



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

ACTION DATE: February 4, 2010

TO: Planning Commission

APPLICANT: Regina Bellisario and Nick Andrisano
Grissini Italian Restaurant
30125 Agoura Road, Unit I and J
Agoura Hills, CA 91301

CASE NO.: 09-CUP-009

LOCATION: 30125 Agoura Road
(Grissini Italian Restaurant/Agoura Hills Towne Center)

REQUEST: Request for a Conditional Use Permit to upgrade an Alcohol Beverage Control license from a license type 41 (beer and wine) to a license type 47 (beer, wine and distilled spirits) for consumption on the premises of an existing restaurant.

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-009, subject to conditions.

ZONING DESIGNATION: BP-M-FC (Business Park - Manufacturing-Freeway Corridor)

GENERAL PLAN DESIGNATION: BP-M-FC (Business Park – Manufacturing- Freeway Corridor)

I. PROJECT DESCRIPTION AND BACKGROUND

On July 8, 2009, the City Council adopted a new ordinance that requires an approval of a Conditional Use Permit from the Planning Commission for new on-sale and off-sale alcoholic

beverage establishments, and changes to existing California Alcohol Beverage Control (ABC) licenses.

Regina Bellassario and Nick Adriano, owners of Grissini Italian Restaurant, an existing eating establishment located at 30125 Agoura Road, Suites I and J in the Towncenter shopping center are requesting a Conditional Use Permit to allow distilled spirits to their alcoholic license (License Type 47). Several restaurants have occupied that tenant space over the years and have had a license to sell beer and wine for on-site consumption (license type 41). A new business owner must apply for a new alcohol license with ABC. The current owners obtained a license type 41 without a Conditional Use Permit as the application was processed and approved prior to the adoption of the new Ordinance. The owners are now seeking to upgrade their license from type 41 to a license type 47, which can not be approved by ABC until the request is approved by the City.

ABC defines on-sale alcoholic beverage establishments as “any establishment where in 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, 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.”

This particular type of license, type 47, will allow the consumption of beer, wine and distilled spirits as long as the owners maintain the premises as a restaurant.

According to the owner, the restaurant is open for lunch and dinner, Monday through Friday, from 11:00 am to 3:00 pm and again from 4:00 pm to 10:00 pm, Saturday from 12:00 pm to 3:00 pm and again from 4:00 pm to 11:00 pm; Sunday the business is closed. The applicants are not requesting any floor plan modifications and no additional parking is required for this request. No live entertainment is proposed at this time.

The applicant is permitted to have 3 tables outside of the restaurant without the approval of an Outdoor Dining Permit. ABC requires that the tables be separated from the pedestrian walkway by at least a rope to distinguish the restaurant space from the public space. The applicant is not interested in expanding to an outdoor eating area beyond the three tables.

II. STAFF ANALYSIS

The City Council’s decision to initiate and approve the Alcoholic Beverage Establishment Ordinance was to achieve greater control over potential nuisance-type issues related to alcoholic 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. The Conditional Use Permit allows for review 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 make additional findings relative to alcohol beverage sales and service.

Staff finds the proposed use to be consistent with the intent of the ordinance and with the findings. The proposed upgrade of the on-sale of alcoholic beverages will occur in an existing restaurant that is allowed in the BP-M zone, and which currently is licensed for on-site consumption of alcohol. Furthermore, the nearest residential neighborhood is located approximately 700 feet to the north of the restaurant, and is 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 parks, Reyes Adobe Park and Forest Cover Park are located approximately 2,300 feet from the restaurant and are separated by the 101 Freeway as well. Therefore, staff finds the proposed use will not negatively impact surrounding properties or neighborhoods. The nearest businesses located south of the freeway that are permitted for the on-sale of alcoholic beverages are Moz Buddha Lounge and Terri's Café, which are located in the same retail center, and the Renaissance Hotel located across the street from Agoura Hills town Center, on the south side of Agoura Road.

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 license is approved by ABC and is used by the applicant.

Staff finds the proposed Conditional Use Permit application to be categorically exempt from the requirements of the California Environmental Quality Act as an existing facility, per Section 15301 in that the proposal includes an upgrade to an existing alcohol license within an existing restaurant, and does not include the expansion of the tenant space.

III. RECOMMENDATION

Staff recommends that the Planning Commission approve Conditional Use Permit Case No. 09-CUP-009, subject to conditions.

IV. ATTACHMENTS

Draft Resolution and Conditions of Approval
Vicinity/Zoning Map
Site Plan
Photographs

CASE PLANNER: Valerie Darbouze, Associate Planner

DRAFT RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF AGOURA HILLS
APPROVING CONDITIONAL USE PERMIT CASE NO. 09-CUP-009

THE PLANNING COMMISSION OF THE CITY OF AGOURA HILLS DOES HEREBY RESOLVE, FIND, DETERMINE, AND ORDER AS FOLLOWS:

Section 1. An application was duly filed by Grissini Restaurant with respect to property located at 30125 Agoura Road, Units I and J (Assessor's Parcel No. 2061-005-058), requesting the approval of a Conditional Use Permit (Case No. 09-CUP-009) to allow the on-sale of alcohol beverages at an existing restaurant. The restaurant currently operates with a type 41 license and the proposed is to operate with a type 47 license. A public hearing was duly held on February 4, 2010, at 6:30 p.m. in the Council Chambers of City Hall, 30001 Ladyface Court, Agoura Hills, California. Notice of the time, date, place and purpose of the aforesaid meeting was duly given.

Section 2. Evidence, both written and oral, was presented to and was considered by the Planning Commission at the aforesaid public meeting.

Section 3. The Planning Commission finds, pursuant to the Agoura Hills Zoning Ordinance Section Nos. 9673.2.E and 9396.3, 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. The on-sale of alcoholic beverages will occur on site at an existing permitted restaurant which is permitted in the BP-M-FC zone.

B. The proposed use, as conditioned, is compatible with the surrounding uses at the shopping center. The restaurant shares tenant spaces with other retail, office and restaurant uses. No sensitive uses currently exist on the site or in vicinity of the site.

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 total seating floor area for the alcoholic beverage establishment will not expand beyond the seating floor of the previous restaurant that occupied the building. The alcohol beverages are to be consumed indoors at the exception of three tables outside of the establishment but the request does not result in the expansion of the use. No sensitive use exists in the shopping center or in the vicinity to require special conditions.

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 of alcoholic beverages in a restaurant. No Variance request is considered as part of this application.

E. The proposed use as conditioned, will maintain the diversity of the community. In this case, diversity of restaurants rather than the number of restaurant increase the viability of these businesses. The request is subject to the Alcoholic Beverage Control agency's final determination for concentration of licenses.

F. The proposed use is consistent with the goals, objectives and policies of the General Plan. The specialty restaurant adds to the diversity of the eating establishment with the community.

G. The requested use at the proposed location will not adversely affect the use of a school, park, playground or similar use within a 500-foot radius as these types of uses are located 2,300 feet away from the site at a minimum and separated by the 101 Freeway corridor.

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. A minimum 700-foot separation exists between the shopping center and the nearest residential neighborhood.

I. The exterior appearance of the structure will not change therefore no impacts is expected the immediate neighborhood so as to cause blight or property deterioration, or to substantially diminish or impair property values within the neighborhood. The alcoholic beverages sales will occur within an existing building what will remain compatible with the City's Architectural and 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.

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

L. The requested use will not contribute to an undue concentration of alcoholic beverage establishments in the area. The restaurant shares a space with other existing restaurants in the shopping center and is located 5,000 feet away from the nearest shopping center.

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

Section 4. The project is exempt from the California Environmental Quality Act, as defined in Section 15301 (Class 1) and does not require the adoption of an environmental impact report or negative declaration. The project consists of providing additional services in an existing establishment without the expansion of space.

Section 5. Based on the aforementioned findings, the Planning Commission hereby approves Case No. 09-CUP-009, subject to the attached Conditions, with respect to property located described in Section 1 herein.

PASSED, APPROVED, and ADOPTED this 4th day of February, 2010, by the following vote to wit:

AYES: (0)
NOES: (0)
ABSENT: (0)
ABSTAIN: (0)

Chairperson

Mike Kamino, Secretary

CONDITIONS OF APPROVAL
(Case No. 09-CUP-009)

STANDARD CONDITIONS

1. This action shall not be effective for any purpose until the applicants have agreed in writing that the applicants are aware of, and accept 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.
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 applicants have 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 designation of the subject property must be complied with unless set forth in the Conditional Use Permit.
6. Unless this permit is used within two (2) years from the date of City approval, Case No. 09-CUP-009 will expire. A written request for a one (1) year extension may be considered prior to the expiration date.

SPECIAL CONDITIONS

7. The applicants shall comply with all requirements of the State Department of Alcohol Beverage Control.
8. This permit shall be valid strictly for license type 47 as defined by the State Department of Alcohol Beverage Control.
9. Consumption of alcoholic beverage outside of the establishment is limited to three (3) tables placed against the south elevation of the establishment.
10. No additional signage is made part of this approval.

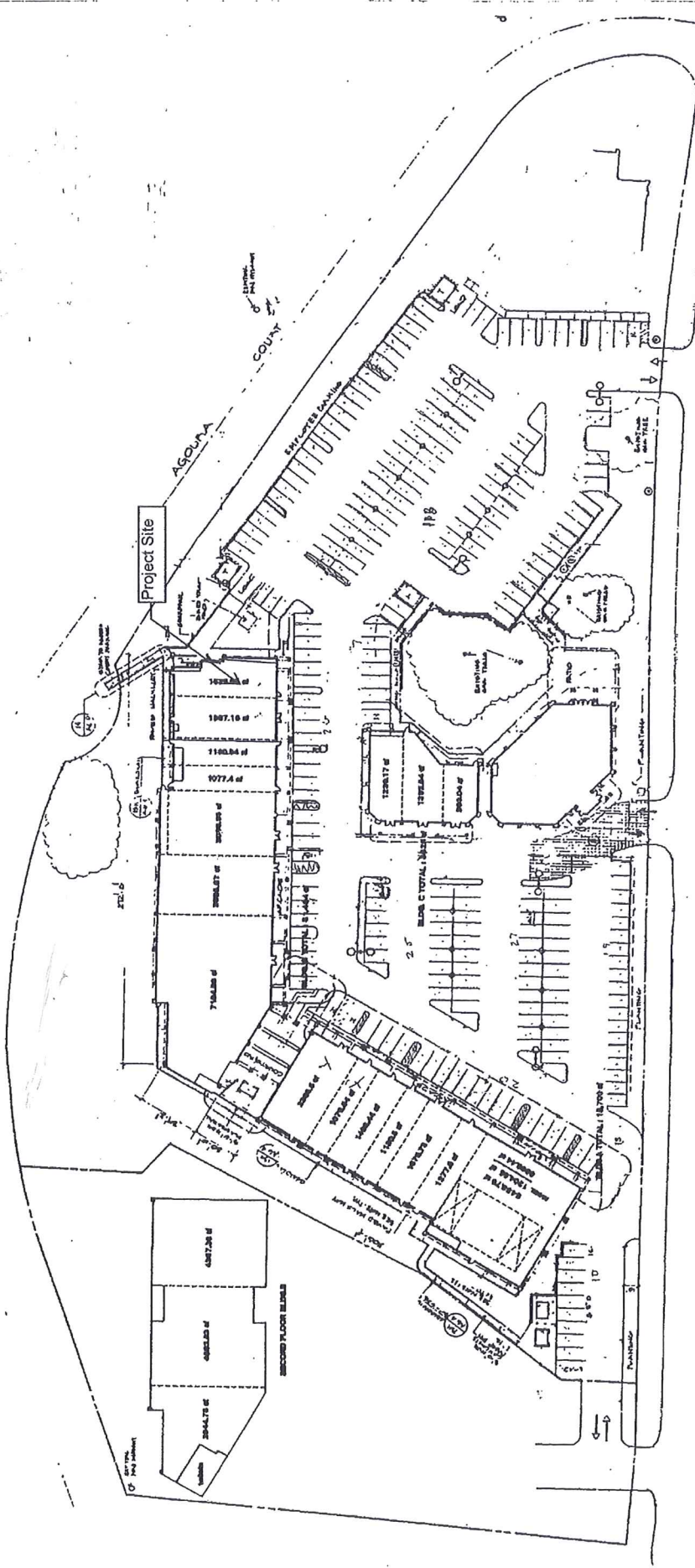
11. The Director of Planning and Community Development is authorized to prepare a letter of Public Necessity for this approval if required by the California Alcohol Beverage Control.
12. In accordance with Zoning Ordinance Section 9710, reconsideration of the Conditional Use Permit by the City shall 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 Alcoholic Beverage Control;
 - B. There is substantial modification to the mode or character of operation, including, but not limited to, any increase of 20% or more in the floor area.
 - C. The alcoholic beverage license has either been revoked or suspended for any period by ABC.

END

Conditional Use Permit - Case No. 09-CUP-009

Vicinity/Zoning Map





Agoura Road

CONDITIONAL USE PERMIT—CASE NO. 09-CUP-009



West View



East View