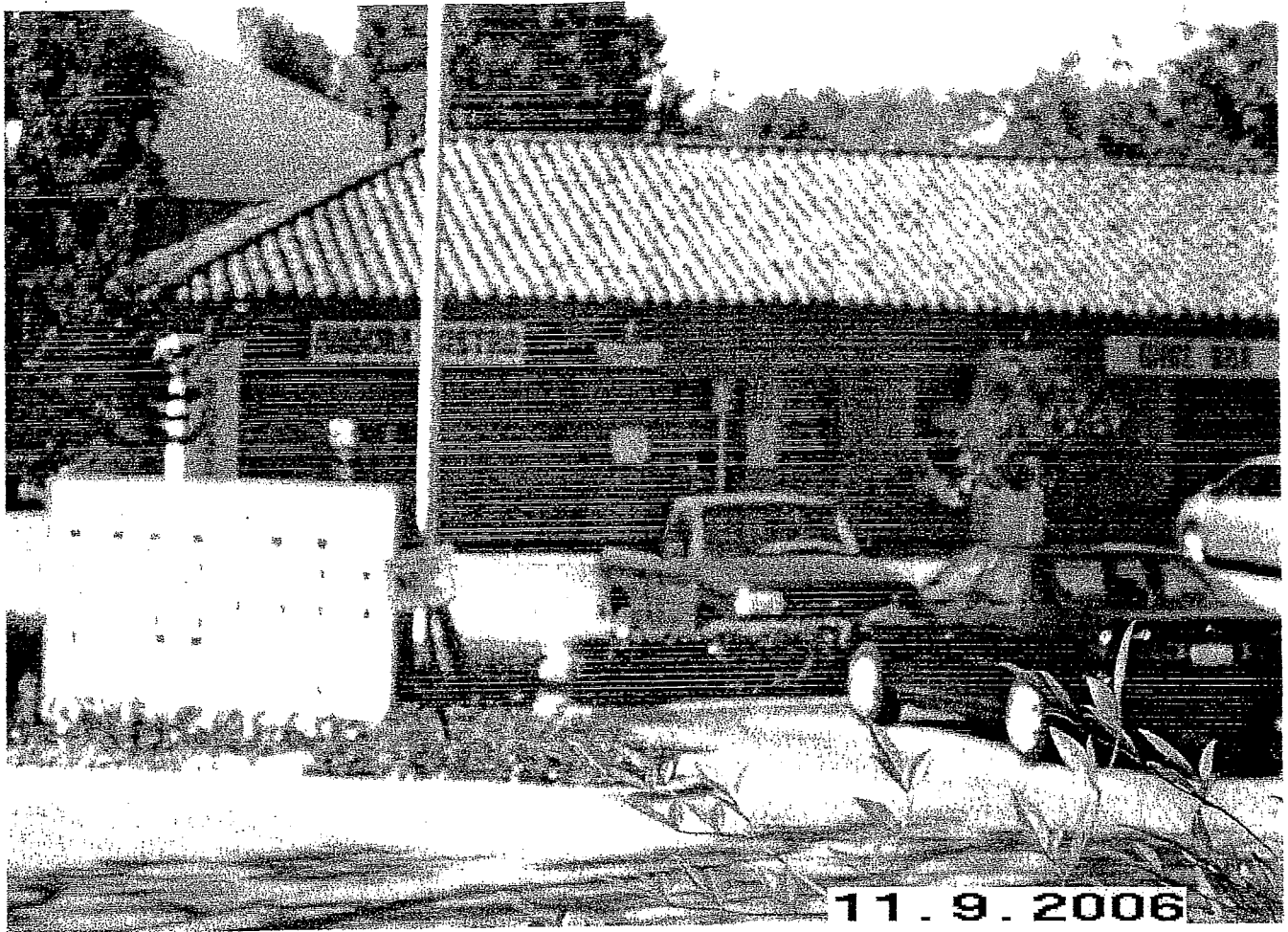


CONDITIONAL USE PERMIT – CASE NO. 06-CUP-012

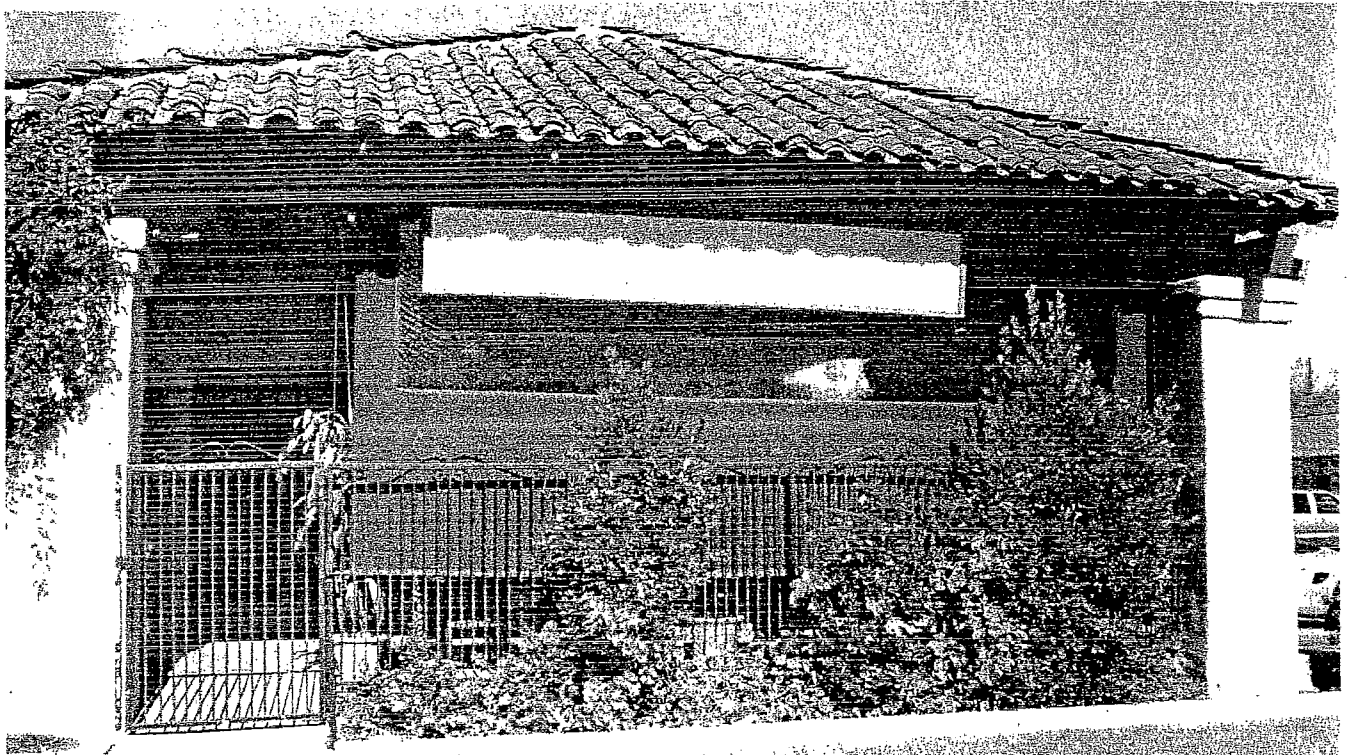
**FOR THE PROPERTY LOCATED AT
30315 CANWOOD STREET, SUITE 1-5, AGOURA HILLS**

EXHIBIT D

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





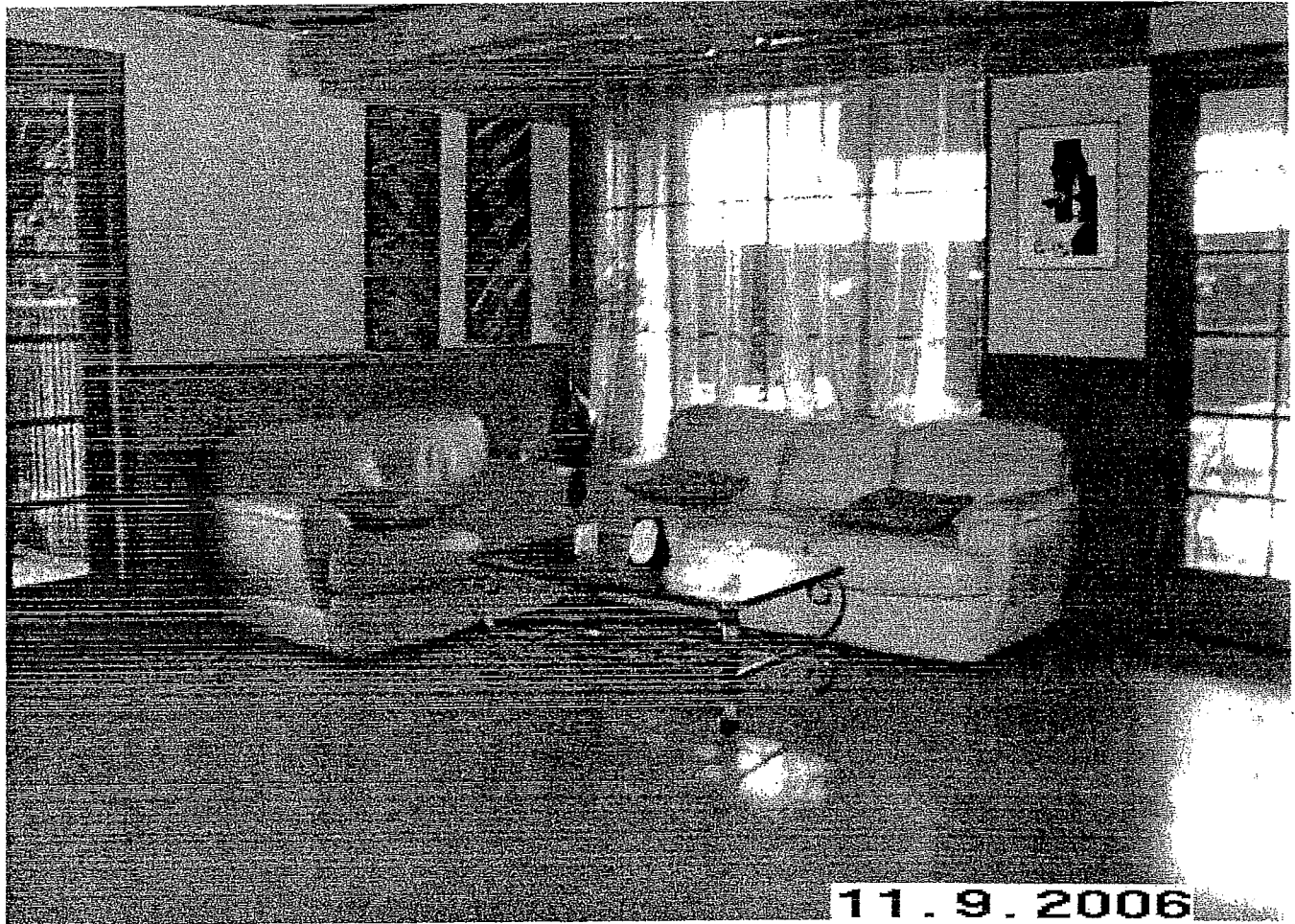


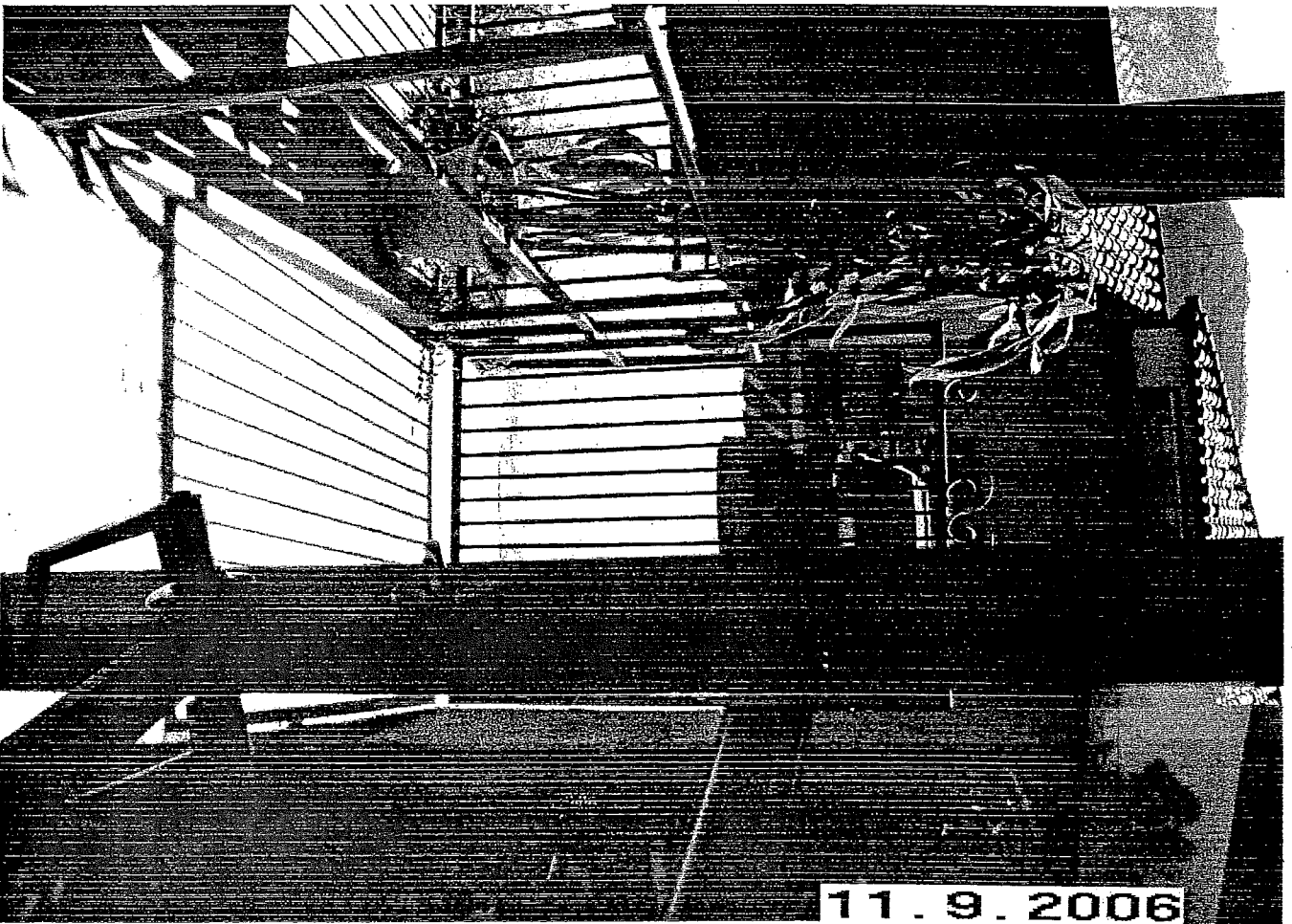
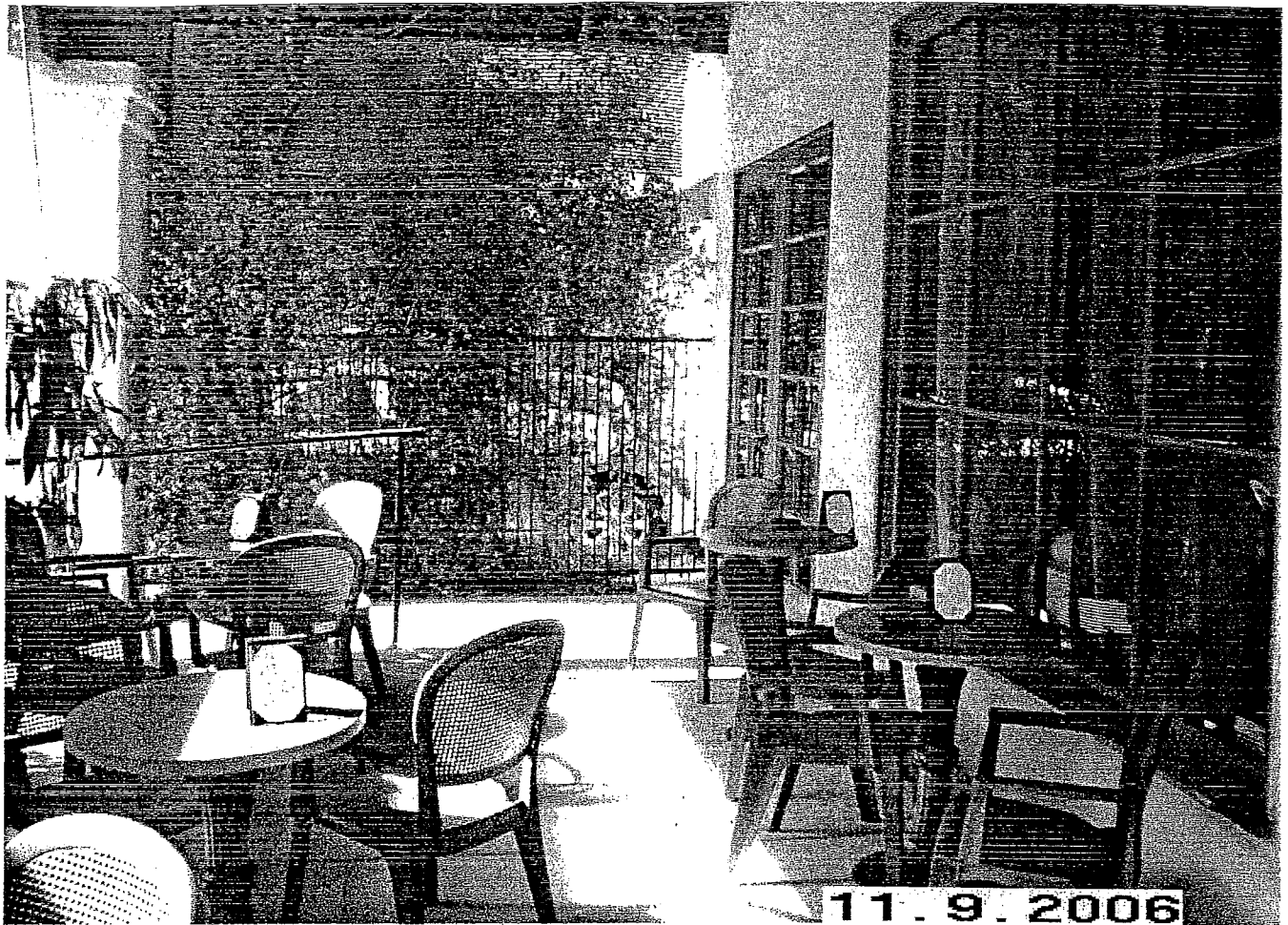
11.9.2006



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CITY OF AGOURA HILLS

2006 NOV 13 AM 9:54

CITY CLERK


November 8, 2006

Planning Commission
City of Agoura Hills
30001 Ladyface Court
Agoura Hills, Ca. 91301

Dear Planning Commission:

As a resident of the Stonecrest Patio Homes I am not opposed to the music in the bar area of the Agoura bistro Restaurant.

Sincerely,


Irma Haldane