



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

ACTION DATE: September 2, 2010

TO: Planning Commission

APPLICANT: Hugo's Restaurant
616 North Detroit Street
Los Angeles, CA 90036

CASE NO.: 10-CUP-005

LOCATION: 28914 Roadside Drive, Suites 9-11
Hugo's Restaurant in the Whizin Shopping Center

REQUEST: Request for a Conditional Use Permit to allow the applicant to obtain an Alcohol Beverage Control license (type 47-beer, wine and distilled spirits) for on-site consumption in a new restaurant.

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

RECOMMENDATION: Staff recommends that the Planning Commission approve Conditional Use Permit Case No. 10-CUP-005, subject to conditions.

ZONING DESIGNATION: Agoura Village Specific Plan

GENERAL PLAN DESIGNATION: Planned Development

I. PROJECT DESCRIPTION AND BACKGROUND

On July 8, 2009, the City Council adopted an 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. 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 Alcohol Beverage Control license type 40, 41, 42, 47, 48,

51, 52, 61, and/or 75. These establishments can also 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.”

Hugo’s Restaurant is requesting approval of a Conditional Use Permit to obtain an “on-sale” alcoholic beverage license as defined by the State of California Alcohol Beverage Control Agency (ABC). The new restaurant is to be located at 28912 Roadside Drive, Suites 9 through 11, in the Whizin Shopping Center. The tenant space was previously occupied by Bamboom Restaurant.

The applicant is seeking from ABC, a type 47 license for the consumption of beer, wine and distilled spirits inside the eating establishment and within a new outdoor patio area. The previous restaurant in the tenant space had a type 41 license from ABC for the on-site sale and consumption of beer and wine. The license has expired.

The interior and exterior will be remodeled in accordance with the retail center’s remodeling plans approved by the Planning Commission on October 2, 2008. The tenant improvement plans for the restaurant are currently in plan check review. A proposed floor plan is attached for reference.

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. Furthermore, ABC will also conduct background checks, analyze concentration of licenses in a particular Census Tract, crime rate, proximity to sensitive uses such as schools and churches and conduct public hearings before approving an application.

The restaurant is located in a shopping center with various types of businesses including restaurants, retail stores, offices, exercise facilities and a concert hall. Several restaurants have occupied that particular tenant space over the years and have had a license to sell beer and wine for on-site consumption (license type 41). The restaurant space is approximately 3,700 square feet with a 490 square foot enclosed patio area. This restaurant would be the fourth largest restaurant in the center out of six eating establishments. The plans indicate that the square footage of the eating area and number of seats will not exceed previous restaurants’ layout.

The tenant improvements will be subject to the City’s Municipal Code requirements, and the floor plan as well as outdoor dining areas will also be subject to ABC’s requirements. Outdoor dining patios are required to be separated from the pedestrian walkway by at least a rope to distinguish the restaurant space from the public space. The outdoor area was incorporated into

the restaurant space with half-walls and glass enclosures on top which is no longer considered an outdoor space by city standards. According to the applicant, the restaurant will be open from 7:00 a.m to 2:00 a.m everyday, serving breakfast, lunch and dinner. No live entertainment is proposed at this time.

Staff finds the proposed use to be consistent with the intent of the ordinance and with the findings. The request for the on-sale of alcoholic beverages is not new at this location. The consumption will occur in an existing restaurant that is allowed in what was previously zoned as CRS zone and is now the Agoura Village Specific Plan. At the exception of residence located south of Agoura Road, the nearest residential neighborhood is located approximately 1,300 feet to the southeast (on Vejar) of the restaurant. In addition, there is no school or park located within 500 feet of the site. Therefore, staff finds the proposed use will not negatively impact surrounding properties or neighborhoods. Other businesses in the center share a same ABC license, including the Canyon Club, Latigo Kid and Wood Ranch Restaurant.

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.

III. RECOMMENDATION

Staff recommends that the Planning Commission approve Conditional Use Permit Case No. 10-CUP-005, subject to conditions.

IV. ATTACHMENTS

- Draft Resolution and Conditions of Approval
- CEQA Exemption
- Vicinity/Zoning Map
- Site and Floor 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. 10-CUP-005

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 Hugo's Restaurant with respect to property located at 28914 Roadside Drive, Suites 9-11 (Assessor's Parcel No. 2061-007-041), requesting the approval of a Conditional Use Permit (Case No. 10-CUP-005) to allow the on-sale of alcohol beverages (ABC License Type 47) at a new restaurant. A public hearing was duly held on September 2, 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 in a tenant space previously occupied by a restaurant, which is permitted in the Agoura Village Specific Plan, 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 alcoholic beverages are to be consumed indoors and in an enclosed patio adjacent to the tenant space. 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 restaurants 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 establishments within the center and 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 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 1,300-foot separation exists between the shopping center and the nearest residential neighborhood to the east.

I. The approved improvements to the exterior appearance of the structure will contribute to the economic viability of the center therefore no impacts is expected onto the immediate neighborhood and will not cause blight or property deterioration, or substantially diminish or impair property values within the neighborhood. The alcoholic beverages sales will occur within an existing building which will remain compatible with the City's Architectural and Design Standards and Guidelines as stated in the final resolution and conditions of approval of Site Plan/Architectural Review, Case No. 08-SPR-009.

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 7:00 a.m. and 2:00 a.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 and well established restaurants in the shopping center. Although other restaurants with ABC licenses exist in the area, to the east, south and west, the number of establishments has not changed and ABC has determined that the number and type of requests is within acceptable levels of licenses concentration.

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 a new establishment without significant expansion of space.

Section 5. Based on the aforementioned findings, the Planning Commission hereby approves Case No. 10-CUP-005, subject to the attached Conditions, with respect to property located described in Section 1 herein.

PASSED, APPROVED, and ADOPTED this September 2, 2010, by the following vote to wit:

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

Steve Rishoff, Chairperson

Mike Kamino, Secretary

CONDITIONS OF APPROVAL
(Case No. 10-CUP-005)

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. 10-CUP-005 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. No additional signage is made part of this approval.
10. No Live Entertainment Permit is permitted as 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

Notice of Exemption

To: Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, Ca 95814

From: City of Agoura Hills
30001 Ladyface Court
Agoura Hills, California 91301

County Clerk
County of Los Angeles
Los Angeles County Clerk
12400 E. Imperial Hwy.
Norwalk, CA 905690

Project Title: Hugo's Restaurant requests to operate a new restaurant with a State of California Alcohol Beverage License type 47.

Project Location-Specific: 28914 Roadside Drive, Suites 9-11
Agoura Hills, California
APN: 2061-007-041. The project is located in an existing shopping center

Project Location-City: City of Agoura Hills

Project Location-County: Los Angeles

Description of Nature, Purpose, and Beneficiaries of Project: The Lead Agency now requires that eating establishments wanting to serve alcohol as part of their menu are subject to additional discretionary review and approval. As such, Conditional User Permits are required prior to the start of the operation of a restaurant. The applicant is submitting a request for a Conditional Use Permit to operate a new eating establishment with an ABC License Type 47. The applicant wants to operate a full-service establishment. The new restaurant replaces an existing restaurant located in a shopping center with other well established restaurants.

The business is permitted in the Agoura Village Specific Plan. The restaurant will be remodeling the interior and exterior of the tenant space and will be enclosing an outdoor area for additional seating which conforms to the Lead Agency's Zoning Ordinance. The request is subject to the ABC license request approval process. The facility is only visible from the interior of the shopping center and the facility can be accessed from 2 sides of the center.

The use is intended to primarily serve a local community including its residents and professionals.

Name of Public Agency Approving Project: City of Agoura Hills

Name of Person or Agency Carrying Out Project: City of Agoura Hills
30001 Ladyface Court
Agoura Hills, California 91301

Exempt Status: (Check One)

- Statutory Exemption (14 Cal. Code of Regs. Sections 15260 et seq.);
- No Possibility of physical impact. (14 Cal Code of Regs. Section 15061 (b)(3));
- Ministerial (14 Cal Code of Regs. Sec. 15268);
- Declared Emergency (14 Cal Code of Regs. Sec. 15269(a);
- Emergency Project (14 Cal Code of Regs Sec. 15269(b),(c), (d) and (e));
- Categorical Exemption (14 Cal Code of Regs. Sections 15300 et seq.) State of California CEQA Guidelines Section 15301

Reasons why project is exempt: This exemption is based on the finding that the actions will result in the operation of an eating establishment within an existing building in a tenant space previously occupied by an eating establishment which falls within the definition of Section 15300 of the list of permitted exemptions in CEQA Guidelines, Class 1.


"Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment (...) involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination." As such, the request complies with the requirements of the exemption and the use will be subject to the Conditional Use Permit process to minimize impacts to the community as determined by the approving body.

No impacts to the community are expected since the restaurant replaces an existing one and historically, the concentration of restaurants in the area has not caused the need for additional monitoring. The use is contained within a building and the facility is regulated by the Los Angeles County Health Department and Industrial Waste regarding the proper manipulation of food and disposal of waste. No additional impact to the transportation system is expected.

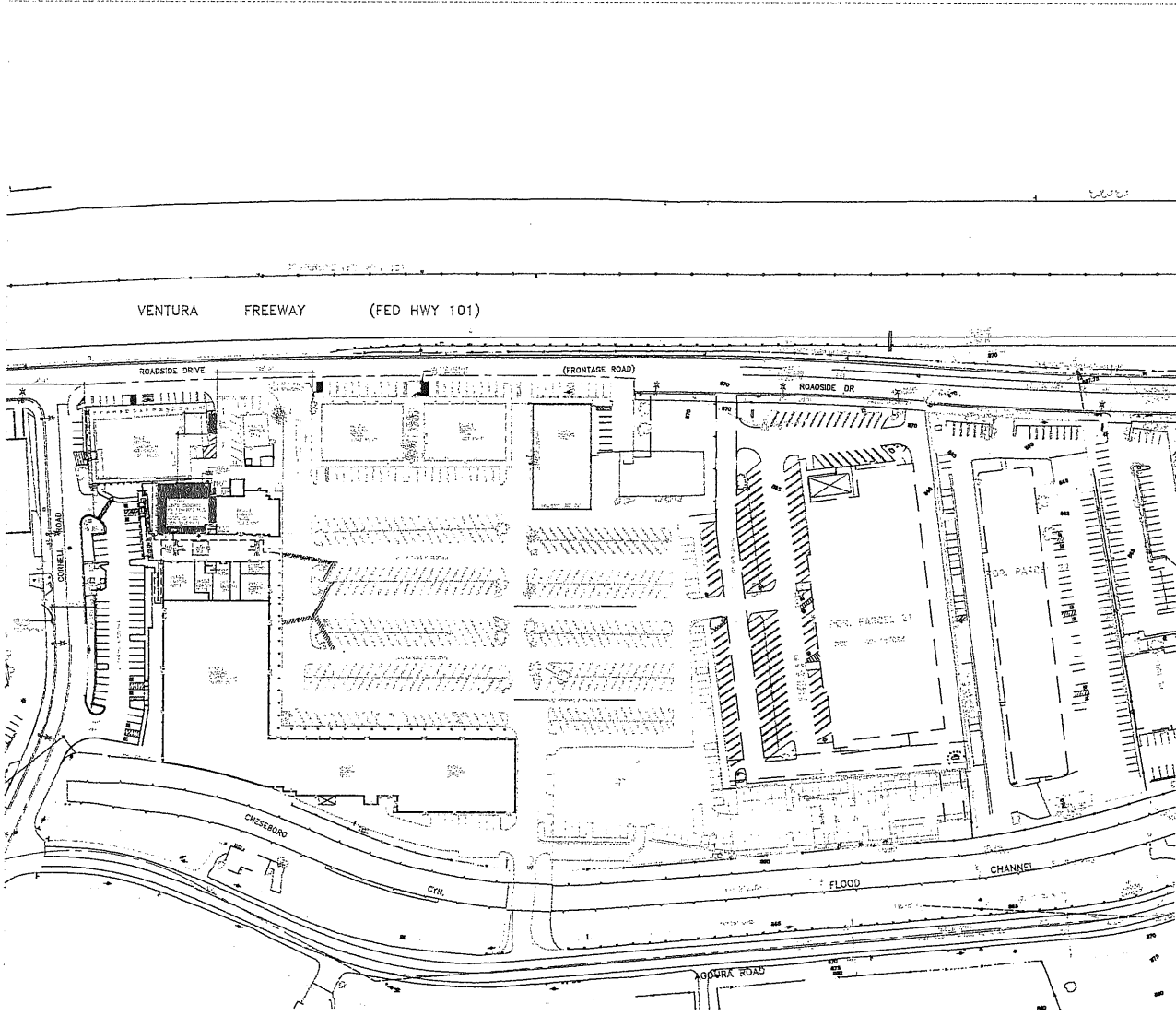
Therefore, this project will not have a significant impact on the environment.

Lead Agency Contact Person: Valerie Darbouze, Associate Planner

Area Code/Telephone/Extension: (818) 597-7328

Signature:  Date: 8/26/10 Title: Associate Planner





PROJECT INFORMATION

PROJECT NO. 15-00000000-001
 PROJECT NAME HUGO'S RESTAURANT
 PROJECT ADDRESS 15000 VENTURA BLVD, SUITE 100, VAN NUYS, CA 91411
 CLIENT HUGO'S RESTAURANT
 ARCHITECT F&C DESIGN & CONSULTING
 DATE 08/20/2015

OWNERSHIP INFORMATION

OWNER HUGO'S RESTAURANT
 ADDRESS 15000 VENTURA BLVD, SUITE 100, VAN NUYS, CA 91411
 PHONE (818) 708-1111
 FAX (818) 708-1112
 EMAIL HUGO@HUGOSRESTAURANT.COM

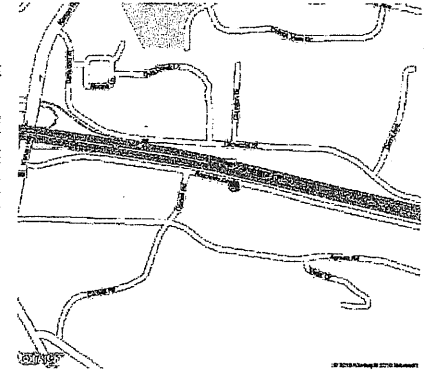
APPLICANT INFORMATION

APPLICANT HUGO'S RESTAURANT
 ADDRESS 15000 VENTURA BLVD, SUITE 100, VAN NUYS, CA 91411
 PHONE (818) 708-1111
 FAX (818) 708-1112
 EMAIL HUGO@HUGOSRESTAURANT.COM

REPRESENTATIVE INFORMATION

PROJECT NO. 15-00000000-001
 PROJECT NAME HUGO'S RESTAURANT
 PROJECT ADDRESS 15000 VENTURA BLVD, SUITE 100, VAN NUYS, CA 91411
 CLIENT HUGO'S RESTAURANT
 ARCHITECT F&C DESIGN & CONSULTING
 DATE 08/20/2015

VICINITY MAP



15015 EIGHTH STREET, LOS ANGELES, CALIFORNIA 90048
 ARCHITECT

PROJECT INFO.

HUGO'S RESTAURANT

SUBMITTAL

SCALE: 1/64" = 1'

SITE PLAN

SHEET NO.

A-01

PROJECT INFO.

HUGO'S RESTAURANT

28914 ROADSIDE DR. #9-11
AGOURA HILLS CA. 91301

SUBMITTAL

REV#	DATE	DESCRIPTION

SCALE: 1/4" = 1'

FLOOR PLAN

SHEET NO.

A-03

