



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

ACTION DATE: April 2, 2009

APPLICANT: Carlos Orozco
19629 Victory Boulevard
Reseda, CA 91335

TO: Planning Commission

CASE NO.: 06-CUP-012, Amendment

LOCATION: 30315 Canwood Street
(A.P.N. 2054-020-040)

REQUEST: Request to amend an existing Conditional Use Permit to expand the live entertainment floor area in the Senor Carlos Grill and Tequila Lounge; to extend the live entertainment hours on Sunday to 4:00 p.m. through 1:30 a.m.; and to provide dance lessons from 9:00 p.m. to 11:00 p.m. on Thursdays through Sundays. The Planning Commission will also be reconsidering the existing Conditional Use Permit for live entertainment.

ENVIRONMENTAL DETERMINATION: Categorically Exempt from CEQA per Section 15301.

RECOMMENDATION: Staff recommends denial of Conditional Use Permit Case No. 06-CUP-012 Amendment, based on the findings of 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

The applicant, Carlos Orozco, owner of Senor Carlos Grill and Tequila Lounge, is requesting approval to amend the existing Conditional Use Permit to expand the live entertainment floor area in the restaurant; to extend the live entertainment hours on Sundays from 4:00 p.m. through 10:00 p.m., to 4:00 p.m. through 1:30 a.m.; and to provide dance lessons from 9:00 p.m. to 11:00 p.m. on Thursdays through Sundays. The Planning Commission will also be reconsidering the existing Conditional Use Permit for live entertainment. The restaurant is located at 30315 Canwood Street, Unit 1-5, in the Reyes Adobe Plaza.

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, which has since been renamed to Senor Carlos Grill and Tequila Lounge. 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 the Planning Commission for discussion.

Staff re-inspected the restaurant on Friday, January 30, 2009. 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, the same entertainment was advertised for the following Friday evening, on February 6, 2009.

At the December 18, 2009 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 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's observations of the restaurant revealed 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, the requirement of a cover charge; and entertainment occurring beyond the approved hours, revealed the restaurant was being used in the evenings for nightclub purposes, which is beyond the limits of the applicant's Conditional Use Permit. This had occurred after the Planning Commission informed the applicant of their concerns last December.

Staff's findings were presented to the Planning Commission as a discussion item on February 19, 2009. The Planning Commission directed staff to schedule a public hearing for reconsideration of the current live entertainment Conditional Use Permit for the restaurant, and consideration of the applicant's new Conditional Use Permit amendment application, which was submitted on February 18, 2009.

After the Planning Commission meeting, staff sent the applicant a letter to remind him of his required compliance with his conditions of approval. The applicant's subsequent advertisement for nightclub events for the evenings of Friday, March 6, 2009 and Friday, March 13, 2009, prompted the mailing of the City Prosecutor's attached March 5, 2009 letter to the applicant.

The applicant's existing Conditional Use Permit approved live entertainment as an ancillary use to the restaurant use, as presented by the applicant. Live entertainment is allowed to be conducted strictly within a 77 square foot area specified on the approved floor plan, at the southeast corner of the building. The type of entertainment is limited to guitar, drums, piano, and bass instruments, singers, a disc jockey, and karaoke. The approved hours of live entertainment are 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. The existing permit allows for dancing during the hours of live entertainment.

The applicant is now requesting to amend the existing approved Conditional Use Permit to expand the entertainment area to include a stage and dance area. The total size of the restaurant tenant space is 4,500 square feet, with an 890 square foot outdoor patio. According to the proposed floor plan, a stage area of 144 square feet and a dance area of 432 square feet (18'x24') are proposed to be built in the middle of the restaurant. The proposed dance area will be created by moving 4 dining room tables out of the area. The applicant is also proposing to extend the live entertainment by three hours on Sunday, to 4:00 p.m. through 1:30 a.m. The applicant's written description of the proposed uses is attached and is essentially the same as what is occurring now.

In addition, the applicant is requesting to provide dance lesson on Thursdays through Sundays, from 9:00 p.m. to 11:00 p.m. Professionals would provide the music and instruction. The applicant is proposing to provide a separate sound booth to control the volume of the music generated by the band on stage. The equipment in the sound booth will be owned and operated by the applicant; therefore, the volume level will be controlled by the applicant and not the band performing. The applicant has stated that all doors will remain closed during the live music entertainment and will be monitored by 5 security guards that will be employed by the applicant.

II. 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 on the type of live entertainment proposed, as well as the hours of operation, if deemed necessary to achieve compatibility with the surrounding land uses.

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 Threater Center, Corfu Island in the Towncenter, Chapter 8 in the Agoura Village Shopping Center, Padri Restaurant, and at the Renaissance Hotel. Most of the live entertainment permits have been issued to businesses located on the south side of the freeway; this request would be the third one north of the freeway.

A nightclub use is a permitted use in the CRS-FC zone with the approval of a Conditional Use Permit for the live entertainment component. During the daytime, the use would share the same operating hours as most retail businesses in the center. The proposed evening hours for dining would be similar to the restaurants and liquor store in the center, which close between 8:00 p.m. and 9:00 p.m. Staff believes that the uses proposed by the applicant, would not be complementary of each other without impacting residential neighborhood. The restaurant is located near the southwest corner of the property. Its main entrance is located approximately 335 feet from the nearest residential zoned area (Stone Crest Homes tract) to the north, 97 feet away from the nearest business within the center, and 140 feet from Canwood Street. An office building is located to the west of the shopping center. The applicant is agreeable to keeping doors closed and providing security during the entertainment performances.

Staff has received the attached complaints from neighbors regarding noise, on-site loitering and traffic/safety issues from neighboring residents. The issue of land use compatibility is at the discretion of the Planning Commission. However, the evidence staff has obtained clearly indicates that the applicant ignores requests for compliance from the City and continues to violate the current Conditional Use Permit.

There are a number of options: 1) a denial of the Conditional Use Permit amendment would keep the current Conditional Use Permit in effect, along with the conditions of approval, which includes an existing 77 square-foot live entertainment area; 2) should the Planning Commission revoke the current Conditional Use Permit and deny the Conditional Use Amendment, live entertainment would no longer be an allowed use in the restaurant; and 3) the Planning Commission's approval of the requested Conditional Use Permit amendment would supersede the current Conditional Permit. With the approval of the amended permit a new 432 square foot dance floor with a 144 square foot stage area (total 576) would be allowed.

If the Conditional Use Permit amendment is approved or the current Conditional Use Permit stays in effect, and if complaints are subsequently received regarding excessive noise, loitering and parking/traffic 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 the Planning Commission review a compliance monitoring report in six (6) months regarding the applicant's compliance with the conditions of approval. 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 that the Planning Commission conduct the public hearing, accept testimony, deliberate, and provide direction to staff. If the Commission's decision is to deny the requested Conditional Use Permit Amendment, staff has prepared the attached draft resolution for adoption. If the Commission's direction is to also revoke the existing Conditional Use Permit, staff will return with a separate resolution. If the Planning Commission's decision is to approve the requested Conditional Use Permit Amendment, staff will return with a resolution for approval with conditions.

IV. ATTACHMENTS

Draft Resolution

- Exhibit A: Applicant's Project Description
- Exhibit B: Architectural Plans
- Exhibit C: Approved Resolution No. 894 and Conditions of Approval
- Exhibit D: Letter from City Prosecutor (Dapeer, Rosenblit & Litvak, LLP)
- Exhibit E: Letters from the Public
- Exhibit F: Planning Commission Meeting Minutes (November 16, 2006)
- Exhibit G: Planning Commission Staff Report (November 16, 2009)
- Exhibit H: Vicinity Map

Case Planner: Renee Madrigal, Assistant Planner

DRAFT RESOLUTION NO. ____

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF AGOURA HILLS
DENYING CONDITIONAL USE PERMIT AMENDMENT 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 Senor Carlos Grill and Tequila Lounge, with respect to the real property located at 30315 Canwood Street, Unit 1-5, Assessor's Parcel Number 2054-020-040, requesting approval of an amendment of a Conditional Use Permit to expand the live entertainment floor area in the Senor Carlos Grill and Tequila Lounge; to extend the live entertainment hours on Sunday to 4:00 p.m. through 1:30 a.m.; and to provide dance lessons from 9:00 p.m. to 11:00 p.m. on Thursdays through Sundays. A public hearing was duly held on April 2, 2009, 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 is not consistent with the objectives of the Zoning Ordinance and the purposes of the district in which the use is located. Although a nightclub is a permitted use in the Commercial Retail Service (CRS) zone, Section 9132 of the Zoning Ordinance requires development, including existing development, to be compatible with surrounding land uses, including the protection of the quiet enjoyment of existing residential development, and reducing the level of adverse impacts on existing homeowners associations, or private property. The Planning Commission has received complaints regarding the noise impacts of the live entertainment occurring within the tenant space, outdoor loitering, and incompatible hours of operation that negatively impact the privacy and enjoyment of the residential neighborhood north of the applicant's tenant space.

B. The proposed use is not compatible with the surrounding area. The residents located north of the applicant's tenant space are negatively impacted by excessive noise and on-site loitering associated with the applicant's current live entertainment use. The proposal to expand the use will intensify these impacts.

C. The proposed use will be detrimental to the public health and safety, or welfare. The proposed live entertainment serves as an as the primary use to the restaurant, attracting more patrons to the restaurant and on-site loitering and noise impacts, and potentially requiring more public safety service to ensure required compatibility between the proposed expanded commercial use and the residential neighborhood to the north.

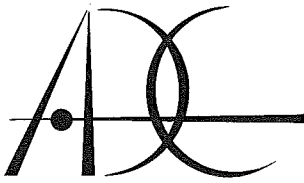
D. The proposed use will not comply with each of the applicable provisions of the Zoning Ordinance. Zoning Ordinance Section 9132 requires compatibility with existing and proposed surrounding land uses. The proposed intensification of a restaurant for nightclub use with live entertainment is not compatible with the adjacent residential neighborhood to the north in that the proposed hours of live entertainment and the increase in occupancy levels within the restaurant will negatively impact the privacy quiet enjoyment of nearby residents.

E. The proposed use is not consistent with the goals, objectives, and policies of the General Plan. Policy 2.4 of the General Plan Land Use Element calls for infill development to be compatible with adjacent land uses. The applicant's operation of his existing live entertainment has proven to be incompatible with the adjacent residential neighborhood to the north regarding noise, on-site loitering, and hours of operation. The proposed use of the restaurant to a nightclub will negatively intensify these impacts to the surrounding neighborhood.

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 denies Conditional Use Permit Case No. 06-CUP-012 Amendment.

Section 6. Any interested party may appeal this decision to the City Council pursuant to Sections 9804.5 and 9804.6 of the Agoura Hills Municipal Code. Section 1094.6 of the California Code of Procedure governs the time within which judicial review, if available, of the Planning Commission's decision must be sought, unless a shorter time is provided by other applicable law.



Alliance Design Group

RE: Senor Carlos Grill & Tequila Lounge

The applicant is requesting a modification to the approved standard and special conditions of case number 06-CUP-012. Besides modifying a few special conditions the applicant would like to clarify and possibly add to the conditions. The approval of the modifications will create a safer facility.

Special Condition No. 7

As the condition states live entertainment and dancing is permitted. After having the live entertainment and dancing in the approved, specified area the applicant realized the pedestrian and fire access were being blocked. The band area in the corner is too close to the required exit ways. This location should not have been approved by the city because it was in direct conflict with the exit path. Experiencing this danger, the applicant would like approval to relocate the band area and create a stage more in the center of the dining space. This will satisfy the original intent of the condition, creating a place for live entertainment and provide open, clear exit paths required by the building and fire code. The proposed 144 S.F. stage and designated 432 S.F. dance floor is graphically represented on drawing A-3 submitted to the city. The new design clearly shows the exit ways will be clear and open for all patrons.

The approved 77 S.F. live entertainment area, was not enough space for the band consisting of guitar, drums, piano, bass instruments, and singers. Therefore the request is to enlarge the performing area and relocate it to a safer location, as shown.

There is a need expressed by the public, for a facility to provide dance lessons, like the salsa. The applicant would like to accommodate this request and have certain nights for dance lessons. Professionals would provide the music and instructions. The possible nights and hours would be:

Thursday 9:00 pm to 11:00 pm
Friday 9:00 pm to 11:00 pm
Saturday 9:00 pm to 11:00 pm
Sunday 9:00 pm to 11:00 pm

Phone/Fax (805) 659-4017
Cell (805) 701-1510
811 Gardner Ave.
Ventura, California 93004
ldgraves22@hotmail.com

The applicant will provide a separate sound booth to control the volume of the music generated by the band on stage. The equipment in the sound booth is owned and operated by the applicant, therefore, the volume level will be controlled by the applicant and not the band performing.

The dance floor area was never described by dimension or size in the "special conditions" approved by the city. The condition read: "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." This action was never done by the applicant until now. The dance area graphically represented on the attached plans clearly and defiantly do not restrict any pedestrian traffic or code required exit ways. Therefore, the applicant is applying for this dance area to be approved by the building official.

There will be dancing with the live music, as approved in Special Condition #7. The dancing will take place in a designated dance area in the center of the facility. The proposed dance floor will be 18'x24', 432 S.F. as graphically represented on drawing A-3. The dance floor will be created by moving 4 dining room tables out of the area. The proposed dance floor will be defined by dining tables allowing patrons to sit and listen to music, if they choose.

Special Condition No. 8

The only modification to this condition is to extend the Sunday hours from 4:00 p.m. to 1:30 a.m.

There is a trend in our society for late night entertainment on Sundays. Therefore, the applicant would like to serve the public and keep in step with other facilities that offer this service.

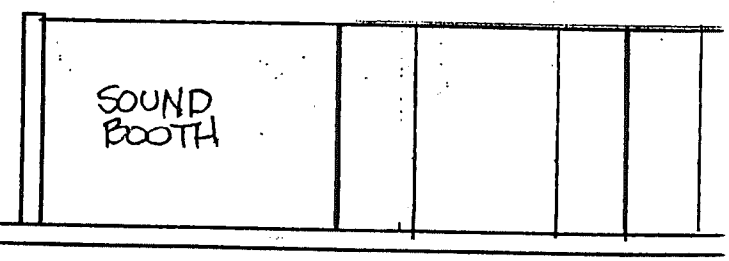
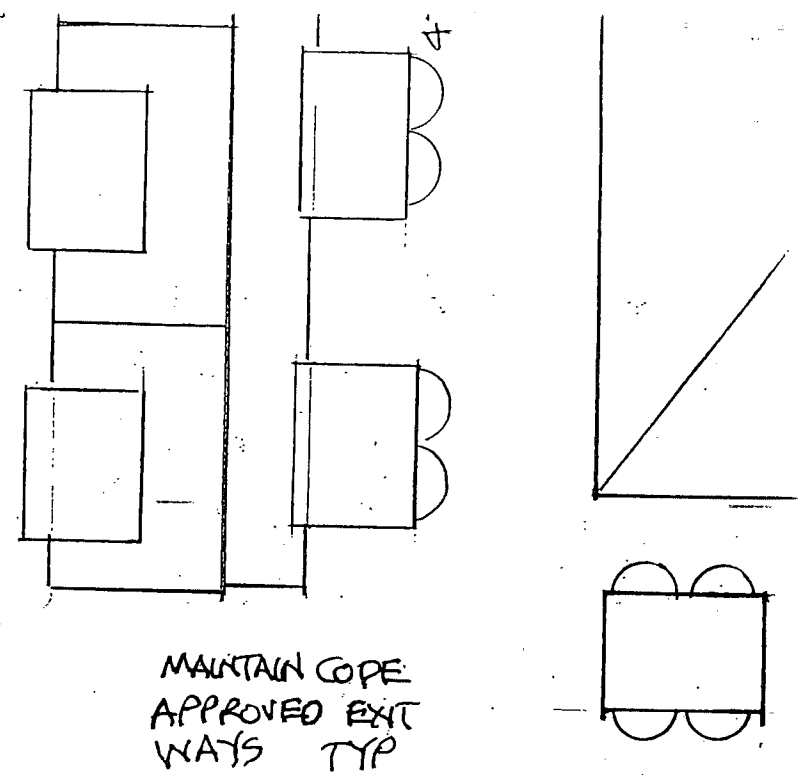
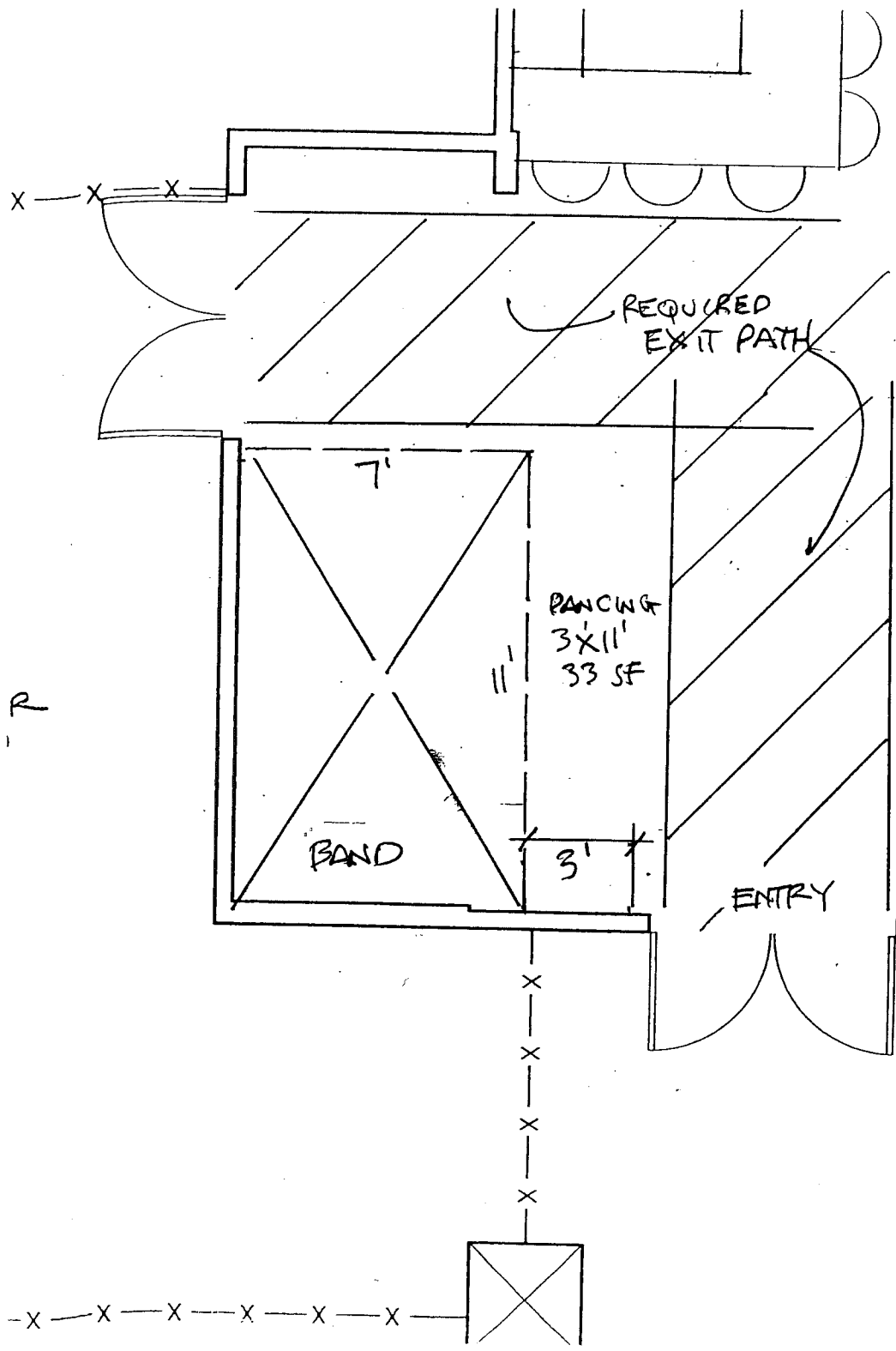
Special Condition No. 13

All doors will remain closed during the live music entertainment. This will be monitored by 5 security guards that will be employed by the applicant. The security guards will also give an important presence to the facility and provide safety to the patrons both inside and out. We know an issue of public safety has been brought up in previous hearings.

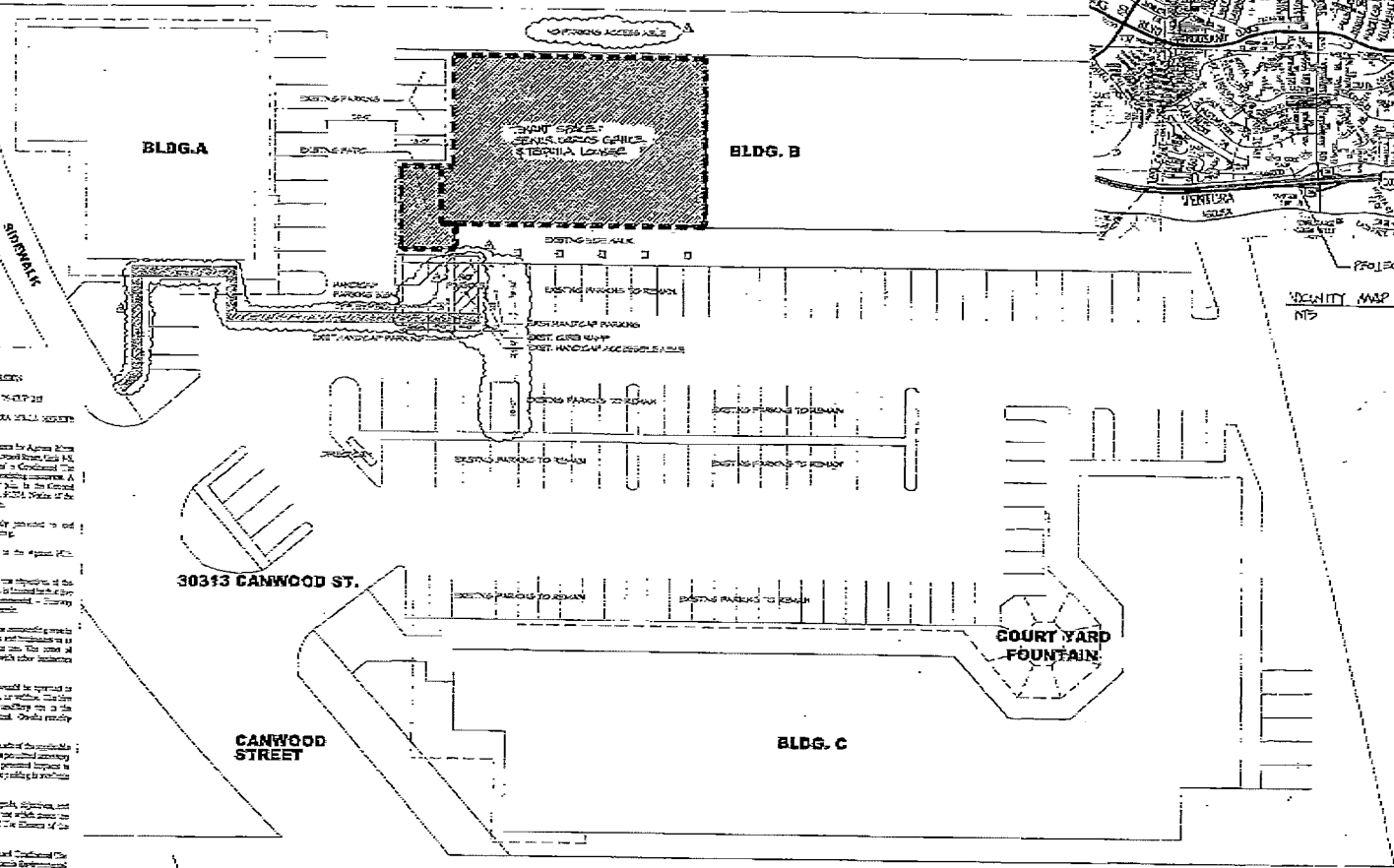
A dress code will be implemented and strictly enforced by security. This will help keep an orderly crowd and protect all the patrons.

The applicant will secure all the required permits from all the various agencies. These permits will be on display for the monitors to see. The applicant will post maximum occupancy signs in a visible location.

This document outlines modifications to the existing approved conditions. The approval given to this modification request and clarifications of the conditions will benefit the city, the public, and the applicant.



SCALE 1/4" = 1'-0"



AGREEMENT OF PRELIMINARY CONDITIONS
 CITY OF AGOURA HILLS
 ADDRESS: 30313 CANWOOD STREET

THE PLANNING COMMISSION OF THE CITY OF AGOURA HILLS HEREBY APPROVES AND RECOMMENDS THE FOLLOWING:

Section 1. An application was received by Carlos Gomez for Agoura Hills a Planning Commission Conditional Use Permit for the proposed project. The Planning Commission has reviewed the application and has recommended that the Planning Commission approve the Conditional Use Permit for the proposed project.

Section 2. The Planning Commission has reviewed the application and has recommended that the Planning Commission approve the Conditional Use Permit for the proposed project.

Section 3. The Planning Commission has reviewed the application and has recommended that the Planning Commission approve the Conditional Use Permit for the proposed project.

Section 4. The proposed use, as conditioned, is consistent with the objectives of the Zoning Ordinance and the proposed use is consistent with the objectives of the Zoning Ordinance.

Section 5. The proposed use, as conditioned, is consistent with the objectives of the Zoning Ordinance and the proposed use is consistent with the objectives of the Zoning Ordinance.

Section 6. The proposed use, as conditioned, is consistent with the objectives of the Zoning Ordinance and the proposed use is consistent with the objectives of the Zoning Ordinance.

Section 7. The proposed use, as conditioned, is consistent with the objectives of the Zoning Ordinance and the proposed use is consistent with the objectives of the Zoning Ordinance.

Section 8. The proposed use, as conditioned, is consistent with the objectives of the Zoning Ordinance and the proposed use is consistent with the objectives of the Zoning Ordinance.

Section 9. The proposed use, as conditioned, is consistent with the objectives of the Zoning Ordinance and the proposed use is consistent with the objectives of the Zoning Ordinance.

Section 10. The proposed use, as conditioned, is consistent with the objectives of the Zoning Ordinance and the proposed use is consistent with the objectives of the Zoning Ordinance.

Section 11. The proposed use, as conditioned, is consistent with the objectives of the Zoning Ordinance and the proposed use is consistent with the objectives of the Zoning Ordinance.

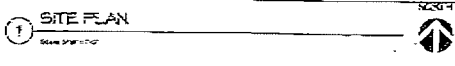
Section 12. The proposed use, as conditioned, is consistent with the objectives of the Zoning Ordinance and the proposed use is consistent with the objectives of the Zoning Ordinance.

Section 13. The proposed use, as conditioned, is consistent with the objectives of the Zoning Ordinance and the proposed use is consistent with the objectives of the Zoning Ordinance.

Section 14. The proposed use, as conditioned, is consistent with the objectives of the Zoning Ordinance and the proposed use is consistent with the objectives of the Zoning Ordinance.

CONDITIONAL USE PERMIT CASE NO. 09-CUP-018
 SCOPE OF PROJECT:
 REDEFINE DINING AREA, STAGE,
 & BAR/ICE FLOOR (BENCH DINING
 TABLES ARE REMOVED) FROM
 APPROVED RESOLUTION NO. 09-11/15/08
 APR 2009-C20-040
 ZONE CAS-FC

OWNER:
 SEAN GOMEZ GARAGE TERRAZZA LOUNGE
 REYES ADOBE PLAZA
 30313 CANWOOD STREET
 AGOURA HILLS, CA
 CALLS CROSSED
 818-944-2070
 780-305-7965
 ARCHITECT:
 ALLIANCE DESIGN GROUP
 811 GARWOOD AVE
 VENTURA CA 93004
 LARRY GARIBAY ARCHITECT
 209-657-4017




APPROVED AND ACCEPTED on the 15th day of November, 2008 by the following members:

APPROVED: [Signature] Mayor
 [Signature] Council Member
 [Signature] Council Member
 [Signature] Council Member
 [Signature] Council Member

PLAN FILED
 ALLIANCE DESIGN GROUP
 811 GARWOOD AVE
 VENTURA, CA 93004
 209-657-4017

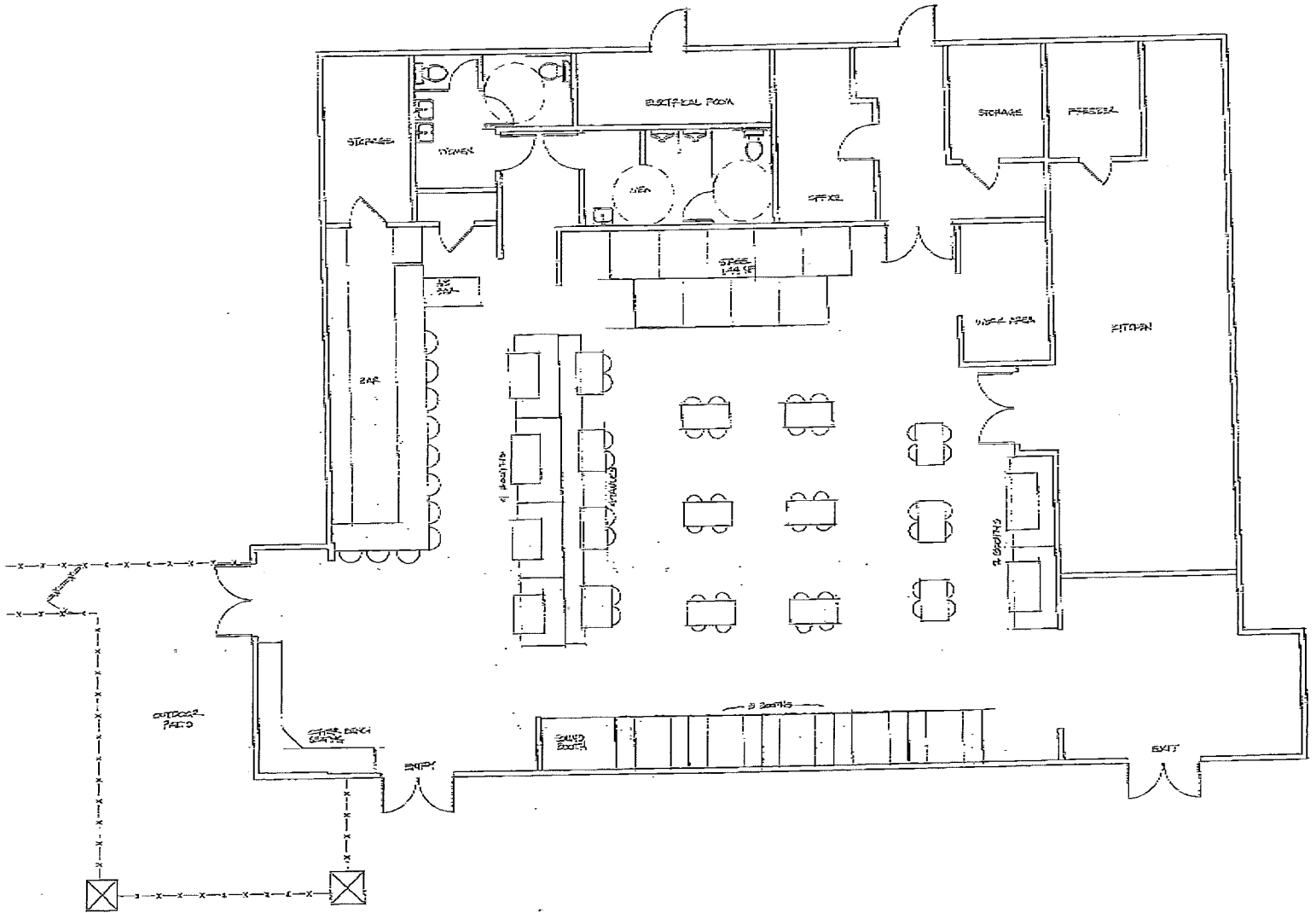
Revisions		
No.	Description	Date

ALLIANCE DESIGN GROUP
 1401 20th Street
 Suite 100
 San Diego, CA 92108
 Tel: 619.594.1111
 Fax: 619.594.1112
 www.alliandedesign.com



**SEÑOR CARLOS GRILLE AND
 TEQUILA LOUNGE**
 1401 20th Street, Suite 100
 San Diego, CA 92108
 310.594.1111

Job No.
 Drawn By: *ams/psm* Date: 2-19-09
 Drawing No.: *AgenciaBktrol.dwg*
 Scale: 1/4" = 1'-0"
 Sheet: **A-2**



2734 15 (12)

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)

Page 3

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

L A W O F F I C E S
DAPEER, ROSENBLIT & LITVAK, LLP

STEVEN H. ROSENBLIT
KENNETH B. DAPEER
WILLIAM LITVAK
JAMES C. ECKART
ANITA ZUCKERMAN
PATRICIA H. FITZGERALD
NORMA COPADO WELLS
KENNETH A. OHASHI
CAROLINE K. CASTILLO
JOCELYN CORBETT
MARIA S. CHUNG
KEISHUNNA RANDALL
MEHRNOOSH ZAHIRI
PAULA CLAMURRO

PLEASE DIRECT MAIL TO:
WEST LOS ANGELES OFFICE

METROPOLITAN CITIES OFFICE:
2770 E. SLAUSON AVENUE
HUNTINGTON PARK, CA 90255-3090
TELEPHONE (323) 587-5221
FACSIMILE (323) 587-4190

WEST LOS ANGELES OFFICE:
11500 W. OLYMPIC BLVD., SUITE 550
LOS ANGELES, CA 90064-1524
TELEPHONE (310) 477-5575
FACSIMILE (310) 477-7090

March 5, 2009

Juan Carlos Arozco, Owner¹
d/b/a Senor Carlos Grill & Tequila Lounge
30315 Canwood, Units 1-5
Agoura Hills, CA 91301

[Copy Via Fax / (818) 991-4662]

NOTICE OF INTENT TO PROSECUTE

Dear Mr. Arozco:

This office represents the city of Agoura Hills ("City") as community preservation attorneys and prosecutors. You have committed violations of the following conditions to Conditional Use Permit 06-CUP-012 (see attached copy of Resolution No. 894 that contains this permit):

- Condition No. 3 (requiring complete conformity with the approved floor plan).
- Condition No. 7 (authorizing live entertainment only in an approved area having a dimension of approximately 11 feet west and 7 feet north from the southeast corner of the building).
- Condition No. 8 (requiring living entertainment to end at 1:30 a.m. Monday - Saturday, and at 10:00 p.m. on Sunday).

Despite these operating restrictions, you have terminated food service at 9:30 p.m. and cleared the dining area (of approximately 1,100 square feet) for entertainers (including female "go-go dancers performing every hour) and patron dancing², with entertainment continuing until 2:30 a.m. Patrons were required to pay

¹ CA Dept. of Alcoholic Beverage Control Licensee - Type 47; License No. 434452.

² Entertainment is thus no longer ancillary to the primary use of your establishment as a restaurant.

Juan Carlos Arozco, Owner
d/b/a Senor Carlos Grill & Tequila Lounge
Re: Notice of Intent to Prosecute
March 5, 2009
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a \$20.00 entrance cover charge. You have also obstructed ingress and egress from the westerly entrance/exit doors, a fire hazard. Neighbors have complained about on-site loitering and noise impacts. These activities are materially detrimental to public health, safety and welfare.

Violations of permit conditions constitute **misdemeanor offenses** pursuant to Section 9844 of the Agoura Hills Zoning Code, which states in pertinent part, as follows:

Every person violating any provisions of this article or the terms or conditions of any permit or other approval granted or issued pursuant to this article is guilty of a misdemeanor. Conviction thereof shall be punishable by a fine not to exceed one thousand dollars (\$1,000.00), or by imprisonment for not to exceed six (6) months, or by both fine and imprisonment.

These violations also render your premises substandard pursuant to Section 5605 of the Agoura Hills Municipal Code, which states, in pertinent part, as follows:

"The existence or maintenance of substandard property is prohibited, unlawful and constitutes a public nuisance. Any one (1) or more of the following conditions shall constitute substandard property."

...

"(16) Any other condition or activity on real property that violates any local, state or federal law or regulation, or that is contrary to any public agency approval, permit, or condition thereof."

I will file a misdemeanor criminal complaint³ against you in the Los Angeles Superior Court (Malibu District) unless you immediately terminate all activities that do not conform to your use permit⁴. **This means that you may not disregard the operating restrictions of your use permit AT ANY TIME - including during the "Black & White Affair" that is planned for the evening of this Friday, March 6, 2009.**

³ If convicted of misdemeanor offenses, you face fines/assessments **exceeding \$10,000.00 and probation for three years. You can also be ordered to serve time in the county jail.**

⁴ Your intention to seek a modification of this permit does not entitle you to ignore the conditions that are presently in effect. You may depart from the current operating restrictions only after the Planning Commission formally modifies the permit (if ever).

Juan Carlos Arozco, Owner
d/b/a Senor Carlos Grill & Tequila Lounge
Re: Notice of Intent to Prosecute
March 5, 2009
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Please be further informed as follows:

1. The California Department of Alcoholic Beverage Control ("ABC") has jurisdiction with regard to a licensee's actions, or inactions, at these premises. In this regard, Section 24200 of the California Business and Professions Code states, in pertinent part, as follows:

"The following are the grounds that constitute a basis for the suspension or revocation of licenses:"

(a) "When the continuance of a license would be contrary to public welfare or morals...."

...

(e) "Failure to take reasonable steps to correct objectionable conditions on the licensed premises, including the immediately adjacent area that is owned, leased, or rented by the licensee, that constitute a nuisance, within a reasonable time after receipt of notice to make those corrections from the department, under Section 373a⁵ of the Penal Code. For the purpose of this subdivision only, "property or premises" as used in Section 373a of the Penal Code includes the area immediately adjacent to the licensed premises that is owned, leased, or rented by the licensee."

2. A copy of this letter is being sent to the ABC. Insofar as your landlord has a shared responsibility for what is occurring on its premises, a copy of this letter is also being forwarded to that entity as well.

3. If you disregard the requests in this letter, the City will seek the revocation of your L.A. County Entertainment Licenses (Nos. 404868 and 405871) in

⁵ This statute states, in pertinent part, as follows: Every person who maintains, permits, or allows a public nuisance to exist upon his or her property or premises, and every person occupying or leasing the property or premises of another who maintains, permits or allows a public nuisance to exist thereon, after reasonable notice in writing from a ... city attorney or prosecuting attorney to remove, discontinue or abate the same has been served upon such person, is guilty of a misdemeanor, and shall be punished accordingly; and the existence of such nuisance for each and every day after the service of such notice shall be deemed a separate and distinct offense, and it is hereby made the duty of the district attorney, or the city attorney of any city the charter of which imposes the duty upon the city attorney to prosecute state misdemeanors, to prosecute all persons guilty of violating this section by continuous prosecutions until the nuisance is abated and removed.

Juan Carlos Arozco, Owner
d/b/a Senor Carlos Grill & Tequila Lounge
Re: Notice of Intent to Prosecute
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accordance with Title 7 of the Los Angeles County Code (as adopted by Section 6300 of the Agoura Hills Municipal Code). In reviewing your licenses, I note that they do not accurately recite your business name. The licenses instead state: "Agoura Bistro & Wine Bar." This is also the case for your Public Eating license (No. 405796). This must be rectified.

4. Your use permit is subject to suspension pursuant to Condition No. 5 of the permit. In this event, the privileges granted thereunder will lapse.

5. Your use permit is subject to revocation pursuant to pertinent regulations in the Article IX [Zoning] of the Agoura Hills Municipal Code.


6. Partial compliance is not acceptable. I will not dismiss a criminal case if your cooperation is only forthcoming after I have filed a criminal complaint with the court.

7. This letter is not intended to include all violations of law that may exist with regard to the matters discussed herein. The City reserves the right to exercise all remedies that are available to it.

8. City and law enforcement officials will closely monitor your premises in the future for compliance with the requests in this letter and with regard to your obligations under law. Please also note that you must concurrently comply with all regulations in the Agoura Hills Municipal Code, and not merely the ones that are discussed herein. In this regard, you have not obtained a business registration permit as required by Section 6801 of the Agoura Hills Municipal Code. Please complete all requirements for this permit (i.e., tender a complete application and all fees to the City) in the next five (5) calendar days.

This is a very serious matter that requires your immediate attention.

Sincerely,


Steven H. Rosenblit
Agoura Hills City Prosecutor

Cc: Sidney H. Dinow, Partner
J. Saunders, Partner
Lewis Maler, Partner
The Canwood Street, a General Partnership [Property Owner]
30495 Canwood Street, Suite 200
Agoura Hills, CA 91301-4331

Greg Ramirez, City Manager
Mike Kamino, Community Development Director
Doug Hooper, A/Community Development Director

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.

Resolution No. 894

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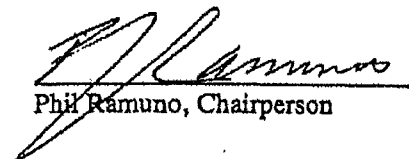
E. The proposed use, as conditioned, is consistent with the goals, objectives, and policies of the General Plan in that live entertainment offers a land use which meets the diverse needs of Agoura Hills' residents; as called for in the Land Use Element of the City's General Plan.

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)

Page 3

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

To Agoura Hills Planning Commission Members;

Please find enclosed the meeting minutes from the February 19th Planning Commission Meeting with regard to the Senor Carlos Grill Monitoring report. The enclosed petitioners and Planning Commission meeting attendees are concerned citizens of our fine city of Agoura Hills and are requesting the Planning Commission to revoke the Senor Carlos Grill and Tequila Lounges Conditional Use Permit. The owner of this establishment has shown no respect to your rules, to your proceedings for conducting his business or himself in a respectable manner, or conducting business in a City or County compliant manner.

- He conducted business with an expired Los Angeles County Entertainment Permit, expiring on October 31, 2008.
- He didn't acquire a new permit until after he was inspected by the City of Agoura Hills in November of 2008.
- He modified (mid last year 2008) his so called restaurant in violation of his CUP so he could bring in extremely loud, large volumes of entertainment and disrupted local businesses and residents.
- He violated 5 City Codes during the City of Agoura' inspection in November of 2008.
- He is violating 3 of the same City Codes today and the violation dates back to the modification of the facility, then continues post the November 2008 inspection, post the January 30, 2009 inspection and during his monitoring period from November 2008 through today.
- 9673.7. Adult businesses; additional findings prerequisite to permit, states:
 - B. The requested use at the proposed location is sufficiently buffered by topographic conditions or public or private improvements from residentially zoned areas within the immediate vicinity so as not to adversely affect said areas
- He applied for a new CUP conveniently on the day of the Planning Commission Meeting of February 19, 2009.
- The new vague and unprofessional application quite honestly is an application to conduct business in a manner that he has been in violation of for a minimum of six months.
- Please check the November Planning Commission Meeting Minutes where Mr. Orozco stated that his original flyer was by his manager at the time and was not the direction he wanted his restaurant to go. However, see attached flyers, he printed a new advertising campaign for a new venue of go-go dancers and live entertainment.
- Most importantly Planning Commission Members he has blatantly shown a total disregard and disrespect to YOU, your proceedings and procedures. Now under the disguise of calling his establishment a restaurant he is having GO-GO GIRLS. What next Wet T-Shirt nights? Dollar and Lap Dances? This is Agoura Hills not Van Nuys Blvd.
- Please take a look at the following websites as this seems to be the model for this establishment:
 - www.clubtequilalounge.com is under construction and defaults to the following web designer page.
 - <http://www.eduardotrueba.com> and on this website the featured site is next.
 - <http://www.eduardotrueba.com/clients/clubrochollywood/index.php> Please open the featured site and you will see what Mr. Orozco is attempting to establish. He even has the same moniker, Drink, Party & Socialize as this website and now the Go-Go dancers.
- Mr. Orozco then used a different method of advertising his night club by using the following: www.myspace.com/clubgossip805.
- The Acorn newspaper that was just delivered has two Police Blotters that have damage or the establishments that have been broken into either on the 4th or 8th of February. The newspaper has the wrong address and after having spoken with the establishments yesterday they were as follows; Reyes Adobe Liquor Store on the 4th & 8th, Pizza Nosh Restaurant on the 4th, Café 14 on the 4th. Reyes Adobe Liquor Store has now installed wrought iron protection on the inside of their windows similar to all stores with windows down streets like Van Nuys Blvd.

Agoura Hills Mission Statement

Agoura Hills is a unique suburban community exemplified by a commitment to the preservation of its history, a high quality of life, a vibrant business community, and environmental sensitivity.

We are a city steeped in a rich historical past through which we have emerged as a vital, prosperous community committed to excellence, innovation, and sound fiscal policies. Our neighborhoods are safe, healthy, and as unique as the individuals who inhabit them.

We believe the City's greatest asset is our people and we welcome the involvement of all those who live and work in the City of Agoura Hills to partner with us in making this community one of excellence.

We are committed to preserving the unique character, historical and rural fabric, and environmental beauty that defines Agoura Hills to its residents. We will accomplish this through the values of Service, Integrity, Positive Solutions, and Cooperation.

Planning Commission Members we believe that based on our cities Mission Statement you will approve our request to revoke Conditional Use Permit 06-CUP-012. We want the city of Agoura Hills to remain what it is today a great city to raise our families. Thank you for your time and attention to this matter.

Respectfully submitted,

See attached Concerned Citizens.

Keep Agoura Free from Inappropriate Entertainment

#	Name	Signature	Address	Email	Phone
1	BARRY BARTHOLOMAY	<i>[Signature]</i>	5301 Jon Dodson Drive	cahkycoach@aol.com	(818) 300-5903
2	CYNTHIA BARTHOLOMAY	<i>[Signature]</i>	5301 Jon Dodson Drive	cboalie@sbcglobal.net	(818) 204-6567
3	Jillie Mills	<i>[Signature]</i>	2659 Westena		(805) 520-6167
4	Elise Reizman	<i>[Signature]</i>	30049 Trail Creek Dr.		(818) 791-1066
5	KITA MANN	<i>[Signature]</i>	29732 WINDSOR	Mc6b@VERIZON.NET	
6	CHERYL MEDONARD	<i>[Signature]</i>		cherylmedonard@aol.com	
7	Paul Van Geldern	<i>[Signature]</i>	30046 Trail Creek Dr.	citcan11@gmail.com	818-384-7284
8	Paul Van Geldern	<i>[Signature]</i>	30046 Trail Creek Dr.		(818) 991-7409
9	Paul Van Geldern	<i>[Signature]</i>	820 Hambley Blvd.		Pos: 985-2966
10	Paul Van Geldern	<i>[Signature]</i>			
11	PAULA GRAYBILL	<i>[Signature]</i>	6328 Deenbrook Rd	paulagraybill@hotmail.com	818 991 9848
12	Stephanie RHYAKOV	<i>[Signature]</i>	30045 Trail Creek Dr.		
13	Angela Parmelee	<i>[Signature]</i>	30045 Trail Creek	angela@parmeleeedogy.com	818-879-1796
14	Dan Reizman	<i>[Signature]</i>	30049 Trail Creek Dr. AH 91301		(818) 991-1066
15	Larry Parmelee	<i>[Signature]</i>	30045 Trail Creek Dr.	larry.parmelee@edogy.com	879-1780
16	Ben Bayluch	<i>[Signature]</i>	29732 Windsor		
17	SOBEN BUXBAUM	<i>[Signature]</i>	31542 RUSTICORR DR	jbuxbaum@midway.net	818-767-2637
18	THOMAS RIETZ	<i>[Signature]</i>	29704 STRAWBERRY HILL DR	thetrietton@yale.com	818-889-9070
19	Matt Sabin	<i>[Signature]</i>	29732 Windsor		818-384-5491
20	Derek Kral	<i>[Signature]</i>	5309 Jon Dodson Drive	tom.d.kral@yale.edu	818-889-7010
21	COEEN CASTELLO	<i>[Signature]</i>	5309 Jon Dodson Drive	Castello7@roadrunner.com	818-879-8420
22	Tim Castello	<i>[Signature]</i>	5309 Jon Dodson Drive	Castello7@roadrunner.com	818-929-2357
23	Chad Castello	<i>[Signature]</i>	5309 Jon Dodson Drive	Chad.Castello@yale.edu	818-398-9218
24	Carun Castello	<i>[Signature]</i>	5309 Jon Dodson Drive	Carun@yale.edu	818-312-2215
25	DEAN WILSON JR	<i>[Signature]</i>	5303 Jon Dodson Dr.	wilson11@mac.com	818 422 7246
26	Jasmine Johnson	<i>[Signature]</i>	5303 Jon Dodson Dr.	vas333@mc.com	818 917 9687
27	Tracie Hansen	<i>[Signature]</i>	5316 Jon Dodson Dr.	RTHansen@sbcglobal.com	818 707-6225
28	RICH HANSEN	<i>[Signature]</i>	5316 Jon Dodson Dr.		818 707-6224
29	PIA SLATER	<i>[Signature]</i>	5300 Jon Dodson Dr.		818-991-4648
30	Bob Slagter	<i>[Signature]</i>	5300 Jon Dodson Dr.		818-991-4648

March 12, 2009

Dept. of Planning
City of Agoura Hills
30001 Ladyface Court
Agoura Hill, Calif. 91301

Re: 06-CUP-012 Amendment (Carlos Orozco)

I am responding to the City's letter sent to me, as well as an article published in The Acorn this Thursday, March 12.

I see **no reason** by *Senor Carlos* should expand their Sunday night hours to 1:30 a.m. They're already open until 1:30 a.m. six days a week. Several homeowners in the area along Passageway, which is directly behind the shopping center have already complained about the excess loud music coming from *Senor Carlos*. Also, they should keep the noise level a little lower, as it does carry up behind to the homes. This location is still in a residential area. A lot of people have to go to work/school on Monday morning.

According to the newspaper it sounds like they've turned it into a 'night club', like the Canyon Club. If that's what they want, it should be moved to a more-commerical area.

I believe most of the local residents would prefer to have some nice dining location, with some type of dinner music.

Again, I am **opposed** to extending any hours. This letter I received from the City should have been sent to all homeowners in the immediate area, not just one person.

Thank you,
Trudy Willauer
30445 Passageway Place
818-889-6384

From: Katy Ho [mailto:katyho@usa.net]
Sent: Monday, March 23, 2009 12:10 PM
To: Britteny Tang
Subject: My response to case #:06-cup-012.

Hi! Ms. Brittany Tang,

Good morning! How are you? It is nice to talk to you on the phone. I live close by the Canwood st. I really do not like any more expansion in canwood st. We are residential areas. We do not need all this commercial expansion. The one is underway now, is already cause the traffic to slow down. The canwood is a small street and right next to freeway. There is no need for the live entertainment in the residential areas. There are children around and temple close by. Please do have the planning commission look into this case. Thanks. Have a wonderful day! Best wishes to you!

Sincerely yours,

Katy Ho

3/26/2009



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



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

CONDITIONAL USE PERMIT AMENDMENT CASE NO. 06-CUP-012 AMENDMENT
SEÑOR CARLOS GRILL AND TEQUILLA LOUNGE

