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**DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT  
MEMORANDUM**

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**ACTION DATE:** August 6, 2009

**TO:** Planning Commission

**APPLICANT:** Ladyface Ale Company, LLC  
6085 Chesebro Road  
Agoura Hills, CA 91301

**CASE NO.:** 09-CUP-008

**LOCATION:** 29281 Agoura Road  
(Assessor's Parcel No. 2061-004-034)

**REQUEST:** Request for a Conditional Use Permit to allow the on-sale and off-sale of alcoholic beverages for a microbrewery/brewpub, and a 35-foot high grain silo with a painted insignia.

**ENVIRONMENTAL ANALYSIS:** Exempt from CEQA per Section 15301 (Existing Facilities)

**RECOMMENDATION:** Staff recommends that the Planning Commission approve Conditional Use Permit Case No. 09-CUP-008, subject to conditions.

**ZONING DESIGNATION:** AVSP (Agoura Village Specific Plan)

**GENERAL PLAN DESIGNATION:** AVSP (Agoura Village Specific Plan)

## **I. PROJECT DESCRIPTION AND BACKGROUND**

On July 8, 2009, the City Council adopted a new ordinance that requires approval of a Conditional Use Permit from the Planning Commission for new off-site and on-site alcoholic beverage establishments. Included with this ordinance was the requirement for microbreweries in the Agoura Village Specific Plan area to obtain a Conditional Use Permit.

Ladyface Ale Company, LLC, is requesting a Conditional Use Permit to allow the on-sale and off-sale of alcoholic beverages for a microbrewery/brewpub, and to install a 35-foot high grain silo with a painted insignia. The business, named "Ladyface Alehouse & Brasserie" is to be located at 29281 Agoura Road, in tenant space currently occupied by Chuy's Restaurant. The business will also be occupying adjacent tenant space within the same building, which is currently vacant. Therefore, the proposed microbrewery/brewpub will occupy the entire 3,200 square foot building. The site is located in the AVSP (Agoura Village Specific Plan) zone.

The Alcoholic Beverage Establishment Ordinance defines off-sale alcoholic beverage establishments as "any establishment wherein alcoholic beverages are sold, served, or given away to be consumed off the premises, including but not limited to, any establishment that has obtained or intends to obtain an Alcohol Beverage Control (ABC) license type 20 or 21. References to an off-sale alcoholic beverage establishment shall include an immediately adjacent area that is owned, leased, rented, or controlled by the permittee." On-sale alcoholic beverage establishments are defined as "any establishment wherein alcoholic beverages are sold, served, or given away to be consumed on the premises, and which has obtained or intends to obtain an Alcoholic Beverage Control license type 40, 41, 42, 47, 48, 51, 52, 61, 63 and/or 75. References to an on-sale alcoholic beverage establishment shall include any immediately adjacent area that is owned, leased, or rented, or controlled by the permittee. It shall also include any facility, inclusive of a portion thereof, which is rented out for special event functions wherein alcoholic beverages are sold or given away on the premises and are to be consumed on the premises."

For the microbrewery, the applicant intends to obtain type 23 (small beer manufacturing), type 47 (on-sale general), and type 58 (caterer permit) liquor licenses from ABC. According to the applicant's attached project description, the microbrewery will provide hand-crafted malt beverages. A majority of the beer is anticipated to be sold on-site in the restaurant setting, with approximately 15% sold mostly to outside accounts as to-go or packaged sales. The daily hours of operation featuring brunch, lunch and dinner service will be similar to the current occupant's (from 11 a.m. to 2:00 a.m.), however an after-hours small-plate menu will be offered. Patrons will have the option of purchasing food and/or beverage items.

The 3,200 square foot restaurant is proposed to be minimally remodeled inside for the microbrewery décor, but the seating floor area will remain relatively unchanged (from 1,723 square feet to 1,563 square feet). Therefore, no additional parking is required by Code for this change in use. The remodel includes expanded occupancy of approximately 1,134 square feet of adjacent vacant retail space for the installation of large storage tanks, an office, and an employee restroom. The tank storage area of the microbrewery is generally not intended to be open to the public except for private tours. Approximately 15-20 employees over shifts throughout the day are anticipated for the business. The microbrewery will be staffed with one full-time manager and one part-time brewer. No live entertainment is proposed.

Exterior changes are proposed on the west and south building elevations. A new business sign is proposed above the main entrance on the west side of the building, and the south building elevation, above the patio door. Existing canvas awnings are proposed to be replaced with new awnings of a color to be determined. Welded metal fencing on the west side of the building is proposed on the tower element above the proposed business sign, and in front of an arched atrium area that would house a proposed 35-foot high grain silo that would also protrude approximately 14.5 feet above the 20.5-foot high parapet roof. The proposed business signs, awning change and new metal fencing can be reviewed administratively. However, staff is requesting the Planning Commission consider the proposed grain silo and its compatibility with the building design and the proposed use, as well as an interpretation of the insignia/artwork on the grain silo.

### **III. STAFF ANALYSIS**

The City Council's decision to initiate and approve the Alcoholic Beverage Establishment Ordinance was to achieve greater control over nuisance-type issues related to alcohol beverage establishments, such as noise, particularly related to the proximity to residential areas, as well as overall safety issues, and any impacts related to the concentration of such businesses. Requiring a Conditional Use Permit was chosen as the preferred land-use tool because it allows for decisions to be made by the Planning Commission and any appropriate conditions included on a case-by-case basis, following a public hearing. Accordingly, in addition to the findings currently required for approval of a Conditional Use Permit, the new ordinance also requires the Planning Commission find in favor of additional findings that are included in the attached draft Resolution in order to approve a Conditional Use Permit for alcoholic beverage sales and service.

Staff has reviewed the required findings and finds the proposed use to be compliant with the intent of the ordinance. The proposed on-sale and off-sale of alcoholic beverages will occur in a microbrewery/brewpub, which is a permitted use in the Agoura Village Specific Plan, and is consistent with its theme of retail, restaurants, and entertainment uses. The proposed total seating floor area for the establishment will not expand beyond the seating floor area of the previous restaurant tenant that occupied the building. A majority of the alcoholic beverage sales will occur on-site and the consumption of alcohol in public areas outside the tenant space is prohibited.

Property to the south of the applicant's proposed site, on the south side of Agoura Road, is within the Agoura Village Specific Plan area that allows for multi-family residential as a secondary use. However, the site is currently vacant. The nearest developed residential units are located approximately 1,600 feet to the north, and are adequately buffered and separated by the 101 Freeway and developed commercial properties. In addition, there is no school located within 500 feet of the site. The nearest park, Chumash Park, is located approximately 2,200 feet from the site, and is separated by the 101 Freeway. Therefore, staff finds the proposed use will not negatively impact surrounding properties or neighborhoods. No business in the city is currently licenses for both the on-sale and off-sale of alcoholic beverages, and the proposed use will be the first new alcoholic beverage establishment allowed in the Agoura Village Specific Plan area. The nearest business located south of the 101 Freeway that is permitted for the on-sale of alcoholic beverages is Island's Restaurant located east of and adjacent to the applicant's proposed site, and Adobe Cantina located approximately 1,000 feet to the east. The nearest business that is permitted for the off-sale of alcohol is Agoura Liquor and Deli in the adjacent Kanan Village Shopping Center to the north.

The proposed grain silo is a unique and functional component of the microbrewery use. It will be 35 high and 8 feet in diameter, and is designed to hold large quantities of grain/barley for storage of 4-6 months at a time. The proposed silo will be screened at ground level within a gated atrium. However, since the silo is proposed to project approximately 14.5 feet above the building parapet, staff is requesting the Planning Commission's review of the proposal. Roof equipment is required by the City Zoning Ordinance to be screened from view in a manner that is compatible with the building design. In this instance, the silo is not technically considered roof equipment, but can have a similar visual impact. If desired, the Planning Commission can require the silo to be screened.

The applicant is also proposing to display an insignia/artwork on the west elevation of silo, which would be visible above the roof. Although such displays are common for microbreweries, the City Sign Ordinance prohibits roof signs, which are defined as being located above the building's parapet roof. If the Planning Commission considers the insignia not be a "sign," but rather "artwork," it can remain on the silo. However, if the Planning Commission makes such a finding, it should limit it to this instance due to unique circumstances. The Sign Ordinance defines a "sign" as "any thing of visual appearance primarily used for, or have the effect of. Attracting attention from the streets, sidewalks, or other outside public areas for identification purposes."

If the Conditional Use Permit application is approved, it is recommended that the Planning Commission direct staff to return with a monitoring report six (6) months after the use becomes operational.

Staff finds the proposed Conditional Use Permit application to be categorically exempt from the requirements of the California Environmental Quality Act, per Section 15301, in that the proposal includes the licensing, minor alterations and an expansion of less than 2,500 square feet in floor area of an existing restaurant.

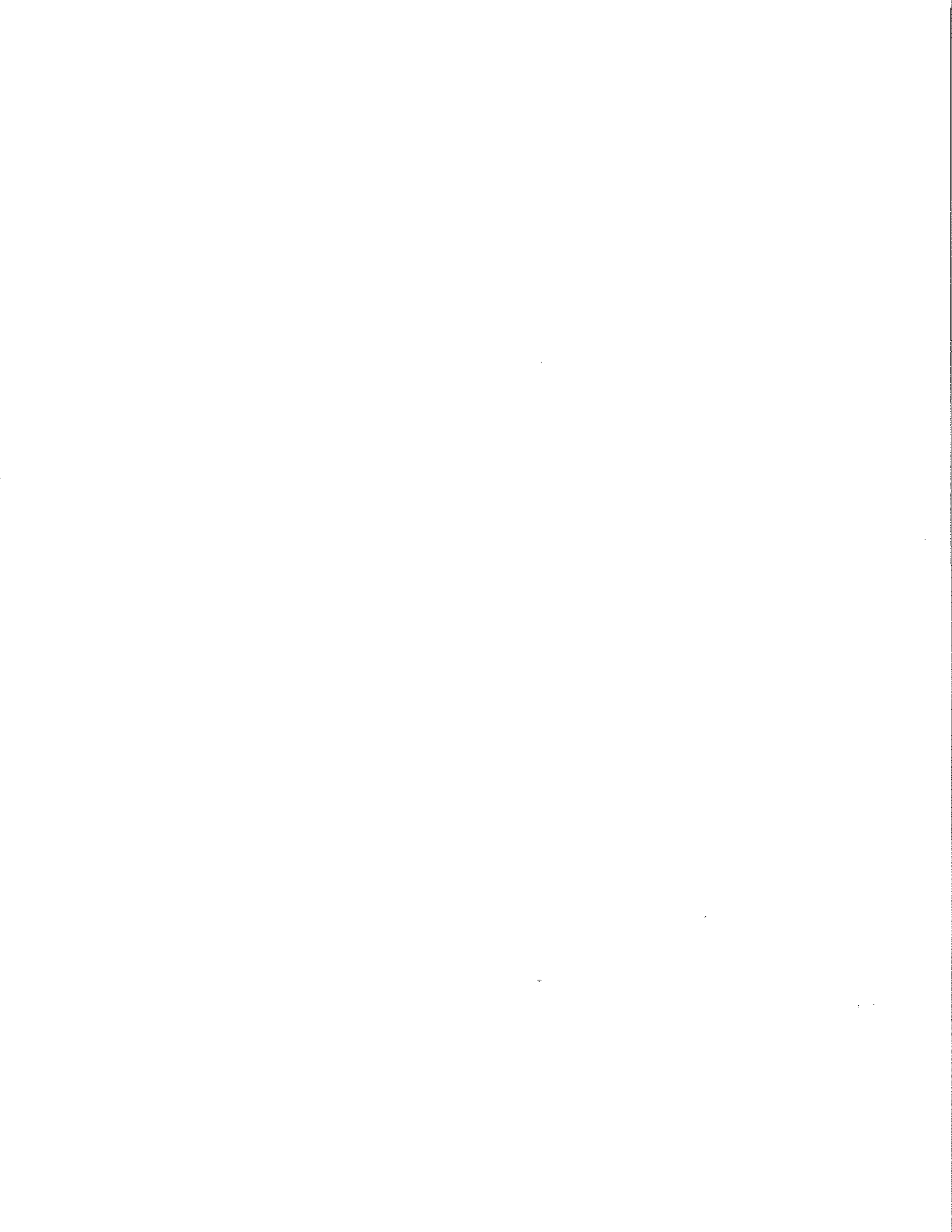
#### **IV. RECOMMENDATION**

Staff recommends that the Planning Commission approved Conditional Use Permit 09-CUP-008, subject to conditions.

#### **V. ATTACHMENTS**

Draft Resolution and Conditions of Approval  
Applicant's Project Description  
City Council Ordinance No. 09-362

CASE PLANNER: Doug Hooper, Assistant Director of Community Development



DRAFT RESOLUTION NO. \_\_\_\_

A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF AGOURA HILLS  
APPROVING CONDITIONAL USE PERMIT CASE NO. 09-CUP-008

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

Section I. An application was duly filed by Ladyface Ale Company, LLC, with respect to the real property located at 29281 Agoura Road (Assessor's Parcel No. 2061-004-034), requesting approval of a Conditional Use Permit to allow the on-sale and off-sale of alcoholic beverages for a new microbrewery/brewpub. A public hearing was duly held on August 6, 2009, at 6:30 p.m. in the City Council Chambers, City Hall, 30001 Ladyface Court, Agoura Hills, California. Notice of the time, date, place and purpose of the aforesaid hearings was duly given.

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

Section III. Pursuant to Sections 9673.2.E and 9396.3 of the Agoura Hills Zoning Ordinance, the Planning Commission finds that:

A. The proposed use, as conditioned, is consistent with the objectives and provisions of the Zoning Ordinance and the purposes of the land use district in which the use is located. The on-sale and off-sale of alcoholic beverages will occur in a microbrewery/brewpub, which is a permitted use in the Agoura Village Specific Plan.

B. The proposed use, as conditioned, is compatible with the surrounding properties. Adjacent properties to the east and north include restaurant and retail uses. The off-sale component of the business's alcoholic beverage sales is an ancillary use to the permitted microbrewery use.

C. The proposed use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare. The proposed total seating floor area for the alcoholic beverage establishment will not expand beyond the seating floor area of the previous restaurant tenant that occupied the building. A majority of the alcoholic beverage sales will occur on-site, with approximately 15% of the sales being anticipated to occur for off-site purposes. Consumption of alcoholic beverages outside of the business tenant space in public areas is prohibited.

D. The proposed use, as conditioned, will comply with each of the applicable provisions of the Zoning Ordinance. This permit allows for the on-sale and off-sale of alcoholic beverages in a microbrewery/brewpub that is a permitted use in the Agoura Village Specific Plan. No variance or modification is requested with this permit.

E. The distance from other similar and like uses is sufficient to maintain the diversity of the community. No business in the city is currently licensed for the both the on-sale and off-sale of alcoholic beverages, and the proposed use will be the first new alcoholic beverage establishment allowed in the Agoura Village Specific Plan area. The nearest businesses located south of the 101 Freeway that is permitted for the on-sale of alcoholic beverages is a restaurant located east of, and adjacent to, the applicant's proposed site, and restaurant located approximately 1,000 feet to the east of the applicant's proposed site. The nearest business that is permitted for the off-sale of alcohol is a liquor store located in the adjacent Kanan Village Shopping Center, adjacent to and north of the applicant's proposed site.

F. The proposed use, as conditioned, is consistent with the goals, objectives and policies of the General Plan. The proposed on-sale and off-sale of alcoholic beverages within the microbrewery/brewpub will provide for a mix of land uses which meets the diverse needs of Agoura Hills residents, as called for in Goal No. 1 of the General Plan Land Use Element.

G. The requested use, as conditioned, at the proposed location will not adversely affect the use of a school, park, playground or similar use within a five-hundred-foot radius. The nearest such land use is Chumash Park, which is located 2,200 feet from the proposed site and the two land uses are separated by the 101 Freeway.

H. The requested use, as conditioned, 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. Property to the south of the applicant's proposed site, on the south side of Agoura Road, is within the Agoura Village Specific Plan area that allows for multi-family residential use. However, the site is currently vacant. The nearest developed residential units to the applicant's proposed site are located approximately 1,600 feet to the north, and are adequately buffered and separated by the 101 Freeway and developed commercial properties.

I. The exterior of the structure will not be inconsistent with the external appearance of commercial structures already considered or under construction within the immediate neighborhood so as to cause blight or property deterioration, or to substantially diminish or impair property values within the neighborhood. The alcoholic beverage sales will occur within an existing building that will remain compatible with the City's Architectural Design Standards and Guidelines.



J. The upkeep and operating characteristics are compatible with and will not adversely affect the livability or appropriate development and use of abutting properties and the surrounding neighborhood. No on-site consumption of alcohol within public areas outside the establishment, is approved with this permit and the off-sale of alcohol as an ancillary product to the microbrewery/brewpub will not impact abutting properties or surrounding neighborhoods.

K. The proposed hours of alcoholic beverage sales, as conditioned, ensure that activities related to the project are compatible with the quiet enjoyment of the neighborhood. The on-sale and off-sale of alcoholic beverages in the permitted microbrewery/brewpub, between the proposed business hours of 11:00 a.m. to 2:00 a.m., daily, will not impact the quiet enjoyment of the neighborhood beyond the normal business operations.

L. The requested use, as conditioned, will not contribute to an undue concentration of alcoholic beverage establishments in the area. No business in the city is currently licensed for both the on-sale and off-sale of alcoholic beverages, and the proposed use will be the first new alcoholic beverage establishment allowed in the Agoura Village Specific Plan area. The nearest businesses located south of the 101 Freeway that is permitted for the on-sale of alcoholic beverages is a restaurant located east of, and adjacent to, the applicant's proposed site, and restaurant located approximately 1,000 feet to the east of the applicant's proposed site. The nearest business that is permitted for the off-sale of alcohol is a liquor store located in the adjacent Kanan Village Shopping Center, adjacent to and north of the applicant's proposed site.

M. The requested use, as conditioned, is not located in a high-crime area, or where a disproportionate number of police calls occur.

Section IV. The Planning Commission finds the proposed Conditional Use Permit application to be categorically exempt from the requirements of the California Environmental Quality Act, per Section 15301, in that the proposal includes the licensing, minor alterations and an expansion of less than 2,500 square feet of floor area of an existing restaurant.

Section V. Based on the aforementioned findings, the Planning Commission hereby approves Conditional Use Permit Case No. 09-CUP-008, with respect to the property described in Section I hereof.

Draft Resolution No. \_\_\_\_

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PASSED, APPROVED, and ADOPTED this 6<sup>th</sup> day of August, 2009, by the following vote  
to wit:

AYES: (0)

NOES: (0)

ABSTAIN: (0)

ABSENT: (0)

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John O'Meara, Chairperson

ATTEST:

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Doug Hooper, Secretary

## CONDITIONS OF APPROVAL (Case No. 09-CUP-008)

### STANDARD CONDITIONS

1. 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 Approval of this Permit with the Department of Planning and Community Development. Any conditions on such acceptance or challenges, including the filing of legal action, relating to the permit or the conditions, shall be treated as a failure to meet this Condition and shall nullify and void this permit.
2. Except as modified herein, the approval of this action is limited to, and requires complete conformation to, the labeled exhibits approved by the Planning Commission: Floor Plan and Building Elevation Plans.
3. 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.
4. 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.
5. All requirements of the Zoning Ordinance and of the specific Zoning of the property must be complied with unless set forth in the Conditional Use Permit.
6. Unless Conditional Use Permit Case No. 09-CUP-008, Amendment is used within two (2) years from the date of City approval, the permit will expire. A written request for a one-year extension may be considered prior to the expiration date.

### SPECIAL CONDITIONS

7. The applicant shall comply with all requirements of the State Department of Alcohol Beverage Control.
8. This permit shall be valid strictly for types 23, 47, and 58 liquor licenses from the State Department Alcohol Beverage Control for the microbrewery/brewpub business.
9. Consumption of alcoholic in public areas outside the tenant space is prohibited.
10. The alcoholic beverage sales shall occur only during the microbrewery/brewpub's open business hours.
11. A monitoring report of establishment's operation and Conditional Use Permit compliance shall be presented to the Planning Commission in six (6) months after the establishment becomes operational.

Conditions of Approval

Case No. 09-CUP-008

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12. Proposed exterior signage, metal fencing, and awning replacement shall be subject to review and approval by the Director of Planning and Community Development.
13. This permit shall not be used prior to August 7, 2009, after which City Council Ordinance No. 09-362 shall become effective.
14. In accordance with Zoning Ordinance Section 9710, reconsideration of the Conditional Use Permit by the City shall be required when any of the following conditions of the business apply:
  - A. The establishment changes its type of retail liquor license with the Department of Alcohol Beverage Control;
  - B. There is a substantial modification to the mode or character of operation, including, but not limited to, any increase of 20% or more in the floor area or shelf space principally devoted to alcohol sales, or 100 square feet, whichever is greater;
  - C. The off-site alcoholic beverage establishment expands a customer service area primarily devoted to the sale of any alcoholic beverages; and
  - D. The alcoholic beverage license has either been revoked or suspended for any period by the ABC.

END





## PROJECT DESCRIPTION

Ladyface Ale Company, LLC is requesting a CUP for the creation of a microbrewery/brewpub in the Agoura Village Specific Plan. Agoura Village at its inception was designed to attract this business concept to the City of Agoura Hills. The use was permitted by right until July 8, 2009, whereby the Alcohol Zoning Ordinance was adopted to require CUPs for new alcohol beverage licenses. While this specific type of license (#23) was not included in the ordinance, it is the appropriate license that allows for the creation and operation of a microbrewery under the California Department of Alcoholic Beverage Control.

Ladyface Ale Company, LLC (dba Ladyface Alehouse & Brasserie) will supplant an existing licensed restaurant at 29281 Agoura Road, a free-standing building comprised of two units. The microbrewery/brewpub will be located in an appropriately zoned commercial area to accommodate this type of business. The location is in a busy commercial area at the heart of the Agoura Village that hosts other restaurants and retail shops. Other gourmet food businesses include a deli/liquor store, a bakery, and a specialty chocolate store. Similar to a bakery, beer-making is an artisan craft using all-natural ingredients, including whole grain, yeast, and water. The brewery will produce hand-crafted, high-quality malt beverages for local patrons at the foot of Ladyface Mountain in Agoura Hills. It is our desire to join the growing ranks of the American Craft Brewing industry and promote responsible consumption of quality ale and its appreciation as a gourmet food craft.

Ladyface Alehouse & Brasserie will be a business that meets the goals and objectives of the General Plan by providing a unique and diversified use that will benefit the city and its residents by increasing the tax base and providing new jobs. The unique design of the brewpub concept will provide Agoura Hills with a boutique non-chain, gourmet restaurant. By offering a high quality menu of food and beverages at our site of fabrication, our microbrewery will be a regional draw to the community, bringing additional revenue to the city and other businesses.

The building was constructed earlier this decade under the City of Agoura Hills' ordinances and codes at that time; the use as a restaurant was deemed compatible to

the surrounding properties and met all applicable zoning and parking requirements. The building is equipped with fire alarm and notification service. Exterior doors are wired and will be equipped with security alarms and service. The restaurant will be minimally remodeled inside to accommodate our theme and décor, but the overall intensity of the use will remain unchanged. Current public seating area is approximately 115 seats for patrons inside. Our remodel and equipment will alter the approximate floor areas of each type of use within the restaurant and is summarized in the table below. Part of our remodel will include the installation of some large storage tanks in an area currently associated with public use, and replacing it with equipment renders the corresponding floor area a non-public use. This, coupled with a portion of the bar area being relocated, results in the available seating reduced to approximately 1553 s.f. and 97 seats. The main brewing facility will occupy suite B, and will generally not open to the public except for private tour. It is immediately adjacent to suite A, the brewpub/restaurant. Suite B is currently vacant.

Use/Load factor	Existing (sf. per original plan)	Proposed (approx. sf.)
Dining	1723	1563
Retail/Service (bar)	380	306
Kitchen/Prep/non-public	900	1134
Toilet	197	197
Total (suite A)	3200	3200

Because the brewpub is not yet operational, we can only provide industry data, based on our size establishment. A majority of beer is sold on site in the restaurant setting, with approximately 15% sold mostly to outside accounts with the balance as to-go or packaged sales. Higher capacity brewpubs may sell as much as 43% off-site in the way of wholesale distribution to other restaurants and taverns in the region.<sup>1</sup> Because the existing restaurant has an operational license, the on-sale statistics will be similar and common to any other restaurant in the city. Additionally, the hours of operation featuring brunch, lunch and dinner service will be similar to the current occupant's (from 11 am to closing at 2 am), but we will offer an after-hours small-plate menu. The restaurant anticipates approximately 15-20 employees over the shifts of service throughout the day. The brewery will be staffed with one full-time manager and one part-time brewer.

The Ladyface Ale Company, LLC is requesting Type 23 and 58 licenses from the Department of Alcoholic Beverage Control. A type 23 license is considered a non-retail license and the description is as follows:

**SMALL BEER MANUFACTURER - TYPE 23**

*The privileges and limitations for this type of license are the same as for other beer manufacturers because there is no legislative distinction other than the license fees. (See Type 1 - Beer Manufacturer.)*

*The most common users of this license are operators of micro-breweries and brewpubs. These designations are not to be construed as legal definitions. Their use below is only for descriptive purposes.*

<sup>1</sup> "Brewpub's Operational Survey," by Pete Johnson, *The New Brewer; The Journal of the Brewers Association*, Vol. 25, No. 5, September/October 2008, pp.56-61.

*"Micro-brewery": A small-scale brewery operation that generally produces approximately 15,000 barrels a year. Its beer products are primarily intended for local and/or regional consumption. Typically, these operations are solely dedicated to the production of specialty beers, although some do have a restaurant or pub on their manufacturing plant.*

*"Brewpub": Typically, a very small brewery with a restaurant where the beer it produces is sold in draft form exclusively at its own premises. This operation often sells other supplier's bottled beer, including other hand-crafted or micro-brewed beers as well as wine to patrons for consumption on its premises.*

### **Definitions and Functions**

*"Beer manufacturer" means any person, except those manufacturing pursuant to Section 23356.2, engaged in the manufacture of beer (Section 23012). The Constitution and the Act require that beer manufacturers be licensed. Beer is defined as "...any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops, or other similar product, or any combination thereof in water..." Included are ale, porter, brown, stout, lager beer, small beer, and strong beer (Section 23006). Beer sold in this state must be properly labeled with a statement of alcoholic strength if the contents exceed 5.7 percent alcohol by volume (Section 25204).*

### **Privileges and Limitations**

*A beer manufacturer's license is not limited in number. There is no limitation on the amount of beer produced by a beer manufacturer who may even sell beer packaged for him/her by other beer manufacturers (Section 23356). He/she may sell beer to any beer licensee (Section 23357) and may sell such beer from trucks operated by the licensee without a prior order (Section 23388). A beer manufacturer may sell tax-paid beer to certain non-licensed individuals located upon military reservations, national parks or veterans' homes (Section 23384). A beer manufacturer may also sell its own brand(s) of beer to consumers for consumption off the premises without the need for any additional license. Without need of additional licenses a beer manufacturer may sell beer and wine, regardless of source, to consumers for consumption at a bona fide public eating place within the manufacturer's licensed premises or on property contiguous to the premises (Section 23357). This licensee may serve food and alcoholic beverages to other licensees and/or non-licensees visiting his/her licensed premises (Section 25503.7) and may conduct courses of instruction on the subject of beer for licensees and provide beer as may be required for use in connection therewith at his/her own premises or elsewhere (Section 25503.5).*

*A beer manufacturer may conduct beer tastings under specified conditions (Sections 23357.3 and 23357.4). A beer manufacturer may give samples to licensees in accordance with Section 23386 and Rule 52. Hours of delivery of beer to retailers are restricted to 3 a.m. until 8 p.m. Monday through Saturday. Incoming shipments to the licensed premises or transportation of beer to other supplier-type licensees are not restricted and may be made at any time. Sales at the manufacturer's premises may also be made at any time. (Section 25633.)<sup>2</sup>*

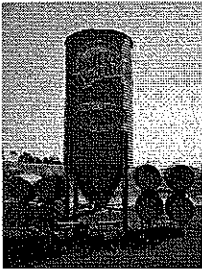
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<sup>2</sup> California State Department of Alcoholic Beverage Control, January 2002.



A type 58 license is called a caterers permit and authorizes the licensee to sell alcoholic beverages for consumption upon premises approved by the Department of Alcoholic Beverage Control (ABC). With ABC's approval, licensees may cater alcoholic beverages anywhere in the state; there is a limit of 24 catered events per year at any given site. Examples of events include beer gardens, food and beverage festivals, and charitable events. Please refer to enclosed newspaper clipping (winefestival.pdf) for more details.<sup>3</sup>

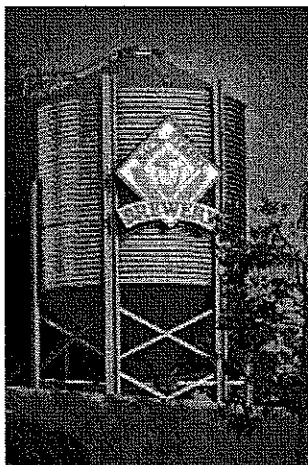
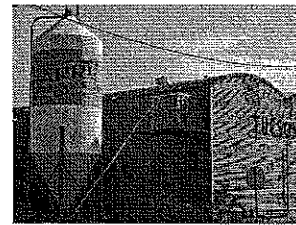
## The Grain Silo



The grain silo is the quintessential and signature icon for a brewery. Malted barley is the main ingredient used in brewing beer (after water). In order to achieve target economics of production, many microbreweries and brewpubs are equipped with silos, which are architecturally integrated into the design of the production facility.

### Functional aspects

The silo, traditionally used in rural farm areas for livestock forage, is designed to hold large quantities of grain for storage of 4-6 months at a time. In a brewery application, it allows for economy of scale to purchase its raw ingredients. It also serves to reduce carbon footprint impacts on a regional environmental scale due to reduced number of grain deliveries by truck and less packaging requirements. The Ladyface silo would be partly hidden behind a gated atrium feature of the building that is clear to sky. The approximate size of the silo would be approximately 8' in diameter and no more than 35' high to allow for a truck-load delivery of barley. The building height at it's highest point is 24.5 feet.

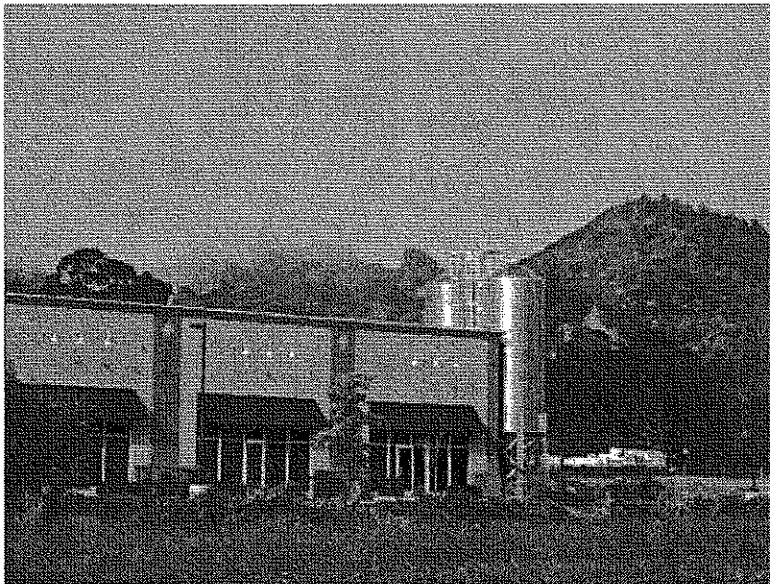
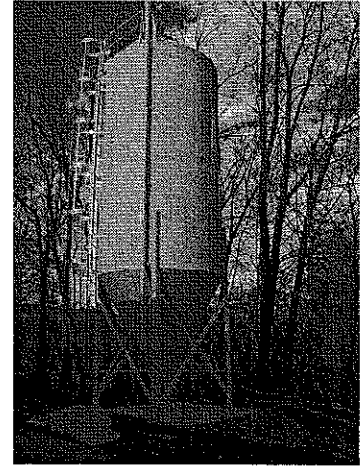


### Aesthetic aspects

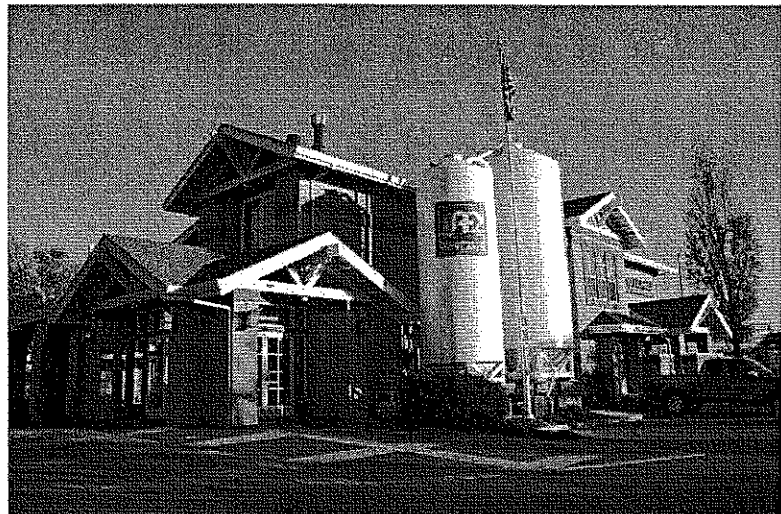
The silo is commonly displayed in a prominent way to distinguish a brewery as a unique establishment in a community. The silo, while unconventional in an urban environment, offers a semi-rural aesthetic and characteristic associated with historical farming and ranching areas.

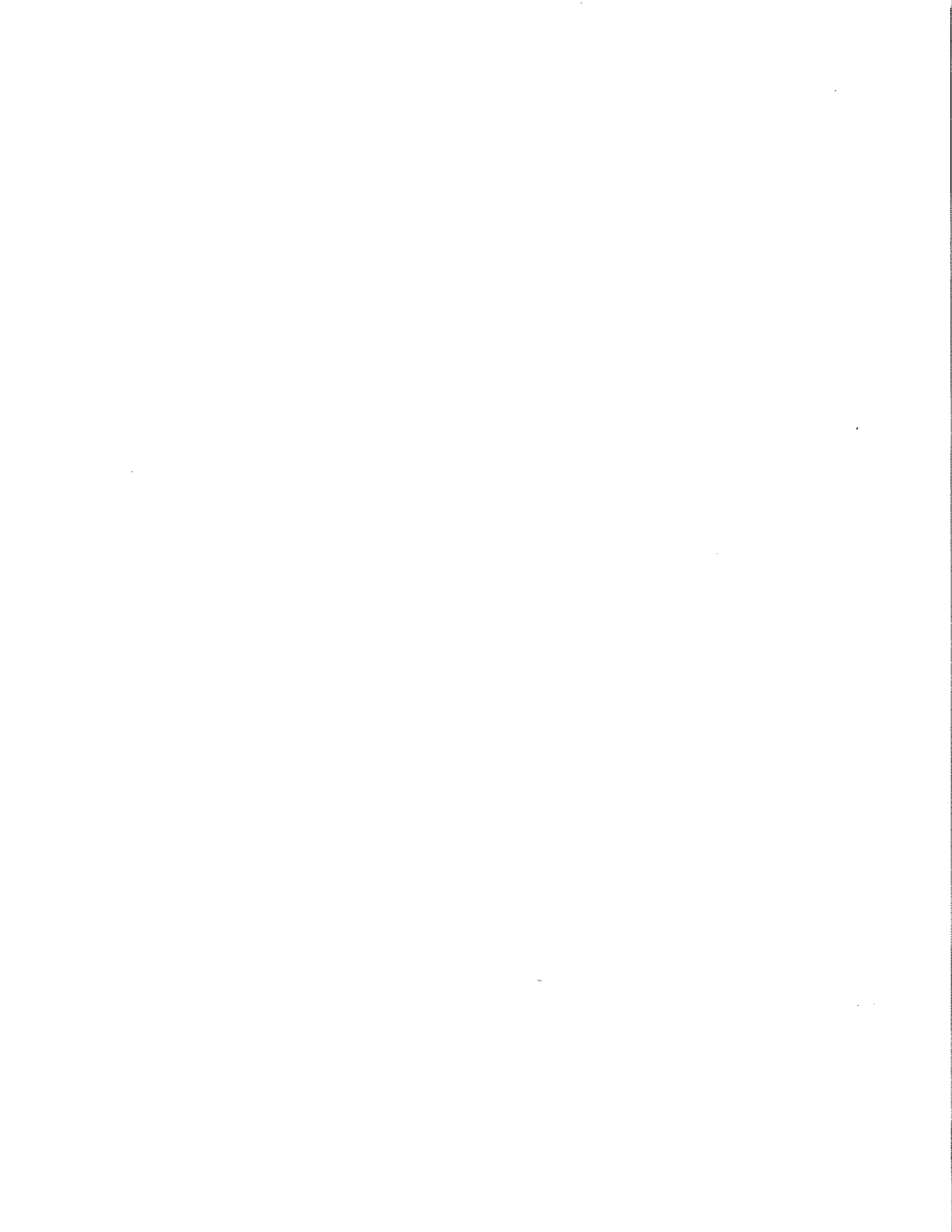
<sup>3</sup> California State Department of Alcoholic Beverage Control, ABC-525 (03/09)

Because there are two separate suites A & B, each with legal addresses, there would normally be two signs associated with this building on the east façade if occupied by separate tenants. Ladyface Ale Companie is only asking for one sign on this elevation that will replace the existing restaurant tenant's. (This request was approved administratively by the Director of Community Development.) In exchange, Ladyface would propose artwork using the company logo painted on the top portion of the silo as it rises above the existing parapet roof line. This logo would normally carry the associated logo text lettering but would be eliminated in this application. Our silo will offer an "art in public places" opportunity utilizing a rustic and painterly image of a lady's face profile juxtaposed against a stylized representation of Ladyface Mountain. We feel that this image is well suited to promote our local geographical and historical features of the community.



CONTACT  
INFORMATION:  
LADYFACE ALE  
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ORDINANCE NO. 09-362

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, AMENDING ZONING ORDINANCE SECTIONS 9120.1, 9120.15, 9312.2, 9312.3, 9396.1, 9396.2, 9396.3, 9542.1, AND 9710 (ALCOHOLIC BEVERAGE ESTABLISHMENTS), AND CHAPTER 4 OF THE AGOURA VILLAGE SPECIFIC PLAN, REGARDING ON-SALE AND OFF-SALE OF ALCOHOLIC BEVERAGES (CASE NO. 09-ZOA-002)

THE CITY COUNCIL OF THE CITY OF AGOURA HILLS DOES ORDAIN AS FOLLOWS:

Section 1. Section 9120.1 H.1, H.2, and H.3 and Section 9120.15 D.1. of Part 3 of Chapter 1 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code is hereby amended to read:

9120.1. A.

H.1. Alcoholic beverage establishments, off-sale. "Alcoholic beverage establishment off-sale" shall mean any establishment wherein alcoholic beverages are sold, served, or given away to be consumed off the premises, including, but not limited to, any establishment that has obtained or intends to obtain an Alcoholic Beverage Control License type 20 or 21. References to an off-sale alcoholic beverage establishment shall include any immediately adjacent area that is owned, leased, rented, or controlled by the permittee.

H.2. Alcoholic beverage establishments, on-sale. "Alcoholic beverage establishment on-sale" shall mean any establishment wherein alcoholic beverages are sold, served, or given away to be consumed on the premises, and which has obtained or intends to obtain an Alcoholic Beverage Control license type 40, 41, 42, 47, 48, 51, 52, 61, 63 and/or 75. References to an on-sale alcoholic beverage establishment shall include any immediately adjacent area that is owned, leased, or rented, or controlled by the permittee. It shall also include any facility, inclusive of a portion thereof, which is rented out for special event functions wherein alcoholic beverages are sold or given away on the premises and are to be consumed on the premises.

~~H.1.~~ H.3. Alcoholic beverages. "Alcoholic beverages" shall mean any alcohol, spirits, liquor, wine, beer, or any liquid or solid which contains one-half of one (1) percent or more of alcohol by volume, and which is fit for beverage purposes, either alone or when diluted, mixed, or combined with other substances.

9120.15. O.

~~D.1. Off sale liquor establishments.~~ Off sale liquor establishment shall mean premises which offer the sale of alcoholic beverages to be consumed off the premises.

Section 2. Section 9312.2 and Section 9312.3 of Part 2 of Chapter 3 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code are hereby amended to read:

“9312.2. Commercial use table I.

The following shall be commercial use table I. Note: Since the mixed use district is the same as the business park office retail district, it is not provided for in this table.

	USE, SERVICE OR FACILITY	COMMERCIAL			BUSINESS PARK	
		CS	CRS	CR	BP-OR	BP-M
	Unless otherwise indicated, listings denote retail sales operations					
A.						
3.5	Alcohol, off-sale <u>Alcoholic beverage establishments, off-sale</u>	W	W	W	W	W
3.6	Alcohol, on-sale <u>Alcoholic beverage establishments, on-sale</u>	<del>K</del> W	<del>K</del> W	<del>K</del> W	<del>K</del> W	<del>K</del> W
3.65	Alcohol, on-sale consumption as an incidental service to a bona fide eating establishment	X	X	X	X	X
B.						
3.	Bar, tavern	<del>X</del> W	<del>X</del> W		U W	
C.						
<del>2.</del>	Café/restaurant	X	X		U	X
L.						
14.	Liquor store	<del>X</del> W	<del>X</del> W		G,U W	G W
W.						
6.	Winery sales facility/tasting room	<del>X</del> W	<del>X</del> W			<del>X</del> W

**9312.3. Special conditions**

The following special conditions apply to the uses indicated by the corresponding letter in table I described in section 9312.2.

W. Such use is permitted by a conditional use permit subject to the required findings as stated in sections 9363.3 and 9673.8 being made. Off-sale liquor alcoholic beverage establishments prohibited in the FC overlay district, except wholesale sales, and except supermarket/food stores with a floor area greater than 10,000 square feet.

Section 3. Section 9396.1 of Part 11 of Chapter 3 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code is hereby added to read:

**9396.1. Alcoholic beverage sales**

In order to protect adjacent neighborhoods from the harmful effects attributable to the sale of alcoholic beverages, to ensure that businesses selling alcoholic beverages are not the source of undue public nuisances in the community, and to minimize the adverse impacts of incompatible uses, the planning commission shall approve an application for a conditional use permit for an alcoholic beverage sales establishment.

**9396.2 Conditional Uses**

Off-site and on-site alcoholic beverage establishments shall be subject to the issuance of a conditional use permit pursuant to Agoura Hills Municipal Code Sections 9396.3 and 9673.

**9396.3 Findings**

In addition to the findings required by Agoura Hills Municipal Code Section 9673.2.E, the planning commission shall make the following findings, based on information submitted by the applicant and/or presented at the public hearing, before granting a conditional use permit:

- A. The requested use at the proposed location will not adversely affect the use of a school, park, playground or similar use within a five-hundred-foot radius;
- 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;
- C. The exterior appearance of the structure will not be inconsistent with the external appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight or property deterioration, or to substantially diminish or impair property values within the neighborhood;
- D. The upkeep and operating characteristics are compatible with and will not adversely affect the livability or appropriate development and use of abutting properties and the surrounding neighborhood;
- E. The sale of alcoholic beverages may be restricted to certain hours of each day of the week as necessary to ensure that activities related to the project are compatible with the quiet enjoyment of the neighborhood;
- F. If an off-sale alcoholic beverage establishment, the requested use is not located in the freeway overlay land use district, unless it is a supermarket/food store larger than 10,000 square feet of floor area;
- G. The requested use will not contribute to an undue concentration of alcoholic beverage establishments in the area;
- H. The requested use is not located in what has been determined to be a high-crime area, or where a disproportionate number of police calls occur.

- I. If the sale of alcohol is proposed at an establishment that also offers live entertainment, said Conditional Use Permit request shall be reviewed in conjunction with the Conditional Use Permit for live entertainment.

Section 4. Section 9542.1 of Part 5 of Chapter 5 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code is hereby amended to read:

9542.1. Prohibited Uses

In addition to the prohibited uses in the underlying district, the following are prohibited in the FC overlay district:

- B. Off-sale ~~liquor~~ Alcoholic beverage establishments. This section shall not apply to the wholesale sale of alcoholic beverages or to the sale of alcoholic beverages which are wrapped or otherwise enclosed in a sealed container and sold as part of a gift package or other goods, only where there is no public display of alcoholic beverages where the sale of such items is incidental to the primary business on the premises, and where the sales of such items do not exceed fifteen (15) percent of the gross sales of the business at said location. This section shall also not apply to supermarket/food stores with a floor area greater than 10,000 square feet.

Section 5. Section 9710, Part 11 of Chapter 7 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code is hereby added to read:

PART 11. NONCONFORMING ALCOHOLIC BEVERAGE ESTABLISHMENTS

9710. Changes to Nonconforming Alcoholic Business Establishments.

The provision set forth in this chapter shall apply to any changes to nonconforming alcoholic beverage establishments. Existing establishments may continue to operate as provided herein, except when any of the following conditions apply:

- A. The establishment changes its type of retail liquor license with the Department of Alcohol Beverage Control;
- B. There is a substantial modification to the mode or character of operation. As used herein, the phrase "substantial change of mode or character of operation" shall include, but not be limited to, any increases of 20% or more in the floor area or shelf space principally devoted to alcohol sales, or 100 square feet, whichever is greater.
- C. The off-site or on-site alcoholic beverage establishment expands a customer service area primarily devoted to the sale or service of any alcoholic beverages and/or increases the number of customer seats primarily devoted to the sale or service of any alcoholic beverages.
- D. The alcoholic beverage license has been either revoked or suspended for any period by the ABC.

Section 6. Chapter 4 of the Agoura Village Specific Plan is hereby amended to read:

**Land Uses**

**Prohibited Uses**

The following are prohibited in the AVSP Zone: Adult book stores, adult entertainment, adult theater and similar adult uses, outdoor displays, mini-storage facilities and yards, truck and equipment rentals and the like, drive-thru facilities such as restaurants and banks, and off-sale liquor stores establishments except for wine tasting/sales.

**Table 4.1 Allowable Use Table**

The following shall be commercial use table I. Note: Since the mixed use district is the same as the business park office retail district, it is not provided for in this table.

Allowable Uses by Proposed Zones						
<i>X = permitted use</i>	Zone A	Zone B	Zone C	Zone D	Zone E	Zone F
<i>CUP = conditional use permit</i>						
<i>- = prohibited uses</i>						
Uses						
<b>Retail</b>						
<u>Alcoholic beverage establishments, off-sale</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	-
<b>Restaurant</b>						
<u>Alcoholic beverage establishments, on-sale</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	-
Bar, tavern	<u>X</u> <u>CUP</u>	<u>X</u> <u>CUP</u>	<u>X</u> <u>CUP</u>	<u>X</u> <u>CUP</u>	<u>X</u> <u>CUP</u>	-
Microbrewery	<u>X</u> <u>CUP</u>	<u>X</u> <u>CUP</u>	<u>X</u> <u>CUP</u>	<u>X</u> <u>CUP</u>	<u>X</u> <u>CUP</u>	-
Wine tasting/sales	<u>X</u> <u>CUP</u>	<u>X</u> <u>CUP</u>	<u>X</u> <u>CUP</u>	<u>X</u> <u>CUP</u>	<u>X</u> <u>CUP</u>	-

Section 7. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid or unconstitutional by any court or competent jurisdiction, such invalidity or unconstitutionality shall not affect any other provision or applications, and to this end the provisions of this Ordinance are declared to be severable. The City Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof even if one or more sections, subsections, sentences, clauses, phrases, parts or portions thereof is declared invalid or unconstitutional.

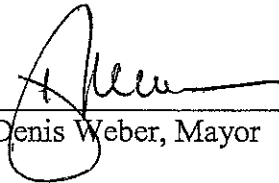


Section 8. The City Clerk shall certify to the passage of this Ordinance and shall cause same to be published pursuant to state law within fifteen (15) days after its passage, and said Ordinance shall become effective 30 days after its passage.


PASSED, APPROVED, and ADOPTED this 8th day of July, 2009, by the following vote to wit:


AYES: (5) Weber, Koehler, Edelston, Kuperberg, Schwarz  
NOES: (0)  
ABSENT: (0)  
ABSTAIN: (0)

BY:


  
\_\_\_\_\_  
Denis Weber, Mayor

ATTEST:

  
\_\_\_\_\_  
Kimberly M. Rodrigues, City Clerk



APPROVED AS TO FORM:

  
\_\_\_\_\_  
Craig A. Steele, City Attorney