

## REPORT TO CITY COUNCIL

**DATE:** MARCH 11, 2009

**TO:** HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

**FROM:** GREG RAMIREZ, CITY MANAGER

**BY:** MIKE KAMINO, DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT

**SUBJECT:** CONDUCT A PRE-SCREEN REVIEW OF ZONING ORDINANCE AMENDMENTS REGARDING ON-SITE AND OFF-SITE SALES OF ALCOHOLIC BEVERAGES (CASE NO. 09-PSR-002)

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As part of last year's budget workshop, the City Council directed staff to prepare a special study for the purpose of exploring options for further regulating businesses that sell or serve alcoholic beverages. Staff has met with the Economic Development Committee (EDC) on two occasions to review options for regulating those businesses. The purpose of this pre-screen review is to seek direction on whether to pursue zoning ordinance amendments.

Currently, the City allows a number of uses (bar, café, restaurant, liquor store, etc.) that sell or serve alcoholic beverages as a use allowed by right in certain zones. As long as these businesses conform to zoning code and building code regulations, they may operate without a Conditional Use Permit. As shown in the attached Table 1, every other city in the surrounding region, as well as the Counties of Los Angeles and Ventura, require that such businesses obtain approval of a Conditional Use Permit. This allows these jurisdictions to review the physical, as well as operational, standards of a proposed business, and, on a case-by-case basis, apply appropriate conditions to ensure neighborhood compatibility and the public welfare is protected.

The State of California Department of Alcoholic Beverage Control (ABC) issues licenses to manage the sale of alcohol. The number of licenses is limited, based on population within each census tract. The ABC enforces state laws, such as the age of purchase, and server responsibility. There are two main types of licenses: on-sale licenses are for businesses that serve alcohol for consumption on site, such as bars or restaurants; off-sale licenses are for businesses that serve alcohol for consumption off the site, such as grocery stores, convenience stores, and liquor stores.

Looking at ways to control nuisance type issues, such as noise, related to the proximity of businesses that sell alcoholic beverages to residential areas, as well as overall safety issues related to the concentration of such businesses, the EDC asked that zoning controls be explored for both on-sale and off-sale businesses. The discussion focused on which businesses should be covered, and how the issues should be addressed.

The Committee reviewed the list of licenses for existing businesses that sell alcoholic beverages issued by the State (attached Tables 2 and 3) and it was decided that each business had the potential to impact either the neighborhood, or the City as a whole, depending on its location and how it operated. The option to cover all businesses that sell or serve alcoholic beverages would ensure the greatest level of protection for the City.

Again, looking at the list of existing licensees in the City, a wide variety could be seen in the types of businesses and how they operated. Given this variety, the EDC felt that instead of prescribing specific standards for development and performance, the Conditional Use Permit process provided the flexibility to address potential concerns associated with each application.

In addition, a Conditional Use Permit would allow the public an opportunity to voice any concerns prior to a business being established. The Planning Commission could then, based on the specific circumstances, apply appropriate conditions to ensure the neighborhood would not be impacted by the proposed use. Conditions related to the overall operation of the business, including security provisions and hours of operation, could help reduce the potential for public health and safety impacts. This would also address businesses that serve alcohol and have live entertainment.

General performance standards can be created to make sure the design and operation of these uses meets community standards. A Conditional Use Permit process also allows review of applications on a case-by-case basis, allowing conditions to be tailored to the circumstances. It also provides for local control that can better and more quickly respond to a variety of issues that are not addressed by the State Alcohol Beverage Control Department.

In summary, the EDC recommended that the Zoning Ordinance be amended to require a Conditional Use Permit for both on-sale and off-sale establishments, that separate findings be required for each category, and that these findings be general and performance based. The EDC also recommended that existing establishments be subject to the new Conditional Use Permit requirements when they expand or intensify by a certain amount or change their license category.

## **RECOMMENDATION**

Staff seeks direction from the City Council on whether to initiate a zoning ordinance amendment to require a Conditional Use Permit for businesses that sell or serve alcoholic beverages.

Attachments:     Neighboring Zoning Code Alcoholic Beverage Use Restrictions (Table 1)  
                          City of Agoura Hills: Off-sale licenses (Table 2)  
                          City of Agoura Hills: On-sale licenses (Table 3)

**Table 1**  
**Neighboring Zoning Code**  
**Alcoholic Beverage Use Restrictions**

| <b>City/Co.</b>             | <b>On site sales</b>  | <b>Off site sales</b>   | <b>Conditions</b>   |
|-----------------------------|---|---|---|
| <b>Calabasas</b>            | CUP - Night clubs, bars and drinking places   | CUP - Alcoholic beverage sales in conjunction with primary use  |   |
| <b>Moorpark</b>             | CUP – bars/breweries, restaurants   | CUP - Liquor stores (> 1000 feet apart or from school); Alcoholic beverage sales in conjunction allowed retail/service (except service station or liquor store)   | Admin. permit if limited to beer/wine and not within 100 feet of residential  |
| <b>Westlake Village</b>     | CUP - Sale of alcoholic beverages; Bars and cocktail lounges, nightclubs.   | CUP - Sale of alcoholic beverages   |   |
| <b>Camarillo</b>            | CUP - Drinking establishments, bars, cocktail lounges, brew pubs, taverns;  | CUP - sale of alcoholic beverage at grocery or drug store; sale of beer/wine at a service station; Alcohol beverage establishments  |   |
| <b>La Canada Flintridge</b> | CUP - Alcoholic beverage sales, alone or in conjunction with other uses; Bar/cocktail lounge  | CUP - Alcoholic beverage sales, alone or in conjunction with other uses; Liquor store   |   |
| <b>Thousand Oaks</b>        | Special Use Permit - Alcoholic beverage sales main or accessory use; Nightclub  |   |   |
| <b>Ventura</b>              | Use Permit – Alcoholic Beverage Establishment, new or modified<br><br>Use Permit – Alcoholic beverage Establishment, existing, if: <ul style="list-style-type: none"> <li>• Change type of ABC license,</li> <li>• Change in intensity,</li> <li>• Increase in floor area,</li> <li>• Suspended/revoked. license</li> </ul> | Use Permit – Alcoholic Beverage Establishment, new or modified<br><br>Use Permit – Alcoholic beverage Establishment, existing, if: <ul style="list-style-type: none"> <li>• Change type of ABC license,</li> <li>• Change in intensity,</li> <li>• Increase in floor area,</li> <li>• Suspended/revoked. license</li> </ul> | <ul style="list-style-type: none"> <li>• Concentration</li> <li>• Affect on neighborhood - distance</li> <li>• Compatibility with neighborhood</li> <li>• Not in high crime area</li> <li>• Physical/operational standards posted</li> <li>• Nuisance abatement</li> <li>• Annual permit fee</li> </ul> |
| <b>Malibu</b>               | CUP – bars, restaurants > 125 seats, live entertainment   | CUP – liquor store, convenience store   |   |
| <b>Simi Valley</b>          | CUP – drinking establishments , and restaurant with entertainment   |   | > 250 feet from church, hospital, school or park; and residential zone  |
| <b>Los Angeles County</b>   | CUP – sale of alcoholic beverages, new or modified<br>CUP - sale of alcoholic beverages, existing if: <ul style="list-style-type: none"> <li>• Change type of ABC license,</li> <li>• Change in intensity,</li> <li>• Increase in floor area,</li> <li>• Abandoned or discontinued 3 months.</li> </ul>                     | CUP – sale of alcoholic beverages, new or modified<br>CUP - sale of alcoholic beverages, existing if: <ul style="list-style-type: none"> <li>• Change type of ABC license,</li> <li>• Change in intensity,</li> <li>• Increase in floor area,</li> <li>• Abandoned or discontinued 3 months.</li> </ul>                     | <ul style="list-style-type: none"> <li>• Concentration</li> <li>• Residential buffer</li> <li>• Neighborhood compatibility</li> <li>• Not within 600 feet of church, school or park</li> <li>• Not adversely to area econ. welfare, property values or appearance</li> </ul>                            |
| <b>Ventura County</b>       | Administrative Use Permit - Bars, taverns, and nightclubs   |   |   |

**Table 2**  
**City of Agoura Hills - Off-Sale Licenses**

Report as of 1/9/2009

| <b>Business Name</b>                                       | <b>Address</b>           | <b>Off-Sale License Type</b> |
|--|--------------------------|------------------------------|
| REYES ADOBE LIQUOR   | 30313 CANWOOD ST         | 21 - General                 |
| AGOURA SHELL   | 5116 CHESEBRO RD         | 20 - Beer and Wine           |
| AGOURA LIQUOR & DELI                                       | 5003 KANAN RD            | 21 - General                 |
| THE LIQUOR CHEST   | 5298 KANAN RD            | 21 - General                 |
| CVS PHARMACY 9751  | 5623 KANAN RD            | 21 - General                 |
| ITALIA DELI & BAKERY                                       | 5657 KANAN RD            | 20 - Beer and Wine           |
| VONS 2001  | 5671 KANAN RD            | 21 - General                 |
| RALPHS 26  | 5727 KANAN RD            | 21 - General                 |
| RITE AID STORE 5539  | 5747 KANAN RD            | 21 - General                 |
| SUPER SAL AGOURA HILLS                                     | 5877 KANAN RD            | 20 - Beer and Wine           |
| 7 ELEVEN 2133 13882  | 5683 LAKE LINDERO DR     | 20 - Beer and Wine           |
| FARHAD BENIAMIN ARYA *                                     | 4950 REYES ADOBE RD      | 20 - Beer and Wine           |
| CRYSTAL GALLERY & ENGRAVING                                | 28884 ROADSIDE DR        | 20 - Beer and Wine           |
| PARTY HOUSE LIQUOR   | 29160 ROADSIDE DR        | 21 - General                 |
| SILVER STAR LIQUOR   | 30651 THOUSAND OAKS BLVD | 21 - General                 |
| * No business name given;<br>primary owner listed instead. |                          |                              |

**Table 3**  
**City of Agoura Hills - On-Sale Licenses**

Report as of 1/9/2009

| <b>Business Name</b>                    | <b>Address</b>  | <b>On-Sale License type</b>   |
|---|-----------------|---|
| PADRI                                   | 29008 AGOURA RD | 47 - General for Restaurant<br>58 - Caterer's Permit                      |
| FABROCINI                               | 29020 AGOURA RD | 41 - Beer and Wine for Restaurant   |
| CHAPTER 8 RESTAURANT AND LOUNGE         | 29020 AGOURA RD | 47 - General for Restaurant   |
| ADOBE CANTINA                           | 29100 AGOURA RD | 47 - General for Restaurant<br>58 - Caterer's Permit                      |
| ISLANDS FINE BURGERS DRINKS             | 29271 AGOURA RD | 47 - General for Restaurant   |
| CHUYS MESQUITE BROILER                  | 29281 AGOURA RD | 47 - General for Restaurant   |
| RENAISSANCE LOS ANGELES AT AGOURA HILLS | 30100 AGOURA RD | 47 - General for Restaurant<br>58 - Caterer's Permit<br>68 - Portable Bar |
| CAPRICCIO ITALIAN RESTAURANT            | 30125 AGOURA RD | 41 - Beer and Wine for Restaurant   |
| TERRIS VALLEY CAFE                      | 30135 AGOURA RD | 41 - Beer and Wine for Restaurant   |

|  |                             |  |
|--|-----------------------------|--|
| Table 3 - continued                                      |                             |  |
| MOZ BUDDHA LOUNGE  | 30105 AGOURA RD A           | 47 - General for Restaurant                          |
| EXOTIC THAI BISTRO                                       | 29045 AGOURA RD B           | 41 - Beer and Wine for Restaurant                    |
| RT AH ASSOCIATES L-PSHIP *                               | 28901 CANWOOD ST            | 70 - General Restrictive Service                     |
| THE MEATING PLACE  | 30313 CANWOOD ST            | 41 - Beer and Wine for Restaurant                    |
| CAFE 14  | 30315 CANWOOD ST            | 47 - General for Restaurant                          |
| JUAN CARLOS OROZCO *                                     | 30315 CANWOOD ST STORES 1-5 | 47 - General for Restaurant                          |
| SUSHI AGOURA   | 5015 CORNELL RD             | 41 - Beer and Wine for Restaurant                    |
| WOOD RANCH BBQ & GRILL                                   | 5050 CORNELL RD             | 47 - General for Restaurant                          |
| PIZZA HUT 103145   | 5146 KANAN RD               | 41 - Beer and Wine for Restaurant                    |
| SUSHI RAKU   | 5190 KANAN RD               | 41 - Beer and Wine for Restaurant                    |
| THE ALAMO MEXICAN GRILL & CANTINA                        | 5617 KANAN RD               | 47 - General for Restaurant                          |
| 5617 KANAN RD  | 5653 KANAN RD               | 41 - Beer and Wine for Restaurant                    |
| ANGEL CAFE   | 5687 KANAN RD               | 41 - Beer and Wine for Restaurant                    |
| CHRA FASL CUSINE   | 5843 KANAN RD               | 41 - Beer and Wine for Restaurant                    |
| CHINA STAR   | 5869 KANAN RD               | 41 - Beer and Wine for Restaurant                    |
| SUSHI & WASABI   | 5895 KANAN RD               | 41 - Beer and Wine for Restaurant                    |
| AGOURAS FAMOUS DELI & RESTAURANT                         | 5915 KANAN RD               | 41 - Beer and Wine for Restaurant                    |
| LAKE LINDERO COUNTRY CLUB                                | 5719 LAKE LINDERO DR        | 51 - Club  |
| BLUE BAR AND RESTAURANT                                  | 5017 LEWIS RD               | 47 - General for Restaurant                          |
| LATIGO KID   | 28914 ROADSIDE DR 14-17     | 47 - General for Restaurant<br>58 - Caterer's Permit |
| WILLYS SMOKIN BBQ  | 28434 ROADSIDE DR           | 47 - General for Restaurant                          |
| YAMATO RESTAURANT  | 28700 ROADSIDE DR           | 47 - General for Restaurant                          |
| NUMERO UNO   | 28860 ROADSIDE DR           | 41 - Beer and Wine for Restaurant                    |
| CANYON CLUB  | 28912 ROADSIDE DR           | 47 - General for Restaurant<br>77 - Event Permit     |
| MARIA ITALIAN KITCHEN                                    | 29035 THOUSAND OAKS BLVD    | 41 - Beer and Wine for Restaurant                    |
| WINNERS PIZZA  | 30684 THOUSAND OAKS BLVD    | 41 - Beer and Wine for Restaurant                    |
| * No business name listed. Primary owner listed instead. |                             |  |

