



CITY of CALABASAS

**PLANNING COMMISSION AGENDA REPORT**  
**JULY 18, 2024**

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**TO:** Members of the Planning Commission

**FROM:** Jaclyn Rackerby, Planner

**FILE NO(s):** CUP-2023-002

**PROPOSAL:** Request for a Conditional Use Permit to allow for the sale of beer and wine for on-site consumption via a Type 41 liquor license from the State Department of Alcoholic Beverage Control, in association with a new sushi restaurant, Bonzi, located at 23669 Calabasas Rd (APN: 2068-002-025), within the Commercial Mixed-Use (CMU) zoning district and Scenic Corridor (-SC) overlay zone.

**APPLICANT:** Kurosh Khodalyeki

**RECOMMENDATION:** That the Commission direct Staff to prepare a resolution for approval, or a resolution for denial, of File No. CUP-2023-002.

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**REVIEW AUTHORITY:**

The project is before the Planning Commission for review pursuant to Calabasas Municipal Code Section 17.12.035(B), which states that alcoholic beverages may be sold for on-premises consumption at an establishment where the primary use is a restaurant, provided that a conditional use permit is obtained for the establishment and sales are conducted in compliance with the Alcoholic Beverage Control Act of the State of California. In accordance with Section 17.62.060(D) of the CMC, the director shall make a recommendation to the Planning Commission who shall hold a public hearing to review the project.

**BACKGROUND:**

On January 30, 2023, an application for a Zoning Clearance permit was submitted on behalf of a new tenant for a sushi restaurant, Bonzi Sushi, located at 23669 Calabasas Rd in the Commercial Mixed-Use (CMU) and Scenic Corridor (-SC) overlay zone. The request was approved on March 2, 2023, under Permit No. ZCL-2023-031.

Subsequently, on April 13, 2023, a request for a Conditional Use Permit (CUP) was submitted to permit alcohol sales and consumption at the sushi restaurant previously approved under Permit No. ZCL-2023-031. The project was reviewed by the City’s Development Review Committee (DRC) on May 2, 2023, and had no major comments. Staff reviewed the submitted plans and deemed the project application incomplete on May 11, 2023. Following code enforcement activity at the subject site due to work without a building permit, the application for the CUP stalled. Now, with code enforcement matters in the process of being resolved, the applicant resubmitted for the CUP on June 12, 2024. With all outstanding comments addressed, the project application and plans were deemed complete on June 19, 2024.

**STAFF ANALYSIS:**

**A. Alcohol Sales:** The applicant has applied for a Type 41 liquor license from the State Department of Alcoholic Beverage Control (ABC), which is for “On-Sale Beer & Wine –Eating Place”. This license authorizes the sale of beer and wine for consumption on or off the premises where sold, and stipulates that the applicant must operate and maintain the licensed premises as a bona fide eating place. Additionally, this license type allows minors on the premises.

The proposed restaurant will operate from 11:00 am to 12:00 midnight, and the proposed alcohol sales will be limited to the same hours. Alcohol sales are conditionally permitted in conjunction with a primary allowable use (restaurant) in the CMU zoning district, per the Calabasas Municipal Code. The project application and plans were reviewed by the City’s Development Review Committee, and no concerns were raised. Additionally, the Los Angeles County Sheriff’s Department indicated that the Sheriff has no objections to the request, and that the project is acceptable as proposed.

**B. Existing Site/Building Layout:** The subject site is located on the north side of Calabasas Rd, within the Courtyard at the Commons shopping center. The site is 6.76 acres in total, improved with a 88,362 square-foot shopping center, and

the space the tenant will occupy (formerly Subway) is 1,498 square feet. The restaurant is entirely interior, and no proposed outdoor seating is proposed as part of this project. Because the shopping center is located within 500 feet of the 101 Freeway, the site is located within the 101 Freeway Scenic Corridor. However, the new restaurant and alcohol sales do not involve any exterior modifications to the existing building, and therefore a Scenic Corridor Permit is not required for the proposed project.

The restaurant will have a 428 square-foot dining area, 11-seat bar counter, 558 square-foot kitchen area, and associated waiting areas/bathroom areas. Alcohol sales and on-site consumption will be limited to the indoor dining area.

### **REQUIRED FINDINGS:**

The Planning Commission would have to make Conditional Use Permit findings to support a project approval; the Conditional Use Permit findings are stated in Section 17.62.060 of the Calabasas Municipal Code, as follows:

- 1. The proposed use is conditionally permitted within the subject zoning district and complies with all of the applicable provisions of this development code;*
- 2. The proposed use is consistent with the General Plan and any applicable specific plan or master plan;*
- 3. The approval of the conditional use permit for the proposed use is in compliance with the California Environmental Quality Act (CEQA); and*
- 4. The location and operating characteristics of the proposed use are compatible with the existing and anticipated future land uses in the vicinity.*

The applicant's proposed justification for the findings listed above is attached as Exhibit B.

### **REQUESTED COMMISSION ACTION:**

Staff requests the Commission conduct a public hearing, and then direct Staff to develop findings in support of either approval or denial of the project, supported by the facts and testimony provided at the hearing. Note: A resolution of denial must include an explanation as to why at least one of the required findings discussed in

this report cannot be made.

**ENVIRONMENTAL REVIEW:**

This project is Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) (General Rule Exemption) and Section 15301 (Existing Facilities) of the California CEQA Guidelines.

**CONDITIONS OF APPROVAL:**

If the Commission directs Staff to prepare a resolution of approval, potential project conditions of approval are attached as Exhibit D and will be incorporated into an approval resolution, which would return for Commission adoption at the next meeting.

**PREVIOUS REVIEWS:**

**Development Review Committee (DRC):**

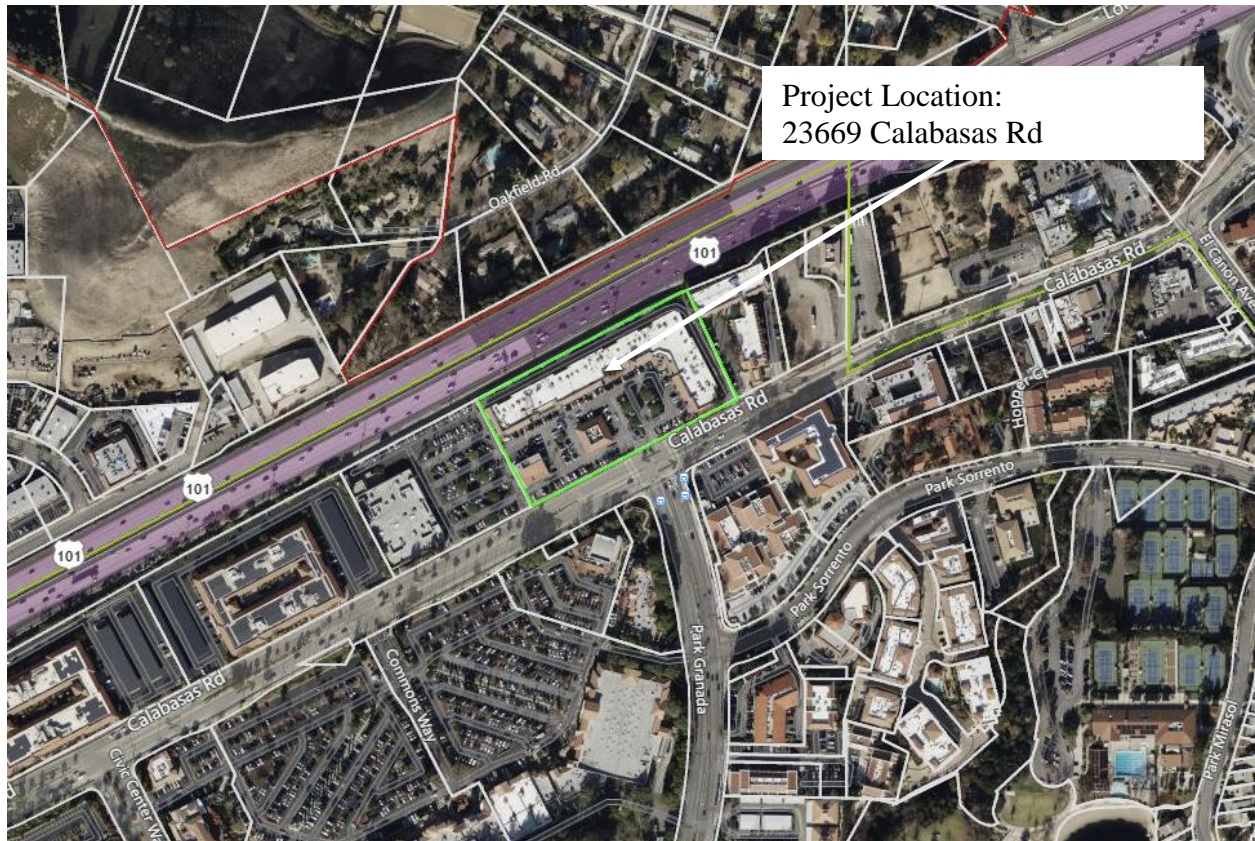
May 2, 2023                      No major comments.

**ATTACHMENTS:**

- Exhibit A: Project Plans
- Exhibit B: Findings Justification Submitted by Applicant
- Exhibit C: Project Description
- Exhibit D: Draft Conditions of Approval

**TECHNICAL APPENDIX**

**Location Map**



**Surrounding Properties:**

	Existing Land Use	Zoning	General Plan Designation
Site	Shopping Center	Commercial, Mixed Use	Mixed Use 0.95
North	101 Freeway	N/A	N/A
East	Hotel	Commercial Old Town	Business – Old Town
West	Office Building	Commercial, Mixed Use	Mixed Use 0.95
South	Shopping center	Commercial, Mixed Use	Mixed Use 0.95