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DEPARTMENT OF PLANNING AND  
COMMUNITY DEVELOPMENT

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ACTION DATE: May 18, 2006

TO: Planning Commission

APPLICANT: Todd Ryzow for Kava Dume  
5653 Kanan Road  
Agoura Hills, CA 91301

CASE NO. 06-CUP-002

LOCATION: 5653 Kanan Road  
(Agoura Meadows Shopping Center)

REQUEST: Request for approval of a Conditional Use Permit Case No. 06-CUP-002 to allow live entertainment in an existing internet café and snack bar.

ENVIRONMENTAL ANALYSIS: Exempt from CEQA under Section 15303

RECOMMENDATION: Staff recommends approval of Conditional Use Permit Case No. 06-CUP-002, subject to conditions based on the findings in the attached draft Resolution.

ZONING DESIGNATION: CS (Shopping Center Commercial)

GENERAL PLAN DESIGNATION: CS (Commercial - Shopping Center)

**PROJECT BACKGROUND AND DESCRIPTION**

Case No. 06-CUP-002 is a request for a Conditional Use Permit to allow live entertainment in the café Kava Dume. The cafe is located at 5653 Kanan Road, in the Agoura Meadows Shopping Center.

In July of 2004, the Planning Commission and City Council made an interpretation of the Zoning Ordinance allowing for the tenant space to be occupied as an internet café with a restaurant/café being considered its primary use. In 2006, the applicant, Mr. Todd Ryzow, renamed the internet café as Kava Dume Coffee and changed the scope of the use. The changes included converting the floor area dedicated to computer use into a combination eating and gathering area. The total size of the suite is 2,000 square feet. The net accessible customer area is 1,300 square feet. The approval of the internet café delineated the floor plan as 1/3 eating and 2/3 computer use. Currently, the area used for computers has been reduced in size. In the event that the applicant wants to expand the service, a recent Municipal Code amendment now restricts the area allocated for computer use within an internet café to 30% of the total tenant space.

In addition to the proposed coffee shop and the reconfigured area, the applicant is seeking approval of a Conditional Use Permit to conduct live entertainment permit comprising of poetry reading, acoustical guitar entertainment and group assemblies. Art work for sale would also be displayed on the interior walls. According to the proposed floor plan, a stage area of approximately 50 square feet is proposed to be built and placed in the rear corner of the tenant space. The applicant also intends to add three fixed booths and a counter. A gathering area of approximately 320 square feet (16' by 20') would also be furnished. The applicant's written description of the proposed uses is attached.

The café is proposed to be open during the following hours:

- Monday 7:00 a.m. to 8:00 p.m.
- Tuesday 7:00 a.m. to 10:00 p.m.
- Wednesday 7:00 a.m. to 10:00 p.m.
- Thursday 7:00 a.m. to 10:00 p.m.
- Friday 7:00 a.m. to 11:00 p.m.
- Saturday 8:00 a.m. to 11:00 p.m.
- Sunday 9:00 a.m. to 5:00 p.m.

The applicant is requesting to conduct the live entertainment on Wednesday nights, from 8:00 p.m. to 10:00 pm, on Friday and from 8:30 to 11:00 p.m. and on Saturday mornings from 10:00 a.m. to 1:00 p.m. and 8:30 p.m. to 11:00 p.m.

## **STAFF ANALYSIS**

Conditional uses require special consideration due to their unusual or special characteristics so that they may be located and operated properly with respect to the objectives of the Zoning Ordinance and their effects on surrounding properties. The Planning Commission has discretionary authority to grant or deny Conditional use Permit applications and impose reasonable conditions. For this particular request, the Planning Commission has the authority to establish limitations to the types of live entertainment proposed, as well as the hours of operation, if deemed necessary to achieve compatibility with the surrounding properties.

Past live entertainment permits have been approved in several locations in the City including The Canyon Club in the Whizin Shopping Center, Coffee Island in the Mann Theater Center, Corfu Island in the Towncenter, Chapter 8 in the Agoura Village Shopping Center, Padri Restaurant, and at the Renaissance Hotel. Corfu Island and Coffee Island had entertainment similar to that proposed by the applicant, but are no longer operating. Most of the permits have been issued to businesses located on the south side of the freeway; this request would be the second one north of the freeway with Rookies Sports Bar where the Alamo is currently located.

The applicant is requesting to conduct all the proposed uses inside the tenant space. No permanent improvement is proposed with regard to partitioning the suite at the exception of a curtain to separate the entertainment area. The applicant has applied for a beer and wine license for on-site sales. The sale of beer and wine, if ancillary to the restaurant, is not subject to a Conditional Use Permit, however, the applicant will be required to obtain a license from the State Alcohol Beverage Control Department. The applicant would also be required to provide a restroom for each gender.

The Zoning Ordinance does not require additional parking for live entertainment but is based rather on the primary use. In this case, the applicant is operating a coffee shop, which is an eating establishment, thereby requiring parking based on for the seating and waiting area only. Staff determined that the tenant space has 690 square feet daily eating and waiting area thereby requiring 10 parking spaces. An additional 600 square feet is proposed for evening seating requiring 9 additional parking spaces (19 spaces total). A sufficient amount of parking spaces is provided in the shopping center to accommodate the use.

During the daytime, the use would share the same operating hours as most retail businesses in the center. The proposed evening business hours would be similar to the restaurants, the supermarket and drug store in the same center. Staff believes that the uses proposed by the applicant would be complementary of each other without impacting residential neighborhoods which are located approximately 130 feet to the west and 500 feet to the east. To reduce noise impacts, staff recommends the applicant be required to keep the entry and rear doors closed during the live entertainment.

The proposed ancillary uses are permitted in the CS zone with the approval of a Conditional Use Permit. The uses will be required to operate in compliance with the Zoning Ordinance. The uses will not require additional parking and the uses will not conflict with the hours of operation of the neighboring retail businesses in the shopping center. The Sheriff's Department was informed of the live entertainment request but has not provided staff with any comments or recommended conditions of approval. If the Conditional Use Permit is approved, staff recommends that we provide a progress report to the Planning Commission in six (6) months regarding the applicant's compliance with the conditions of approval.

## **RECOMMENDATIONS**

Based on the above analysis, staff recommends approval of the Conditional Use Permit Case No. 06-CUP-002, subject to conditions.

## **ATTACHMENT**

- Draft Resolution and Conditions of Approval
- Exhibit A: Vicinity/Zoning Map
- Exhibit B: Letter from the Owner
- Exhibit C: Applicant's Burden of Proof
- Exhibit D: Environmental Determination
- Exhibit E: Photograph
- Exhibit F: Reduced Copy of the Site Plan and Proposed Floor Plan