



**DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT
MEMORANDUM**

ACTION DATE: August 16, 2012

TO: Planning Commission

APPLICANT: Whizin Market Square, LLC
5010 N. Parkway Calabasas, Suite 105
Calabasas, CA 91302

CASE NOS.: 12-VAR-003 and 12-SP-035

LOCATION: Whizin Market Square (28888-28914 Roadside Drive)
(A.P.N. 2061-007-041, 051, 052, 905, 906)

REQUEST: Request for approval of a Sign Permit for Sign Program Amendment, and Variance from Zoning Ordinance Sections 9655.5.8.B., 9655.8.B.1.(d), 9655.5.F.2.(i), and 9655.5.F.2.(iii) to install two Whizin Market Square monument identification signs along both Roadside Drive and Agoura Road, and at a height of 7 feet-6 inches for the signs along Roadside Drive; and to locate one monument identification sign along Cornell Road less than 5 feet from the public right-of-way; and to install a secondary wall sign for Hugo's Restaurant.

ENVIRONMENTAL ANALYSIS: Exempt from CEQA per Section 15311 of the CEQA Guidelines

RECOMMENDATION: Staff recommends that the Planning Commission approve Variance Case No. 12-VAR-003 and Sign Permit Case No. 12-SP-035, subject to conditions.

ZONING DESIGNATION: PD (Planned Development – Agoura Village Specific Plan)

GENERAL PLAN DESIGNATION: PD (Planned Development District)

I. PROJECT DESCRIPTION AND BACKGROUND

In 2008, Tucker Investment Group, LLC, filed two separate development applications for the renovation and remodel of the Whizin Center (later named Whizin Market Square) located at the southeast corner of Roadside Drive and Cornell Road. A Site Plan/Architectural Review application was approved by the Planning Commission in November of 2008 for the interior and exterior remodel of the Arcade/Atrium area of the Center. The project also included the renovation of the vacant restaurant space for Hugo's Restaurant and the renovation of the north half of the Cornell Road parking lot. These improvements have since been completed.

An Agoura Village Development Plan application was submitted in July of 2008. The proposal includes the remodel of approximately 100,000 square feet of existing floor area; 14,850 square feet of new retail and restaurant floor area; the expansion and reconfiguration of the parking lot; and 5,800 square feet of outdoor courtyard area. The plans have been reviewed by staff, the Architectural Review Panel, the Agoura Village Policy Committee, and the Economic Development Committee, and staff is awaiting the submittal of revised plans based on the comments given. Meanwhile, the property owner has met with staff and the Economic Development Committee regarding the possible phasing of future improvements. The property owner is currently making repair and cosmetic upgrades of the retail buildings fronting Roadside Drive, including fascia repair and repaint, repair to the roof equipment screen, repair and cosmetic improvement to the storefront windows, and landscape improvements. Exterior upgrades for the southwest corner of the Center, near the former Gun Range tenant space, are also being considered for administrative approval since the concept plans were reviewed by the Planning Commission in 2008.

To coincide with the most current phase of the Center's remodel, the applicant submitted a new Sign Program application in 2010 to amend the previous sign program. On November 18, 2010, the Planning Commission approved the new Sign Program, which included new tenant signage for the two retail buildings fronting Roadside Drive, new signage fronting on Cornell Road, and new signage for tenant spaces fronting Agoura Road. Monument/entry signage to serve the Center were also approved.

The property owner, Whizin Market Square, LLC, is now requesting a total of five monument entry signs. Two are proposed for the westerly driveway serving Roadside Drive; two are proposed for the driveway entrance serving Agoura Road; and one is proposed at the intersection of Cornell Road and Agoura Road, facing Cornell Road. The applicant is also requesting the sign facing Cornell Road be less than the 5-foot setback requirement from the property lines. The Sign Ordinance, however, allows for only one monument sign per street frontage to serve the Center. In this instance, one monument/entry sign would be allowed on Roadside Drive, Cornell Road, and Agoura Road. Since the applicant desires to have more than the three monument signs allowed per the Sign Ordinance, and desires to locate one of the proposed signs less than 5 feet

from the property line, a Variance application is being requested along with a Sign Permit for a Sign Program Amendment.

Included with the Variance and Sign Program Amendment applications is a request to install a second wall sign facing Roadside Drive, for Hugo's Restaurant. The restaurant is currently served by a primary wall sign facing Cornell Road, which is the restaurant's sole street frontage, and secondary entrance sign in the center's atrium.

The applicant has provided a detailed project description that is attached to this report for reference.

II. STAFF ANALYSIS

A. Monument Signs

As previously shown to the Planning Commission, the monument signs are proposed at the Center's three main entrances. Two monument signs would be located at the Roadside Drive entrance, two would be located at the Agoura Road entrance, and one would be located at the corner of Agoura Road and Cornell Road. The monument signs facing Agoura Road and Cornell Road would be located in the Los Angeles County Flood Control's property, which is located between the street right-of-way and the Center's property lines. The applicant would be required to obtain approval from the Los Angeles County Flood Control District for the placement of any signage on the County's property.

The monument signs were designed to be consistent with the Agoura Village Specific Plan and the Sign Program of the center. The signs include a supporting framework designed to look like a wooden rail and post "fence gate" that is intended to be consistent with the wooden trellis façade and architectural features on the renovated buildings. The fences themselves would be excluded from the sign area calculations as they also serve as separate architectural amenities within the project site. The sign face, mounted in the center of the wooden support structure, will identify the center's new name "Whizin Market Square." As shown in the design plans, the sign area (lettering only) for each of the five proposed monument signs is 38.12 square feet and includes "Whizin Market Square" green painted aluminum lettering of 1.5-inch thickness. The maximum size allowed for monument signs is 48 square feet. The signs are mounted to the proposed fencing, which range in height from 5'3" at the Cornell Road and Agoura Road entrances, to 7'6" at the Roadside Drive entrance. The length of the sign support structure varies from 31'7" at the Roadside Drive and Cornell road entrances, to 35'10" at the Agoura Road entrance. No internal illumination of the signs is proposed. Rather a light box mounted directly below the sign's lettering will house fluorescent lamps that cast light upward across the lettering. The face of the light box will be covered with wood cladding.

The applicant is requesting a variance from Zoning Ordinance Section 9655.8.B.1.d to allow two monument signs along Roadside Drive and along Agoura Road, instead of one per street frontage. A second variance, from Zoning Ordinance Section 9655.5.F.2.i, is requested to allow a zero-foot

setback distance between the monument sign and the public right-of-way along Cornell Road, instead of a minimum 5-foot distance. A third variance request, from Zoning Ordinance Section 9655.5.F.2.iii, is requested to allow the two monument signs facing Roadside Drive to be 7'6" in height, instead of the 6-foot maximum height.

Staff supports the variance request. In order to approve the variance application, specific findings of approval must be made by the Planning Commission. Listed below are the required findings of the Municipal Code (in bold font) and staff's analysis for each.

1. That because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

The Center, which is more than nine acres in size, has five entrances serving its three frontages. The length of the street frontage along the Roadside Drive is approximately 800 feet and the property is setback more than 100 feet from Agoura Road because of the adjacent flood control channel. Two monument signs serving both street frontages will allow for needed identification of the center from both directions of the frontage roadways that one monument sign could not otherwise provide. Also, the driveways would remain clear for motorists entering and exiting the Center.

The 7'6" height of the two monument signs at the Roadside Drive entrance is needed due to the constraints of the property. Roadside Drive, along the Center's frontage, is configured with perpendicular parking on either side of the driveway entrance, making visibility of the driveway difficult for motorists who may be unfamiliar with the center's location as they approach from either direction along Roadside Drive. By placing two signs, instead of one, on either side of the driveway at the proposed height and five feet from the public right-of-way, the sign would effectively communicate the center's identity.

A flood control channel is located along the Agoura Road frontage and its safety fencing terminates near Cornell Road. This existing condition allows for the monument sign serving Cornell Road to be located on an existing structure, without blocking visibility of passing motorists and without encroaching in existing driveway area or landscape area.

2. That the granting of the variance will not constitute a grant of special privileges inconsistent with the limitation upon other properties in the vicinity and zone in which the subject property is situated.

The Center includes five buildings, but is restricted to three monument signs. Whereas, each building within the center would be allowed at least one monument sign of their own if they were not part of the center. The allowance of five monument signs serving the three frontage roads will provide for needed identification of the retail center and the businesses. The proposed area

of sign lettering is no larger than what would otherwise be allowed on each side of a double-face monument sign.

Although the height of the monument signs on Roadside Drive would be 7.5 feet, the proposed lettering would be placed 6 feet high, which is equal to the maximum height of a monument.

Although the monument sign to serve Cornell Road would be located adjacent to the public right-of-way, the Zoning Ordinance does allow for one monument sign to serve this frontage road and there is insufficient area within which to locate the sign 5 feet from the Cornell Road public right-of-way that would be sufficiently visible to motorists.

3. That the strict interpretation and enforcement of the provisions of the Zoning Ordinance would result in practical difficulty or unnecessary hardship inconsistent with the objectives of the Zoning Ordinance.

The strict enforcement of the provisions of the Zoning Ordinance would allow for one monument sign serving Agoura Road to be located approximately 100 feet from the public right-of-way, thereby diminishing its visibility to motorists and identity of the businesses within the Center. There is also insufficient space adjacent to the main entrance driveway on Roadside Drive in which to locate a single monument sign that would be visible to motorists in both directions of Roadside Drive, and that would meet the required 5-foot setback requirement from the public right-of-way.

The proposed height of the monument sign serving Roadside Drive is proportional and is needed for adequate visibility to motorist entering the property. The proposed design and height meets one the purposes of the Sign Ordinance, which is to provide for adequate identification.

The strict application of the Zoning Ordinance requires the proposed sign facing Cornell Road to be located a minimum of 5 feet from the public right-of-way. However, due to its proposed proximity to the adjacent property line, the remaining space available within which to locate the monument sign is not sufficient to meet the required setback and there is no additional space between the proposed location and the public right-of-way.

4. That the granting of the variance will not be detrimental to the public health, safety, welfare, or materially injurious to properties or improvements in the vicinity.

The proposed monument signs will allow for proper visibility of the center for pedestrians and motorists and are located such that they will not conflict with traffic or pedestrian movement. The construction of the signs will meet City Building Code requirements and the proposed external illumination will provide for adequate visibility without negatively impacting views from surrounding roadways or properties.

5. That the granting of the variance will be consistent with the character of the surrounding area.

Each of the proposed monument signs are designed with fence-like materials in a height, size, scale and number that is consistent with the exterior area they will serve. The colors and materials will match the facades of the center they serve and will not detract from the surrounding neighborhood.

B. Hugo's Signage

As allowed per the Sign Ordinance, and as requested and approved with the Center's Sign Program, Hugo's Restaurant has two signs serving their restaurant. They are entitled to one sign facing their sole frontage street (Cornell Road), and a secondary sign serving a public entrance. In this instance, the public entrance to the restaurant is taken from the center's interior Atrium area. The restaurant is currently identified with a 47 square foot sign facing Cornell Road, and a 10 square foot sign in the Atrium.

The applicant is requesting to amend the Sign Program and to obtain a Variance from Zoning Ordinance Section 9655.8.B.1.a to allow for a second, 23.83 square foot wall sign on their building's north elevation, facing Roadside Drive. Proposed materials for this second wall sign include green colored aluminum lettering, a lexan back for halo illumination, and white LED illumination fixed to the back of the letters. The materials, colors, and illumination of the proposed sign would match the existing primary sign serving the restaurant. In his project description, the applicant requests consideration be given to interpreting Roadside Drive as a second, or even primary, frontage road for the restaurant's signage entitlements. The Zoning Ordinance defines "primary frontage" as *"the frontage which provides the subject building with its main or principle orientation to a public or private right-of-way, whether or not such frontage has a public entrance to the building. In shopping centers or multiple tenant buildings, the primary frontage shall be established as part of a sign program."* "Secondary frontage" is defined as *"any frontage, other than the primary frontage, that has a public entrance to the subject building."*

There is no public entrance on the north side of the building, and there is another building located between Hugo's Restaurant and Roadside Drive. Thus, staff informed the applicant that the restaurant does not have frontage on this street. However, staff does support the Variance request in that were it not for a building being located between the restaurant and the Roadside Drive, Roadside Drive would be considered secondary frontage and a sign could be located on the north-facing building wall. Also, the applicant is agreeable to a condition limiting signage on the north building elevation to only one sign that would serve solely Hugo's Restaurant, and no other tenant in the Atrium. Similar to the request for the monument sign Variances, specific findings are required for approval of this request for a secondary wall sign. Listed below are the required findings of the Municipal Code (in bold font) and staff's analysis for each.

1. That because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

The restaurant can be accessed from both Cornell Road and Roadside Drive, yet the restaurant is restricted from having signage serving Roadside Drive. The north elevation of the restaurant is visible from Roadside Drive and could serve for secondary signage were it not for one building being located between the restaurant and the street.

2. That the granting of the variance will not constitute a grant of special privileges inconsistent with the limitation upon other properties in the vicinity and zone in which the subject property is situated.

The restaurant has more than 150 feet of north-facing building elevation but is restricted from wall signage facing Roadside Drive. The 23.83 square foot size of the proposed sign is less than a 25 square foot sign that would otherwise be allowed for secondary signage on the building.

3. That the strict interpretation and enforcement of the provisions of the Zoning Ordinance would result in practical difficulty or unnecessary hardship inconsistent with the objectives of the Zoning Ordinance.

The restaurant lacks visibility from the Roadside Drive, although the largest parking lot in the center serving the restaurant is accessed from Roadside Drive.

4. That the granting of the variance will not be detrimental to the public health, safety, welfare, or materially injurious to properties or improvements in the vicinity.

The proposed wall sign will allow for proper visibility of the restaurant and are located such that they will not conflict with traffic or pedestrian movement. The construction of the sign will meet City Building Code requirements and the proposed back-lit illumination of the sign will provide for adequate visibility without negatively impacting views from surrounding roadways or properties.

5. That the granting of the variance will be consistent with the character of the surrounding area.

The proposed size of the wall sign is less than the 25 square foot size allowed for secondary wall signs. The design, materials, colors, and illumination method will match the existing primary sign serving the restaurant, and will match the sign program approved for the center.

C. Sign Program Amendments

Since the proposed number of monument signs exceeds the number granted in the Sign Program for the center, the applicant has submitted a Sign Permit application to amend the Sign Program. One of the purposes of the City Sign Ordinance is to support and promote viable businesses by allowing signage that provides adequate identification while also promoting and enhancing the quality of the visual environment of the City. Staff finds the requests for the monument signs and secondary wall sign for the restaurant accomplish this. The proposed Sign Program Amendment complies with the standards of the Sign Ordinance in that the design of the signs are compatible with the character and environment of the community, are not distracting to motorists, are visually attractive, and provide adequate identification for the buildings on the property. The location of the proposed signs and the design of their visual elements (lettering, words, figures, colors, decorative motifs, spacing, and proportions) are legible under normal viewing conditions prevailing where the sign is to be installed and the project identification sign will be subtly externally illuminated to identify the Center. In addition, the signs match the approved Sign Program and will be sufficiently visible by existing driveway lighting. Staff also finds that the signs are appropriate given the size of the property and the proposed sign colors and materials are compatible with the buildings served by the signs. Thus, staff supports the proposed Sign Program Amendment.

Draft resolutions of approval for the Variance request and Sign Permit are attached for the Planning Commission's consideration for adoption. In the event the Planning Commission wishes to deny any of the Variance requests or the Sign Program Amendment, revised resolution would be brought to the Planning Commission at a future meeting.

The sign program and associated variance requests have been environmentally reviewed pursuant to the California Environmental Quality Act (CEQA), the State CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 et seq.), and the City's Local CEQA guidelines. The project consists of a proposed variance and sign permit to allow the installation of accessory sign structures and thus is exempt from CEQA pursuant to Section 15311 of the Guidelines.

III. RECOMMENDATION

Staff recommends that the Planning Commission approve Variance Case No. 12-VAR-003 and Sign Permit Case No. 12-SP-035 and, subject to conditions.

IV. ATTACHMENTS

- Exhibit A: Variance Draft Resolution and Conditions of Approval
- Exhibit B: Sign Permit Draft Resolution and Conditions of Approval
- Exhibit C: Applicant's Project Description
- Exhibit D: Reduced Copies of Project Plans
 - Site Plans
 - Monument Sign Plans
 - Hugo's Restaurant Sign Plans

CASE PLANNER: Doug Hooper, Assistant Director of Planning & Community Development

EXHIBIT A

DRAFT RESOLUTION NO. 12-____

A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF AGOURA HILLS APPROVING
VARIANCE CASE NO. 12-VAR-003 RELATED TO
MONUMENT SIGNS FOR WHIZIN MARKET SQUARE,
LOCATED AT 28888 THROUGH 28914 ROADSIDE
DRIVE

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

Section I. An application was duly filed by Whizin Market Square, LLC, with respect to the real property located at 28888 through 28914 Roadside Drive (A.P.N. 2061-007-041, 051, 052, 905, 906), requesting approval of a Variance from Zoning Ordinance Sections 9655.8.B.1(a), 9655.8.B.1(d), 9655.5.F.2(i), and 9655.5.F.2(iii) to install two Whizin Market Square monument identification signs along both Roadside Drive and Agoura Road, and at a height of 7 feet-6 inches for the signs along Roadside Drive; and to locate one monument identification sign along Cornell Road less than 5 feet from the public right-of-way; and to install a secondary wall sign for Hugo's Restaurant. A public hearing was duly held on August 16, 2012, 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 hearing was duly given and published as required by state law.

Section II. Evidence, both written and oral, including the staff report and supporting documentation, was duly presented to and considered by the Planning Commission at the aforesaid public hearing.

Section III. Based on the evidence presented at the public hearing, including the staff report and oral and written testimony, the Planning Commission finds, pursuant to Section 9676.2.E of the Agoura Hills Municipal Code, that:

A. Because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification. The Center, which is more than nine acres in size, has five entrances serving its three street frontages. The length of the street frontage along the Roadside Drive is approximately 800 feet and the property is setback more than 100 feet from Agoura Road. Given the property's size, the strict application of the Zoning Ordinance would deprive the property of privileges enjoyed by other properties – e.g., the privilege of having adequate identification signs for the property. Two monument signs serving both street frontages will allow for needed identification of the center from both directions of the frontage roadways that one monument sign could not otherwise provide. Even with the additional identification signs, the driveways would remain clear for motorists entering and exiting the Center.

The 7'6" height of the two monument signs at the Roadside Drive entrance is needed due to the constraints of the property. Roadside Drive, along the Center's frontage, is configured with perpendicular parking on either side of the driveway entrance, making visibility of the driveway difficult for motorists who may be unfamiliar with the center's location as they approach from either direction along Roadside Drive. By placing two signs, instead of one, on either side of the driveway at the proposed height and five feet from the public right-of-way, the sign would effectively communicate the center's identity.

A flood control channel is located along the Agoura Road frontage and its safety fencing terminates near Cornell Road. In light of this existing fencing, the strict application of the Zoning Ordinance – specifically the five foot setback requirement – would prevent the applicant from locating the sign in front of the fencing, in an area that would be visible to motorists. This would deprive the applicant of privileges enjoyed by other property owners that are not similarly constrained by the flood control channel fencing. In addition, placing the sign on the fencing allows for the monument sign serving Cornell Road to be located on an existing structure, without blocking visibility of passing motorists and without encroaching in existing driveway area or landscape area.

The property can be accessed from both Cornell Road and Roadside Drive, yet the restaurant is restricted from having signage serving Roadside Drive due to the definition of the term "primary frontage." The north elevation of the restaurant is visible from Roadside Drive and could serve for secondary signage were it not for one building being located between the restaurant and the street. Thus, the location of the building in relation to the property line and the street frontage prevents the property owner from enjoying the privilege of having a sign along the most visible street frontage.

B. The granting of the Variance, as conditioned, will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated. The Center includes five buildings, but is restricted to three monument signs. Each building within the center would be allowed at least one monument sign if they were not part of the center. The allowance of five monument signs serving the three frontage roads will provide for needed identification of the retail center and the businesses. The proposed area of sign lettering is no larger than what would otherwise be allowed on each side of a double-face monument sign.

Although the height of the monument signs on Roadside Drive would be 7.5 feet, the proposed lettering would be 6 feet high, which is equal to the maximum height of a monument. Thus, the variance from the height requirement would not constitute a grant of special privileges.

The Zoning Ordinance allows for one monument sign to serve Cornell Road. However, due to the presence of the flood control channel, there is insufficient space to locate the sign at least 5 feet from the Cornell Road public right-of-way in any place that would be sufficiently visible to motorists. The granting of the Variance will not constitute a grant of special privileges, but will allow the applicant to have a sign that will be visible to motorists despite the existence of the flood control channel.

Similarly, allowing a variance to allow for an additional wall sign on the north elevation facing Roadside Drive will not constitute a special privilege because it would merely allow the restaurant's sign to be visible on a street frontage that otherwise would be allowed if the building between the restaurant and Roadside Drive were not there.

C. The strict interpretation and enforcement of the provisions of the Zoning Ordinance would result in practical difficulty or unnecessary hardship inconsistent with the objectives of the Zoning Ordinance. The strict enforcement of the provisions of the Zoning Ordinance would allow for one monument sign serving Agoura Road to be located approximately 100 feet from the public right-of-way, thereby diminishing its visibility to motorists and identity of the businesses within the Center. There is also insufficient space adjacent to the main entrance driveway on Roadside Drive in which to locate a single monument sign that would be visible to motorists in both directions of Roadside Drive, and that would meet the required 5-foot setback requirement from the public right-of-way.

The proposed height of the monument sign serving Roadside Drive is proportional and is needed for adequate visibility to motorists entering the property. The proposed design and height meets one the purposes of the Sign Ordinance, which is to provide for adequate identification.

The strict application of the Zoning Ordinance requires the proposed sign facing Cornell Road to be located a minimum of 5 feet from the public right-of-way. However, due to its proposed proximity to the adjacent property line, the remaining space available within which to locate the monument sign is not sufficient to meet the required setback and there is no additional space between the proposed location and the public right-of-way.

Similarly, preventing Hugo's restaurant from having a sign on the Roadside Drive side of the building would prevent the restaurant from having an identification sign on the side of the building that essentially serves as secondary frontage. Restricting the signage in this manner would constitute unnecessary hardship for the applicant.

D. The granting of the Variance, as conditioned, will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements of the aesthetic value in the vicinity. The proposed monument signs will allow for proper visibility of the center for pedestrians and motorists and are located such that they will not conflict

with traffic or pedestrian movement. The construction of the signs will meet City Building Code requirements and the proposed external illumination will provide for adequate visibility without negatively impacting views from surrounding roadways or properties.

E. The granting of the Variance, as conditioned, will be consistent with the character of the surrounding area. Each of the proposed monument signs are designed with fence-like materials in a height, size, scale and number that is consistent with the exterior area they will serve. The colors and materials will match the facades of the center they serve and will not detract from the surrounding neighborhood. The same is true for the proposed wall sign for Hugo's restaurant, which will match the existing primary sign serving the restaurant, and be less than the 25 square foot size allowed for secondary wall signs.

Section IV. The project has been environmentally reviewed pursuant to the California Environmental Quality Act (CEQA), the State CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 et seq.), and the City's Local CEQA guidelines. The project consists of a proposed variance to allow the installation of minor, on-premise signs that are accessory to commercial buildings and is thus exempt from CEQA pursuant to Section 15311 of the Guidelines (Accessory Structures including On-Premise Signs).

Section V. Based on the aforementioned findings, the Planning Commission hereby approves Variance Case No. 12-VAR-002, subject to the attached Conditions, with respect to the property described in Section 1 hereof.

Section VI. The Secretary of the Planning Commission shall certify to the passage, approval, and adoption of this resolution, and shall cause this resolution and his certification to be entered in the Book of Resolutions of the Planning Commission of the City.

PASSED, APPROVED and ADOPTED this 16th day of August, 2012, by the following vote to wit:

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

John O'Meara, Chairperson

Draft Resolution No. 12-____
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ATTEST:

Mike Kamino, Secretary

**CONDITIONS OF APPROVAL
(CASE NO. 12-VAR-003)**

STANDARD CONDITIONS

1. This decision for approval of the Variance application, or any aspect of this decision, can be appealed to the City Council within fifteen (15) days from the date of Planning Commission action, subject to filing the required forms and related fees with the City.
2. The approval of this permit shall not be effective for any purpose until the applicant and property owner have agreed in writing that they are aware of, and accept all Conditions of this Permit with the Department of Planning and Community Development.
3. Except as modified herein, the approval of this action is limited to and requires the complete conformation to the Sign Plans approved for this permit by the Planning Commission on August 16, 2012.
4. It is hereby declared to be the intent that if any provision of this Permit is held or declared invalid, the Permit shall be void and the privileges granted hereunder shall lapse.
5. It is further declared and made a Condition of this action that if any Condition herein is violated, the Permit shall be suspended and the privileges granted hereunder shall lapse; provided that the applicant has been given written notice to cease such violation and has failed to do so for a period of thirty (30) days.
6. Unless this approval is used within two (2) years from the date of City approval, Variance No. 12-VAR-003 will expire. A written request for a one (1) year extension may be considered prior to the expiration date.
7. The applicant shall obtain a building permit from the Department of Building and Safety for the approved signage.

SPECIAL CONDITIONS (PUBLIC WORKS/ENGINEERING DEPARTMENT)

8. The applicant shall obtain approval of an encroachment permit from the City Public Works / Engineering Department, prior to the issuance of building permits, for the temporary encroachment during installation of the signs. The applicant shall be required to obtain a permit from the Los Angeles County Flood Control District prior to permit issuance from the City.
9. No signage and/or appurtenances shall encroach into the public right-of-way.

Conditions of Approval

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10. If conflicts/issues arise regarding recorded documents over the property, the applicant shall take all measures necessary, as directed by the City Engineer, to resolve said conflicts/issues. All conditions of approval are to be complied with to the satisfaction of the City Engineer in accordance with the applicable provisions of the Agoura Hills Municipal Code.

END

EXHIBIT B

DRAFT RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF AGOURA HILLS APPROVING A SIGN
PERMIT FOR A SIGN PROGRAM AMENDMENT (CASE
NO. 12-SP-035) FOR WHIZIN MARKET SQUARE,
LOCATED AT 28888 THROUGH 28914 ROADSIDE
DRIVE

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

Section I. An application was duly filed by Whizin Market Square, LLC, with respect to the real property located at 28888 through 28914 Roadside Drive (A.P.N. 2061-007-041, 051, 052, 905, 906), requesting approval of a Sign Permit for a Sign Program Amendment to allow additional monument signs to serve a retail center ("Whizin Market Square"), and a secondary wall sign for Hugo's Restaurant. A public hearing was duly held in conjunction with Variance Case No. 12-VAR-003 on August 16, 2012, 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 hearing was duly given and published as required by state law.

Section II. Evidence, both written and oral, including the staff report and supporting documentation, was duly presented to and considered by the Planning Commission at the aforesaid public hearing.

Section III. Based on the evidence presented at the public hearing, include the staff report and oral and written testimony, the Planning Commission finds, pursuant Sections 9655.5.D and 9655.6.E of the Agoura Hills Municipal Code, that:

A. The proposed sign program amendment is consistent with the General Plan and the provisions of the Zoning Ordinance, including the Sign Ordinance. The sign program amendment enhances the visual character of the office complex and provides meaningful identification, as called for in Policy LU-13.2 of the General Plan.

B. The location of the proposed signs and the design of their visual elements (lettering, words, figures, colors, decorative motifs, spacing, and proportions) are legible under normal viewing conditions prevailing where the sign is to be installed. The project identification sign will be subtly externally illuminated to identify the complex and restaurant.

C. The location and design of the proposed signs, their sizes, shapes, illumination, and colors are compatible with the visual characteristics of the surrounding area so as not to cause significant depreciation of the value or quality of adjacent properties. The signs are appropriate given the size of the property and the proposed sign colors and materials are compatible with the buildings served by the signs.

D. Except for approved variances, the proposed sign program amendment is consistent with the sign standards of the Sign Ordinance in that the number of colors, the proposed materials, and the illumination of the project identification sign are consistent with the standards specified in the Sign Ordinance and Agoura Village Specific Plan.

E. The proposed sign program amendment is consistent with the City's adopted sign design guidelines. The proposed sign colors and letter styles are compatible with the architectural design of the buildings that are served and the Center's existing sign program.

F. The sign program amendment complies with the purpose and overall intent of the Sign Ordinance through the number of signs proposed, the colors and materials, and design which preserve and enhance the unique character and visual appearance of the City.

G. The sign program amendment accommodates future revisions that may be required because of changes in the use or tenants in that the monument signs serve the entire center and the restaurant sign can be replaced with the name of a future tenant.

H. The sign program amendment complies with the standards of the Sign Ordinance in that the design of the signs are compatible with the character and environment of the community, are not distracting to motorists, are visually attractive, and provide adequate identification for the buildings on the property.

Section IV. The project has been environmentally reviewed pursuant to the California Environmental Quality Act (CEQA), the State CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 et seq.), and the City's Local CEQA guidelines. The project consists of a proposed sign program amendment to allow the installation of accessory sign structures and thus is exempt from CEQA pursuant to Section 15311 of the Guidelines (Accessory Structures including On-Premise Signs).

Section V. Based on the aforementioned findings, the Planning Commission hereby approves Sign Permit Case No. 12-SP-035, subject to the attached Conditions, which are attached hereto as Exhibit A and incorporated herein by this reference.

Section VI. The Secretary of the Planning Commission shall certify to the passage, approval, and adoption of this resolution, and shall cause this resolution and his certification to be entered in the Book of Resolutions of the Planning Commission of the City.

PASSED, APPROVED and ADOPTED this 16th day of August, 2012, by the following vote to wit:

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

John O'Meara, Chairperson

ATTEST:

Mike Kamino, Secretary

EXHIBIT A
DRAFT CONDITIONS OF APPROVAL
(CASE NO. 12-SP-035)

STANDARD CONDITIONS

1. This decision for approval of the sign permit application, or any aspect of this decision, can be appealed to the City Council within fifteen (15) days from the date of Planning Commission action, subject to filing the required forms and related fees with the City.
2. The approval of this permit shall not be effective for any purpose until the applicant and property owner have agreed in writing that they are aware of, and accept all Conditions of this Permit with the Department of Planning and Community Development.
3. Except as modified herein, the approval of this action is limited to and requires the complete conformation to the Sign Plans of the Center (“Whizin Market Square”) approved by the Planning Commission on August 16, 2012.
4. It is hereby declared to be the intent that if any provision of this Permit is held or declared invalid, the Permit shall be void and the privileges granted hereunder shall lapse.
5. It is further declared and made a Condition of this action that if any Condition herein is violated, the Permit shall be suspended and the privileges granted hereunder shall lapse; provided that the applicant has been given written notice to cease such violation and has failed to do so for a period of thirty (30) days.
6. Unless this approval is used within two (2) years from the date of City approval, Sign Permit Case No. 12-SP-035 will expire. A written request for a one (1) year extension may be considered prior to the expiration date.
7. The applicant shall obtain a building permit from the Department of Building and Safety for the approved signage.

SPECIAL CONDITIONS

8. The applicant shall obtain approval of an encroachment permit from the City Public Works / Engineering Department, prior to the issuance of building permits, for the temporary encroachment during installation of the signs. The applicant shall be required to obtain a permit from the Los Angeles County Flood Control District prior to permit issuance from the City.
9. No signage and/or appurtenances shall encroach into the public right-of-way.

Conditions of Approval
Page 2

10. If conflicts/issues arise regarding recorded documents over the property, the applicant shall take all measures necessary, as directed by the City Engineer, to resolve said conflicts/issues. All conditions of approval are to be complied with to the satisfaction of the City Engineer in accordance with the applicable provisions of the Agoura Hills Municipal Code.
11. The applicant shall agree to allow only one sign on the Center's Atrium exterior north building elevation for the sole use of Hugo's Restaurant, as approved by the Planning Commission with this permit.

END

EXHIBIT C

VARIANCE REQUEST

WHIZIN MARKET SQUARE/HUGO'S RESTAURANT

Roadside Drive and Cornell Road, Agoura Hills, CA 91301

PROJECT OVERVIEW/BACKGROUND

The Applicant's request consists of **Component A** (Whizin Market Square Monument Signage) and **Component B** (Hugo's Restaurant Wall Sign).

Component A: Whizin Market Square, LLC, (the "Applicant") proposes to remove the existing "Whizins Center" monument signs currently located in the center islands at the Agoura Road and Roadside entrances, and to construct 5 "identification" monument signs (referred to as the "Proposed Signs") as a part of the renovation of Whizin Market Square (referred to as the "Center"), an approximately 9.5 acre commercial complex of retail and entertainment establishments generally bounded by Roadside Drive on the north, the "Do It Center" on the east, Agoura Road on the south, and Cornell Road on the west. The westernmost portion (approximately 7.5 acres) of the project site is located within the Agoura Village Specific Plan Zone D-East and is zoned Commercial Retail/Service-Freeway Corridor-Old Agoura-Agoura Village (CRS-FC-OA-AV), while the eastern parcel (approximately 2.0 acres) is zoned Commercial Retail/Service (CRS) and is not located within the Agoura Village Specific Plan. All Proposed Signs are located within the Agoura Village Specific Plan Zone D-East.

The Proposed Signs will be located at the Center's three entrances, presenting a consistent and recognizable "gateway" icon designed to reflect the Center's architectural theme, and establish a distinct identity for the Center. Two signs would be located at the Roadside Drive entrance, two would be located at the Agoura Road entrance, and one would be located at the key corner of Cornell Road and Agoura Road signifying the Center's Cornell Road entrance. The Proposed Signs were designed to be consistent with the purpose and intent of the Agoura Hills Municipal Code (the "Code") sign regulations, the Agoura Village Specific Plan, the City of Agoura Hills Sign Guidelines, and the recently approved Sign Program for tenants of "Whizin Market Square" (WMS) (approved November 18, 2010 by the City Planning Commission). The Proposed Signs feature a unique supporting framework designed to look like a wooden rail and post "fence gate," consistent with the wooden trellis façade embellishments and architectural features on the renovated buildings and within the new Atrium area. The sign face, mounted in the center of the wooden support structure, will identify the renovated Center's new name "Whizin Market Square" (see attached Plans).

As shown on the attached Plans, the sign area (lettering only) for each of the 5 Proposed Signs is approximately 38.12 square feet and spells out "Whizin Market Square" in (green painted) aluminum lettering. The signs are mounted on a support framework/structure consisting of wooden planks with bolted connections, covered with reclaimed wood cladding and mounted on top of steel tube posts (painted to match the phase I guardrail and phase I arcade entrance gates). The sign support structures range in height from 5-feet 3-inches (at Cornell Road and the Agoura Road Entrance), to 7-feet 6-inches (at the Roadside Drive Entrance). The length of the

sign support structures varies from approximately 31 feet 7 inches at the Roadside Drive and Cornell Road entrances, to approximately 35 feet 10 inches at the Agoura Road Entrance. A light box mounted directly below the sign's lettering will house fluorescent lamps that cast light upward across the lettering, providing external illumination for nighttime visibility of the Proposed Signage. The face of the light box will also be covered with reclaimed wood cladding.

Component B: Whizin Market Square, LLC, (the "Applicant") proposes to construct a 23.83 square foot wall sign on the Whizin Market Square (WMS) building frontage facing Roadside Drive, a public right-of-way located approximately 101 feet 5 inches north of this building (See Site Plan). This building is leased by various tenants, including Hugo's Restaurant, whose frontage facing Roadside Drive totals approximately 74 feet 10 inches. The proposed wall sign is designed to be consistent with the purpose and intent of the Agoura Hills Municipal Code (the "Code") sign regulations, the Agoura Village Specific Plan, the City of Agoura Hills Sign Guidelines, and the Sign Program for tenants of WMS approved on November 18, 2010 by the City Planning Commission. Noteworthy is that the adopted Sign Program did not identify the "primary" frontage for any of the governed buildings, and thus does not address the issue of building orientation to the adjacent public right-of-way.

At the recommendation of Agoura Hills City Planning staff, the Applicant is filing a Zone Variance from the City Zoning Ordinance Section 9655.8.B.1.a. to permit one (1) 23.83 square foot wall sign for Hugo's Restaurant on the building frontage facing Roadside Drive. While it is recognized that the basic sign entitlement of the City Zoning Ordinance permits a single sign for Hugo's, it is our opinion that a Zone Variance is necessary only for additional sign, and not for the sign area, because the requested wall sign together with the existing permitted 47.0 square foot "Hugo's Restaurant" dormer sign facing Cornell Road (a combined total of 70.83 square feet) would appear to be permitted by the City's Sign Ordinance. Supporting facts include the following:

- As shown on the attached Plans, the total frontage (building) for Hugo's is 138 feet 2 inches (74 feet 10 inches facing Roadside Drive, and 63 feet 4 inches facing Cornell Road, both public rights-of-way) as "...measured continuously along such building wall for the entire length of the subject business or use..." (Section 9655.2.M);
- The existing permitted 47.0 square foot "Hugo's Restaurant" dormer sign facing Cornell Road is consistent with the basic sign entitlement permitted by Code. In addition to this basic sign entitlement, a maximum sign area of two hundred (200) square feet is allowed for wall, canopy, awning, and directional signs for "Major tenants in shopping centers, which have a frontage greater than one hundred (100) feet..." As a tenant that, by virtue of the total frontage length of approximately 138 feet 2 inches, is a Major tenant as described in the zoning code, the requested additional 23.83 square feet would be permitted "by right" (Section 9655.8B.1.h.).

Alternatively;

- The Hugo's Restaurant building frontage facing Roadside Drive is approximately 101 feet 5 inches directly south of this public right-of-way. As such, retail tenants of this multi-tenant building are permitted "...one (1) square foot of sign area for each foot of frontage of the tenant space...not to exceed seventy (70) square feet." (Section 9655.8.B.1.b.). It is our understanding that in this instance "frontage" refers to primary building frontage. Thus, the requested 23.83 square foot "Hugo's Restaurant" wall sign and the existing approved 47.0 square foot "Hugo's Restaurant" dormer sign would together total 70.83 square feet, of which 70.0 square feet would be permitted as basic sign entitlement.

Thus, the above referenced sections of the Zoning Ordinance would appear to permit the requested additional 23 square feet of sign area for Hugo's Restaurant, either in addition to the basic sign entitlement (for Major tenants in a shopping center), or as a part of the basic sign entitlement (for Buildings located more than 100 feet from a right-of-way).

REQUEST

The Applicant is requesting a **VARIANCE**, pursuant to the Code Article IX, Chapter 6, Part 3, Division 6, Section 9655, to permit:

Component A

- two (2) complex monument identification signs at the Center's entrances along Roadside Drive and Agoura Road in lieu of the one (1) permitted per street frontage by the Code Article IX, Chapter 6, Part 2, Division 5, Section 9655.8.B.1.d.;
- a zero (0) foot setback distance between the complex monument identification sign at Cornell Road and the public right-of-way, in lieu of the minimum 5-foot distance required by the Code Article IX, Chapter 6, Part 2, Division 5, Section 9655.5.F.2.i.; and
- a height of 7-feet, six-inches for the two (2) complex monument identification signs at Roadside Drive, in lieu of the 6-foot maximum height permitted by the Code Article IX, Chapter 6, Part 2, Division 5, Section 9655.5.F.2.iii.

Component B

- one (1), 23.83 square foot wall sign on the WMS building frontage facing Roadside Drive, in addition to the previously approved basic sign entitlement (i.e., the 47.0 square foot dormer sign facing Cornell Road), permitted by the Code Article IX, Chapter 6, Part 2, Division 5, Section 9655.8.

The Applicant also requests a minor revision to the approved Sign Program for WMS to include the requested wall sign for Hugo's Restaurant (once approved), and to define "primary" frontage for the WMS buildings, as required by Section 9655.2.N of the Sign Ordinance.

The Applicant will also request an encroachment permit from the City, and approval from the County of Los Angeles Department of Public Works to locate Monument Signage and associated landscaping (when feasible) on County property, as shown on the attached Plans.

BURDEN OF PROOF

The following information has been prepared pursuant to the City of Agoura Hills *Guide to the Variance Application, Variances "Burden of Proof" Form*, and Sections 9655 and 9676 of the Code:

Component A

- 1. That because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.**

As shown on the attached Plans, the subject property is currently developed with the landmark Whizin's Center retail and entertainment complex constructed between 1968 and 1989 (according to Los Angeles County Tax Assessor records). The Center has five entrances on the project site's three frontages: Two entrance/exit access driveways are located along Cornell Road (a two-lane local roadway), two entrance/exit access driveways are located along Roadside Drive (a two-lane secondary arterial roadway), and a single entrance/exit driveway is located on Agoura Road (a two-lane secondary arterial roadway). Land uses at the Center include retail, office (business/professional) restaurant and entertainment, generally located along Roadside Drive, Cornell Road, and Agoura Road, with approximately 800 feet of frontage along the south side of Roadside Drive, and approximately 400 feet of frontage along the east side of Cornell Road. The subject property is set back at least 100 feet from Agoura Road due to the intervening Chesebro Creek flood control channel and associated property owned by the Los Angeles County. Thus, although setback from Agoura Road, the subject property also has approximately 1,000 feet of visible frontage along the north side of Agoura Road. Surface parking for the Center is located primarily on the interior of the project site.

Following development of the Center, the City of Agoura Hills adopted sign regulations on May 11, 2005 and December 18, 2006 (Ordinance No.05-330 and 06-340, respectively) which included specific standards regulating the location, height, and number of monument signs, including the following:

- "Location. The sign shall be located a minimum of five (5) feet from any public ...right-of-way and shall comply with City standards for vehicular sight distance at the driveway intersection with the frontage street." (Section 9655.5.F.2.i);
- "Maximum Height. The maximum height of a monument sign shall be six (6) feet. Architectural treatments or support structures shall be included in the height measurement." (Section 9655.5.F.2.iii);

- “Any commercial and business complex, center, or park which has a common name and is in excess of two (2) acres in area, is permitted one (1) complex monument identification sign...for each public street frontage.” (Section 9655.8.B.1.d).

In the effort to realize the Whizin Center’s full potential, the Applicant recently sought and was granted approval for Phase I of a comprehensive plan to renovate, construct, use and maintain a mixed use project, ‘Whizin Market Square’ (referred to as WMS), at the site of the existing Whizin’s Center (Site Plan/Architectural Review Case No. 08-SPR-009, approved October 2, 2008 with Corresponding Resolution No. 952 as well as Resolution No. 954 approved November 6, 2008). When complete, WMS is envisioned to be a unique, community-centered place that connects shopping, dining opportunities, and lifestyle entertainment elements, and offers an exceptional destination location serving both Agoura Hills and surrounding communities. As such, the proposed design for monument signage at this Center is intended to convey the message of arrival at a truly unique venue for shopping, dining, entertainment, and gathering which is quite different from most other commercial shopping centers. The location, scale, and design for these proposed signs is shown in the approved Sign Program for tenants of WMS (see page 12 and 13, Monument Signage, Sign Program for Whizin Market Square, approved November 8, 2010) which identifies the proposed “gateway” monument signs at the three main entrances to WMS: Agoura Road, Roadside Drive, and the key corner of Cornell and Agoura Roads.

Importantly, the existing Whizin’s buildings and site improvements proximate to these three gateway entrances will remain in their current configuration. However, the existing County fencing which secures and protects the Chesebro Creek flood control channel immediately adjacent and to the south of the subject property is not under the control of the Applicant, and as such will also remain in its current location on either side of the bridge crossing the flood control channel (along the Center’s entry driveway from Agoura Road), as well as facing the key intersection of Cornell Road and Agoura Road.

The Proposed Signs were specifically designed with the intent of disguising these unattractive and utilitarian, yet necessary public improvements. However, strict enforcement of the Code will not allow the Proposed Signs to be located at the entrances to WMS such that the subject property can enjoy the same privileges as other commercial shopping centers do, in the vicinity of the subject property with the same zone classification. Specifically, other shopping centers have monument signs which are designed and located to effectively communicate the message of “place identity” in keeping with the shopping center’s tenants, theme, and architecture, and which can be viewed from both approaches. In contrast, the subject property cannot enjoy these same privileges due to the special circumstance of the County flood control channel fencing and others unique to the subject property and its surroundings. A discussion of these special circumstances as they pertain to each of the project sites’ three gateway entrances follows.

Agoura Road Entrance

As identified above, the Chesebro Creek flood control channel is located between the subject property and Agoura Road, extending the length of the subject property's southern boundary. Due to this configuration of land, the Agoura Road entrance driveway must necessarily cross over the flood control channel by way of a bridge that is improved with chain link fencing. This results in the Center's entrance being set back approximately 100 feet from Agoura Road. Also, while chain link fencing is also located along both sides of the flood control channel on either side of the bridge, it is elevated at the bridge crossing due to the lower adjacent grade of the channel when compared to the bridge, and as such has the effect of making the chain link fencing across the bridge even more prominent. While this existing chain-link fencing serves the important function of protecting the public and providing security for the flood control channel, it is not aesthetically pleasing or attractive and does not present a desirable image at the entrance gateway to WMS. As such, the County chain link fencing over the bridge is a fixed element within the existing environment which overpowers and compromises the existing monument signage currently located within the driveway entrance off of Agoura Road, and as such poses a unique design constraint for renovation of the subject property. The County owns this bridge and allows the Applicant access across it by way of an easement. As such, the Applicant does not have control over the fencing located on either side of it, and cannot remove it.

With strict application of the Code, the Applicant is limited to only one (1) monument sign at each street frontage. This limitation would prevent the Applicant from disguising the existing chain link fencing on the bridge that presents a conflicting visual message. Without the ability to mask the chain link fencing on both sides of the bridge, the effectiveness and impact of the Proposed Signs would be compromised and the Applicant would be denied the privilege of monument signage that effectively communicates arrival at WMS as a unique "place" with a distinct identity.

Importantly, this same privilege of monument signage which effectively communicates the message of "place identity" in keeping with the shopping center's tenants, theme, and architecture, and which can be viewed from both approaches, is enjoyed by other shopping center properties in the vicinity with the same zone classification. Thus, the Applicant requests a Variance to permit two (2) monument signs at the Agoura Road entrance so that the County's chain link fencing can be disguised by strategically locating separate monument signs directly in front of each bridge fence, creating an entrance "gateway" icon as the identifying design element for WMS, welcoming shoppers and visitors as they pass through the "gates" and cancelling out the negative effects of the chain link fencing at this entrance. This would also result in the signage being located approximately 45 feet from Agoura Road, rather than the far greater setback distance of approximately 100 feet which presently exists. Importantly, the "gateway" would be designed as an extension of the rural character of Agoura Hills by its use of natural materials to create a wooden rail and post "fence gate," consistent with the wooden trellis

façade embellishments and architectural features on the renovated buildings and within the new Atrium area of WMS. This configuration would also allow the text of the Proposed Signs (i.e., Whizin Market Square) to be viewed from both approaches, as is the case at other shopping center properties in the vicinity with the same zoning classification. Thus, just as the architecture of a building can identify appropriate (and specific) locations for business signs, the existing limitations and issues within the built environment can also identify appropriate (and specific) opportunities for locating monument signs.

Therefore, the County flood control fencing and its impact on the effectiveness of the Proposed Signs clearly demonstrates a special circumstance applicable to the subject property relative to location and surroundings that deprives such property privileges enjoyed by other property in the vicinity and under identical zoning classification.

Roadside Drive Entrance

As identified above, existing buildings and site improvements adjacent to the Roadside Drive entrance (i.e., the Roadside Building and associated elevated pedestrian walkway on the east, and the sidewalk and veterinarian clinic on the west) will be retained in their current configuration. The current driveway width at the Roadside Drive entrance is approximately 34-feet, inclusive of the center island/raised planter separating the two lanes of traffic. The street parking along Roadside Drive is perpendicular to the street on either side of the driveway entrance to WMS. As identified above, sign regulations enacted after the current buildings and improvements were constructed limit the total number of monument signs to one (1) per each public street frontage (9655.8.B.1.d). With strict application of the Code, only one monument sign could be located at the Roadside Drive entrance to WMS, sited on either one side or the other of the driveway, or within a center island. However, none of these locations would be consistent with the design and location of the Proposed Signage at the Agoura Road entrance, which (as discussed above) is strategically located to disguise the unsightly County's chain link fencing at the flood control bridge crossing, creating an entrance "gateway" icon to cancel out the negative effects of the chain link fencing.

Yet, it is also a reasonable expectation for the design of a commercial shopping center's monument signage to be internally consistent such that the same design is presented at the different entrances, thereby communicating a unified theme and providing a visual queue of arrival at a driveway access point to the same Center. Nevertheless, strict application of the Code would limit the Applicant to one (1) monument sign at the Roadside Drive entrance, and would also preclude the Applicant from providing a unified, internally consistent design for monument signage at the renovated WMS. As such, the subject property cannot enjoy the privilege of monument signage which is unified and consistent from entrance to entrance (and therefore effective), designed and located to effectively communicate the message of "place identity" in keeping with the shopping center's tenants, theme, and architecture, and which can be viewed from both

approaches. This same privilege is available to other commercial shopping centers in the vicinity with the same zone classification.

Thus, the Applicant requests a Variance to allow: two (2) single faced monument signs located on either side of the driveway that are consistent in design and configuration with the Proposed Signs at the Agoura Road entrance. This package of Variance requests would allow the Applicant effective monument signage located on either side of the driveway, consistent with the design and location of the Proposed Signs for the Agoura Road entrance, identifying arrival at WMS as a unique "place" within the City of Agoura Hills community, and informing residents and less familiar patrons from the surrounding areas as they approach along Roadside Drive from either direction.

Further, and as identified above, Roadside Drive is configured with perpendicular parking on either side of the driveway entrance, making visibility of the driveway entrance difficult for motorists who may be unfamiliar with the Center's location as they approach from either direction along Roadside Drive. The subject property has a grade differential along its' Roadside Drive frontage which slopes from east to west, and as such, the required handicapped access ramping and associated hand railing that extends the length of the driveway is also necessarily elevated and quite visually prominent. The location and orientation of this existing feature relative to the Roadside Drive entrance presents a unique circumstance applicable to the subject property that would overshadow and greatly diminish the effectiveness of the Proposed Signs if they were constructed to a maximum height of 6-feet. By placing the Proposed Signs on either side of the driveway at the proposed height of approximately 7-feet 6-inches, in compliance with the City's minimum 5-foot setback distance and the vehicular sight distance standard, the sign's ability to effectively communicate the message of "place identity" and forewarn approaching motorists would be consistent with that of monument signage at other proximate commercial shopping centers with the same zoning.

It is noteworthy that additional sign height is needed only at the Roadside Drive entrance due to these unique circumstances of topography, location, and surroundings present at this location which prevent the subject property from enjoying the same privilege of effective signage enjoyed by other property in the vicinity and under identical zoning. Importantly, the City's requirement for a minimum driveway width of 25-feet as well as landscaping at the signs base would also be provided, contributing to the overall aesthetic character of the project.

Cornell Road Sign

As discussed previously, the chain link fencing that provides security and safety for the Chesebro Creek flood control channel is unsightly. This fencing is also provided at its crossing under the intersection of Agoura Road and Cornell Road, and faces this key intersection, which is especially relevant and noteworthy given its proximity to the renovated WMS project site and the importance of this prominent location as a gateway

for identifying the renovated WMS to this intersection, and the Agoura Village in general. While this existing chain-link fencing serves the important function of protecting the public and providing security, it is not aesthetically pleasing or attractive and does not present a desirable image. This County chain link fencing is a fixed element within the existing environment that overpowers this intersection and as such, poses a unique design constraint for locating monument signage effectively. Importantly, the existing County chain link fence is located proximate to the City right-of-way. Because the fencing is owned by the County, the Applicant does not have control over it and cannot remove it. However, as previously discussed, the fencing presents an eyesore at this important intersection which conflicts with the visual message of a renovated and modernized WMS just north of this intersection. Thus, the Applicant proposes to locate a single monument sign directly in front of the flood control channel fence to mask its appearance and effectively communicate the message of arrival at WMS as a unique "place" with a distinct identity. This location would also allow the Applicant to present a unified theme consistent with the design of the Proposed Signs for both the Agoura Road entrance and the Roadside Drive entrance.

However, strict application of the Code requires the Proposed Sign to be located a minimum of 5-feet from Cornell Road, yet due to its proximity to the adjacent City right-of-way, the remaining space available within which to locate the monument sign is not sufficient to both locate the sign and provide the required minimum 5-foot setback from the public right-of-way. As such, it is not possible to provide the required 5-foot setback from Cornell Road and still locate the Proposed Sign in front of the unsightly chain link fencing. To locate the Proposed Sign on either side, but not in front of, the flood control channel would leave an unsightly element of exposed chain link fencing facing the intersection of Agoura Road and Cornell Road, thereby compromising and conflicting with the effectiveness and impact of Proposed Signs for the renovated WMS. It would also deny the subject property the privilege of monument signage which is designed and located to effectively communicate the message of "place identity" in keeping with the shopping center's tenants, theme, and architecture, and which can be viewed from both approaches, as other commercial shopping centers in the vicinity of the subject property with the same zoning classification enjoy.

As such, the Applicant requests a Variance to allow the Proposed Sign to observe a zero (0) foot setback, from the adjacent public right-of-way (i.e., property line). This request would allow the Applicant the same privilege of monument signage designed and located to effectively communicate the message of "place identity," as is enjoyed by other similarly zoned property in the vicinity. Importantly, the Applicant will also attempt to comply with the City's requirements for landscaping at the signs base, by requesting approval of such landscaping as a part of the request to locate the Proposed Sign on County property. However it should be noted that any such landscaping would be subject to the discretionary approval of the County of Los Angeles.

Thus, the constraint imposed by inadequate space between the existing flood control channel fencing and the Cornell Road public right-of-way, and the impact of the unsightly County flood control fencing on the effectiveness of the Proposed Signs, clearly demonstrates the special circumstances applicable to the subject property relative to location and surroundings that deprives such property privileges enjoyed by other property in the vicinity and under identical zoning classification.

2. **That the granting of the Variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated.**

As identified in the above justification (#1) and shown on the Plans, the Applicant requests two (2) monument signs at the Agoura Road entrance and the Roadside Drive entrance in lieu of the one (1) permitted for each frontage, and the height of monument signs at the Roadside Drive entrance to exceed 6-feet in. The Applicant also requests that the monument sign adjacent to Cornell Road at its intersection with the flood control channel be permitted a zero (0) foot setback from this public right-of-way. In the case of the requested additional monument signs at Agoura Road and Roadside Drive, the Applicant's request would not result in any additional sign area than would otherwise be allowed with strict application of the Code. This is because the Code limits each monument sign to a maximum of 48 square feet in sign area, but specifically excludes the second face of a double-faced (back-to-back) sign (as well as the support structure) from the calculation of sign area. Thus, with strict application of the Code the Applicant would be allowed a single sign which is double-faced, having a total sign area of up to 48 square feet on each side, or a maximum of 96 square feet between the two sides (i.e., 48 square feet maximum allowable sign area + 48 square feet of excluded sign area on the second face).

The Applicant's Proposed Signage at each of the entrance driveways would actually provide a total of approximately 88 square feet of sign area between two monument signs, or less than the maximum allowable sign area of 96 square feet allowed between the two sides of a monument sign. However, different from a single monument sign which is double-faced, the Applicant proposes two separate single-faced monument signs (i.e., no back) that face each other across the entrance driveways at Agoura Road and Roadside Drive. This configuration of two (facing) single-faced monument signs would allow the signs to be viewed from either approach, affording the Applicant the same benefit of sign face exposure to motorists and pedestrians approaching from either direction, as would be experienced with one (1) double-faced sign.

This request is a reasonable and appropriate solution which is commensurate to the nature of the privilege denied the subject property (i.e., effective monument signage) due to the special circumstances explained in the above justification (#1). It is also necessary to bring parity between the privileges enjoyed by other properties in the vicinity and zone in which the subject property is located, and those enjoyed by the subject property. It does

not grant a special privilege beyond the scope or extent of the denied privilege, as the Variance will simply allow the same sign area permitted by the Code to be presented in two separate locations as opposed to a single location. Further, the Variance will allow the signs to be viewed from both approaches, which is what the Code would allow. Thus, the requested Variance to allow two (2) monument signs at the Agoura Road entrance and the Roadside Drive entrance in lieu of the one (1) permitted for each frontage, will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated.

With regard to the additional height of the Proposed Signs at the Roadside Drive entrance, it is necessary to achieve parity with signage of other properties in the vicinity with the same zone that are not similarly burdened. Specifically, the increased height will compensate for the loss in the signs effectiveness due to the existing handicapped access ramping and associated handrail that dominates and defines the entire eastern side of the Roadside Drive entrance. It would also allow the Proposed Signs to be effective, and not overshadowed by the extent and scale of existing site improvements immediately adjacent to this entrance driveway (identified and discussed above). As such, the additional sign height is necessary to bring parity between the subject property and other properties in the vicinity and zone in which the subject property is situated which are not similarly burdened, and would not result in a grant of special privileges. As explained above, the location of the Proposed Signs on either side of the Roadside Drive entrance is necessary to achieve consistency with the design of the Proposed Signs at the Agoura Road entrance drive. Without the additional height, they would be largely ineffective due to the height, scale and massing of the immediately adjacent handicapped access ramping.

The Applicant has also requested a Variance to locate monument signage with a zero (0) foot setback from the public right-of-way (Cornell Road) at its intersection with the flood control channel. This Variance would allow the Applicant to mask the existing unsightly County chain link fencing at the flood control channel's intersection with Cornell Road by locating the Proposed Signage directly in front of it. This Variance request would also allow the Proposed Signage at the Roadside Drive entrance to be consistent with the Proposed Signage at both the Agoura Road entrance and the Roadside Drive entrance (i.e., creating a "gateway entrance"). This request is a reasonable and appropriate solution which is commensurate to the nature of the privilege denied the subject property (i.e., effective monument signage) due to the special circumstances explained in the above justification (#1). It is also necessary to bring parity between the privileges enjoyed by other properties in the vicinity and zone in which the subject property is located, and those enjoyed by the subject property. It does not grant a special privilege beyond the scope or extent of the denied privilege as the Variance will simply allow the Proposed Signs to mask the existing unsightly County chain link fencing, and to be located consistently at the entrances to WMS. Importantly, landscaping can be provided at the base of the Proposed Signs at Cornell Road (subject to County of Los Angeles approval, and approval of an encroachment permit from the City), and also at the Roadside Drive

entrance, thereby contributing to the overall aesthetic character of the project. It must be noted however, that landscaping cannot be provided at the base of the Proposed Signs to be located on the County's bridge over the flood control channel at the Agoura Road entrance.

Therefore, based on the information provided, the requested Variance to allow two (2) monument signs at the Agoura Road entrance and the Roadside Drive entrance in lieu of the one (1) permitted for each frontage, to allow the height of the Roadside Drive signs to exceed 6-feet, and to observe a zero (0) foot setback from the public right-of-way (Cornell Road) at its intersection with the flood control channel, will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated.

3. **That the strict interpretation and enforcement of the provisions of the Zoning Ordinance would result in practical difficulty or unnecessary hardship inconsistent with the objectives of the Zoning Ordinance.**

The general purpose and intent of the zoning regulations associated with the provision of signs is to provide standards for the construction of appropriate business signs which provide adequate identification while preserving and enhancing the character and visual quality of the City of Agoura Hills. Consequently, said regulations seek to protect the surrounding community from the negative impacts associated with inappropriate and poor sign design. Given the adopted sign regulations which limit commercial centers larger than two (2) acres with frontage on two (2) or more streets to one (1) sign per street frontage, limit the maximum height of monument signs to 6-feet, and require monument signs to be located a minimum of 5-feet from public rights-of-way, strict application of the Zoning Ordinance would result in unnecessary hardship inconsistent with the objectives of the Zoning Ordinance. A discussion of these practical difficulties and unnecessary hardships as they pertain to each of the project sites' three gateway entrances follows.

Agoura Road Entrance

Strict application of the Zoning Ordinance at the Agoura Road entrance would likely result in one (1) monument sign at the Agoura Road entrance, located generally in the same location where the existing Whizin Center monument sign is located. This limitation would prevent the Applicant from disguising the unattractive existing chain link fencing on the bridge over the County flood control channel that presents a conflicting visual message. Without the ability to mask this unsightly chain link fencing on both sides of the bridge, the effectiveness and impact of the one (1) monument sign would be compromised and the Applicant would be denied the privilege of monument signage that effectively communicates arrival at WMS as a unique "place" with a distinct identity. This result would pose an unnecessary hardship inconsistent with the purpose and intent of the Zoning Ordinance. Further, the Applicant would not be able to locate monument signage where it would best support and promote the renovated WMS from

the Agoura Road entrance. As previously stated, location of the Proposed Signs on the bridge over the flood control channel would best facilitate identification of WMS to patrons who are unfamiliar with the area, when compared to the likely (i.e. further setback) location resulting with the strict application of the Code. As such, the strict application of the Zoning Ordinance would result in an unnecessary hardship inconsistent with Zoning Ordinance's purpose and intent to promote fairness in competition, and safeguard public welfare.

Further, strict application of the Zoning Ordinance would also deny the Applicant the privilege of using consistent and unified monument signage featuring the recognizable "gateway" icon at the entrances to the renovated WMS which, as previously stated, is a reasonable expectation for commercial shopping centers. This result would be inconsistent with the objectives of the Zoning Ordinance and cause an unnecessary hardship and undue burden that is unreasonable and disproportionate to the nature of the Applicant's request.

As previously discussed, the Proposed Signs would accomplish the purposes of the Zoning Ordinance sign regulations in that the additional monument sign at the Agoura Road entrance would not grant the Applicant any additional sign area than would otherwise be allowed with strict application of the Code, and would preserve and enhance the unique character and visual appearance of the City by masking the unsightly County chain link fencing on both sides of the entrance driveway at the flood control channel crossing, consistent with the purpose and intent of the sign regulations. As such, and given the existence of the special circumstances identified above, a legitimate government purpose would not be served by the strict application of the Zoning Ordinance.

Roadside Drive Entrance

Strict application of the Zoning Ordinance would result in location of a single Proposed Sign either in the undesirable space on either side of the driveway, or in a center island. Regardless, in either instance, the strict application of the Zoning Ordinance would allow only a single monument sign to be constructed at the Roadside Drive entrance. This result would be highly undesirable and inconsistent with both the Applicant's approved renovation plan as well as the approved sign plan for tenants of WMS, and would be an inferior method of identifying the driveway entrance location to approaching motorists unfamiliar with the area, when compared with the enhanced configuration of the Proposed Signs. Moreover, the perpendicular parking along the Roadside Drive frontage further limits the visibility of the entrance driveway making the signage even more important as a means of identification, as well as for public safety purposes. The strict application of the Zoning Ordinance would also deny the Applicant the privilege of using consistent and unified monument signage featuring the recognizable "gateway" icon. This result would be inconsistent with the objectives of the Zoning Ordinance and cause an unnecessary hardship and undue burden that is unreasonable and disproportionate to

the nature of the Applicant's request. In either case, with the strict application of the Code, the subject property would be denied the privilege of presenting a unified design statement in monument signage at similarly configured entrances which, as previously stated, is a reasonable expectation for commercial shopping centers.

As previously discussed, the Proposed Signs would accomplish the purposes of the Zoning Ordinance sign regulations in that the additional monument sign at the Roadside entrance would not grant the Applicant any additional sign area than would otherwise be allowed with strict application of the Code, and landscaping at the base of the supporting structure (where possible) would be provided consistent with the intent of the sign regulations. As such, and given the existence of the special circumstances identified above, a legitimate government purpose would not be served by the strict application of these Sections of the Code.

As identified above, the requested additional sign height is necessary to balance the height and nature of the elevated handicapped access ramping/walkway and associated handrail which extends the length of the driveway at the Roadside Drive entrance. This ramping appears as a solid concrete mass which is elevated significantly above the driveway, allowing for pedestrian access to the Roadside Drive retail shops. It is also fitted with hand railing projecting above, alongside the ramp. Without the requested additional height, the monument sign would be unfairly limited to 6-feet in height, which does not take into consideration this elevation difference between the entrance driveway and the adjacent handicapped access ramping structure. Such strict interpretation of the Code would unnecessarily limit the sign's ability to be located such that the elevated handicapped access ramping and hand railing is softened and balanced with the surrounding improvements, while locating the signs lettering consistent with and proportional to the other Proposed Signs for WMS. Without the requested variance, the overall height of the Proposed Signs at Roadside Drive would be unnecessarily restricted in a manner inconsistent with the objectives of the Zoning Ordinance.

Cornell Road Sign

Strict application of the Zoning Ordinance would result in one (1) monument sign located a minimum of 5-feet from the Cornell Road public right-of-way, but not in front of the unattractive County chain link fence which faces the intersection of Cornell Road and Agoura Road. This limitation would prevent the Applicant from disguising the unattractive chain link fencing which presents a conflicting visual message. Without the ability to mask this unsightly chain link fencing, the effectiveness and impact of the one permitted (1) monument sign would be compromised and the Applicant would be denied the privilege of monument signage that effectively communicates arrival at WMS as a unique "place" with a distinct identity. This result would pose an unnecessary hardship inconsistent with the purpose and intent of the Zoning Ordinance. Further, the Applicant would not be able to locate monument signage where it would best support and promote the renovated WMS from the intersection of Cornell Road and Agoura Road, and as such

the strict application of the Zoning Ordinance would result in an unnecessary hardship inconsistent with Zoning Ordinance's purpose and intent to promote fairness in competition.

As previously discussed, the Proposed Signs would accomplish the purposes of the Zoning Ordinance sign regulations in that locating the monument sign in front of the unsightly County chain link fencing, and thus observing a zero (0) foot setback from the public right-of-way (i.e., Cornell Road), would help to preserve and enhance the unique character and visual appearance of the City by masking the unsightly County chain link fencing located at the flood control channel's crossing under the intersection of Cornell Road and Agoura Road. As such, and given the existence of the special circumstances identified above, a legitimate government purpose would not be served by the strict application of the Zoning Ordinance.

4. **That the granting of the Variance will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements of the aesthetic value in the vicinity.**

The granting of the requested Variance will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements of the aesthetic value in the vicinity. As described in the Project Overview/Request, the Proposed Signs will each have a sign area of approximately 38.12 square feet, a supporting base "gate" structure of approximately 31 feet 7 inches to 35 feet 10 inches in length (depending on location), and an overall height of between 5-feet 3-inches and 7-feet 6-inches (depending upon location). Their location at the Agoura Road entrance and the Roadside Drive entrance will be facing each other across the entrance driveway, set back from the adjacent public roadway consistent with the minimum 5-foot setback requirement, making them readily visible to motorists and pedestrians traveling in either direction along the project's three frontage streets and in conformance with the City's standard for vehicular sight distance. The requested additional 1-foot 7-inches in height of the Roadside Drive signs will be appropriate to the scale of the adjacent improvements and retail buildings, and will not rise to a height which would be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements. Low intensity external illumination will also be provided for nighttime visibility of all Proposed Signage. The Proposed Signs located at the Roadside Drive entrance and the Agoura Road entrance will be set back at least 5-feet from the public right-of-way, and in conformance with the City's standard for vehicular sight distance.

The Proposed Signs' location on either side of the entrance driveways at the Agoura Road and Roadside Drive entrances, and at the key intersection of Cornell Road and Agoura Road, is intended to create the appearance of open gates, welcoming shoppers and visitors as they pass through the "gates." Their location at the Agoura Road and Roadside Drive entrances will allow adequate space to ensure the safe passage of vehicles and pedestrians as they enter and exit WMS.

Ample space for landscaping is provided at the base of the Proposed Signs at the Roadside Drive entrance, consistent with the requirements of the Code. As previously stated, because the Proposed Signs at the Agoura Road entrance will be located across the County's flood control bridge, no landscaping can be provided at their base. With regard to the Proposed Sign located on County property at the key intersection of Cornell Road and Agoura Road, the Applicant will request the County's approval of landscaping at the base, consistent with the City's requirement. However, the Applicant cannot guarantee approval. The City's minimum driveway width of 25-feet will also be provided, ensuring adequate space for passenger and emergency vehicle access to WMS. The Proposed Sign's location less than 5-feet from the public right-of-way at Cornell Road is not anticipated to be detrimental to public safety as the Proposed Signs' location will allow for the safe passage of pedestrians adjacent to Cornell Road. As such, pedestrian/vehicle conflicts are not anticipated.

With regard to the aesthetics of the Proposed Signs and their effect on properties and improvements in the area, the design of the proposed Signs is intended to create an entrance "gateway" icon as the identifying design element for WMS, welcoming shoppers and visitors as they pass through open "gates." Importantly, the "gateway" would be designed as an extension of the rural character of Agoura Hills by its use of natural materials to create a wooden rail and post "fence gate," and consistent with the wooden trellis façade embellishments and architectural features on the renovated buildings and within the new Atrium area of WMS. The sign text, mounted in the center of the wooden support structure, will identify the renovated Center's new name "Whizin Market Square". Locating this "gateway" icon at each of WMS's three frontages is intended to establish a distinct identity for the renovated Center. As such, the granting of the Variance will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements of the aesthetic value in the vicinity.

5. That the granting of the Variance will be consistent with the character of the surrounding area.

The granting of the Variance will allow two (2) monument signs for the Agoura Road frontage, two (2) for the Roadside Drive frontage at a height of approximately 7-feet 6-inches, and the Cornell Road monument sign to be located less than 5-feet from the adjacent public right-of-way, enabling creation of the entrance "gateway" icon as previously described. The "gateway" would be designed as an extension of the rural character of Agoura Hills by its use of natural materials to create a wooden rail and post "fence gate," and consistent with the wooden trellis façade embellishments and architectural features on the renovated buildings and within the new Atrium area of WMS. The Proposed Signs allowed by the Variance would also convey a sense of the natural environment by their use of natural wood materials to construct the entrance "gateway" icon in keeping with rural Agoura Hills. The Variance as described above would also be consistent with the rural character of the surrounding area including the

open space areas adjacent to the Chesebro Creek flood control channel which are landscaped, and which provide important linkages for bicyclists and equestrians. As monument identification signs, the design, materials, and orientation of the Proposed Signs will be consistent with the built environment along Cornell Road and Agoura Road, key focal points within the Agoura Village which includes the existing Regency Cinema Center and the Agoura Village Center, as well as the recently approved mixed use project (at the southeast corner of Agoura Road and Cornell Road). Thus, the granting of the requested Variance will be consistent with the character of the surrounding area.

Component B

- 1. That because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.**

Special circumstances applicable to the subject property deprive such property of privileges enjoyed by other property in the vicinity and under identical zoning classification, given strict application of the Zoning Ordinance. The subject WMS building identified on the attached Site Plan has a natural orientation to Cornell Road which is located less than 100 feet to the west, yet this same building also has significant (i.e., approximately 152 feet) frontage facing Roadside Drive. By virtue of its size, parallel orientation, and setback distance (i.e., greater than 100 feet) from Roadside Drive, it too presents a natural opportunity for identity and relationship with this adjacent public right-of-way in a manner consistent with "primary" frontage, and the intent of the Sign Ordinance for such locations. Yet because the sign ordinance, and more specifically the adopted sign program, does not anticipate the unique circumstances of the instant case, no signage is permitted anywhere on this building frontage facing Roadside Drive, while other buildings similarly configured (i.e., greater than 100 feet from a right-of-way) with "primary" frontage (see Section 9655.8.B.1.b.), and buildings with a public entrance on both frontages (see Section 9655.8.B.1.j) can readily take advantage of the additional sign allotment afforded them. Again, as previously mentioned, "primary" frontage was not established when the Sign Program for WMS was approved.

As can be seen on the attached Site Plan, the building frontage facing Roadside Drive is set back greater than 100 feet from this public right-of-way. Yet with strict application of the Code, no wall signage is permitted on this building frontage, and therefore, this north elevation facing Roadside Drive will appear as a blank flat building wall to motorists traveling in either direction on Roadside Drive. This result presents the clear and certain opportunity to give purpose to the subject blank building frontage in a manner consistent with the privilege of signage enjoyed by other buildings with "primary" frontage located at least 100 feet from a right-of-way, or with frontage on 2 or more streets. Specifically, the Code permits buildings located more than 100 feet from any public right-of-way "...one (1) square foot of sign area for each foot of primary building frontage (or tenant space frontage) ...not to exceed seventy (70) square feet." (Section 9655.8.B.1.b.).

Buildings with a public entrance and frontage on two or more streets are also permitted separate signage of varying size for each frontage (Section 9655.8.B.1.j.). Yet Hugo's Restaurant is denied this same privilege of separate signage for each building frontage.

Given that neither the Zone Code nor the adopted sign program anticipated the instant circumstance of building configuration and proximity to adjacent public rights-of-way, and in the absence of defined "primary" frontage, the instant case poses an opportunity to create appropriate visual interaction with the facing public right-of-way, thereby allowing signage that provides adequate identification and gives purpose to the subject blank building frontage in a manner consistent with privilege of signage enjoyed by other buildings with "primary" frontage located at least 100 feet from a right-of-way, or having frontage on 2 or more streets, and in a manner which would be consistent with the goals established by the City in approving the WMS renovation project, as well as purposes and intent of the sign ordinance.

2. **That the granting of the Variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated.**

The granting of the requested Variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated. The thrust of the Applicant's requests is to ask that the City acknowledge the unique circumstances of the subject building relative to the objectives and purposes of the sign ordinance, the approved Sign Program, and the overall goal of the WMS renovation project approved by the City. Specifically, the Applicant desires to locate a wall sign for Hugo's Restaurant on the building frontage facing Roadside Drive, a public right-of-way more than 100 feet to the north, thereby giving a purpose to this blank expanse of building wall in a manner consistent with the goals and objectives of the Specific Plan, the Sign Ordinance, and the adopted sign program. As presented above, other buildings similarly located, but with "primary" frontage, are permitted an aggregate sign area of up to 70 square feet, while buildings with a public entrance and frontage on two or more streets are permitted separate signage of varying size for each frontage. As such, the requested Variance is necessary to achieve parity with these other buildings envisioned by the Code whose combination of location and public entrance points allows them to enjoy the benefits of additional signage on a second building frontage, and which are not similarly burdened by the unique circumstances of the subject building. Further, and as stated in the introduction, it is our opinion that a Zone Variance is not required for the additional 23.83 square feet of sign area, as the requested wall sign together with the existing permitted 47.0 square foot "Hugo's Restaurant" dormer sign facing Cornell Road (a combined total of 70.83 square feet) would appear to be permitted by the City's Sign Ordinance. Therefore, granting the requested Variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated.

3. That the strict interpretation and enforcement of the provisions of the Zoning Ordinance would result in practical difficulty or unnecessary hardship inconsistent with the objectives of the Zoning Ordinance.

The strict interpretation and enforcement of the provisions of the Zoning Ordinance would result in practical difficulty and unnecessary hardship inconsistent with the objectives of the Zoning Ordinance. The unique circumstance of the Hugo's Restaurant building frontage on Roadside Drive was not anticipated by the provisions of the Sign Ordinance or the adopted sign program and results in the very real practical difficulty of not permitting the Applicant to locate appropriate signage which is consistent in theme and materials with the other signage approved for the renovated WMS, on the Hugo's Restaurant's building frontage facing Roadside Drive. The result is that the building frontage will present as a blank building wall facing onto Roadside Drive, an outcome not anticipated and which certainly represents a missed opportunity to create appropriate and intentional interaction with motorists traveling on the public right-of-way. As a result, the Applicant is denied the ability to enjoy the benefits of signage otherwise enjoyed by other buildings similarly located, but denied to the Applicant because of the unique WMS building configuration and juxtaposition relative to adjacent public rights-of-way in a manner that was not anticipated by the Sign Ordinance, and in absence of defined "primary" frontage in the adopted sign program. Clearly, the length of this frontage and the expanse of blank wall it would present along Roadside Drive presents the kind of location where the purposes of the sign ordinance can be appropriately fulfilled. Yet, due to the special circumstances presented above, the additional sign that would otherwise be afforded to Hugo's Restaurant is not permitted. This outcome poses a hardship on the Applicant, and directly conflicts with the stated purposes and intent of the sign ordinance, namely:

- Promote fairness in competition and retain identity in the business community while recognizing the importance of well designed business signs (Section 9655.D) and;
- Support and promote viable businesses by allowing signage that provides adequate identification while promoting and enhancing the quality of the visual environment of the City (Section 9655.L).

As such, the strict interpretation and enforcement of the provisions of the Zoning Ordinance would result in practical difficulty or unnecessary hardship inconsistent with the objectives of the Zoning Ordinance.

-
4. **That the granting of the Variance will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements of the aesthetic value in the vicinity.**

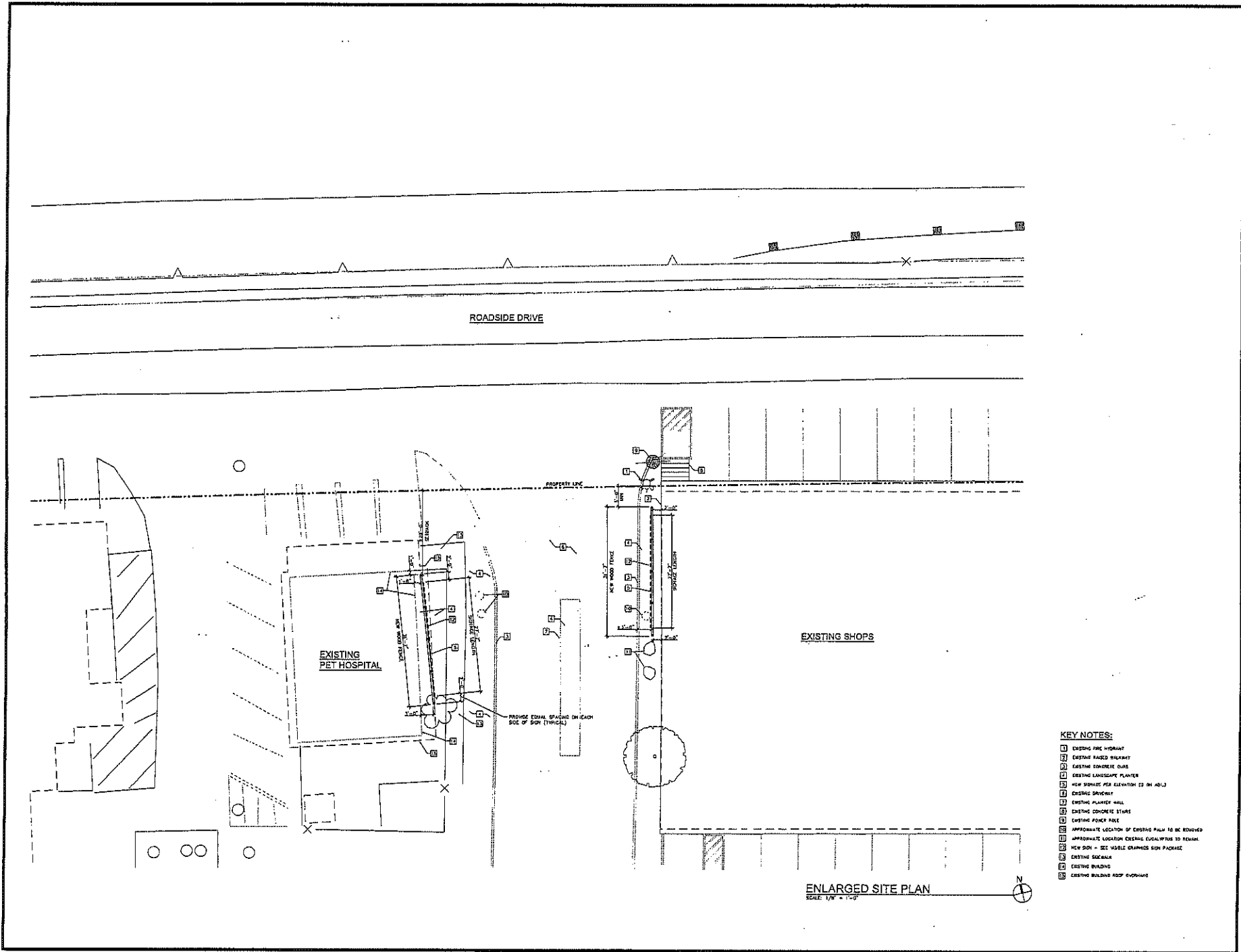
The granting of the requested Variance will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements of the aesthetic value in the vicinity. No hazard is created by the requested signage. Further, to the extent that motorists traveling north and south on Roadside Drive would be alerted as to the location of Hugo's Restaurant earlier rather than later, (as would be the case without the requested sign), the overall traffic safety in the general area would be enhanced given the additional certainty of this destination's location, communicated by the requested sign. The tasteful design, consistent in materials and theme with the approved Sign Program for WMS, assures compatibility with the overall aesthetic qualities created by approved signage for the renovated Center. Specifically, the sign face would be identical to the existing approved dormer sign currently located on the building frontage that faces Cornell Road, while the sign area would cover approximately half the space (i.e., 23.83 square feet, as opposed to the existing 47.0 square foot dormer sign). Materials used for the word "Hugo's" in the sign include aluminum face lettering painted hunter green, a lexan back for halo illumination, and white LED module fixed to the back of letters; materials used for the word "Restaurant" include aluminum letters painted hunter green and stud mounted to the building wall. As such, granting the requested Variance will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements of the aesthetic value in the vicinity.

5. **That the granting of the Variance will be consistent with the character of the surrounding area.**

The granting of the Variance will allow one 23.83 square foot wall sign installed on the upper portion of the Hugo's Restaurant building frontage facing onto Roadside Drive. As identified in the above discussion, the design of the requested wall sign will be consistent with, and with the exception of size, will be identical to the existing approved "Hugo's Restaurant" dormer sign currently installed on the WMS building frontage facing Cornell Road. While just half the size of this approved sign, the requested sign's location will serve to give purpose to the blank building frontage facing Roadside Drive in a manner consistent with the scale, materials and theme established for signage permitted by the approved Sign Program for the renovated WMS. As such, and by extension, the requested wall sign will also be consistent with the built environment along Roadside Drive and Cornell Road, key circulation features within the Agoura Village. Thus, and by virtue of the requested sign's consistent design, scale, and identity-giving purpose in the requested location, the granting of the Variance will be consistent with the character of the surrounding area

###

EXHIBIT D-1



ENLARGED SITE PLAN
SCALE 1/4" = 1'-0"

- KEY NOTES:**
- 1 EXISTING FIRE HYDRANT
 - 2 EXISTING RASSED WALKWAY
 - 3 EXISTING CONCRETE CURB
 - 4 EXISTING LANDSCAPE PLANTER
 - 5 NEW SIGNAGE PER ELEVATION 22 ON 401-3
 - 6 EXISTING DRIVEWAY
 - 7 EXISTING PLANKER HALL
 - 8 EXISTING CONCRETE STAIRS
 - 9 EXISTING FENCE POLE
 - 10 APPROPRIATE LOCATION OF EXISTING FENCE TO BE REMOVED
 - 11 APPROPRIATE LOCATION EXISTING EUCALYPTUS TO REMOVE
 - 12 NEW SIGN - SEE USABLE GRAPHICS SIGN PACKAGE
 - 13 EXISTING SIDEWALK
 - 14 EXISTING BUILDING
 - 15 EXISTING BUILDING ROOF OVERHANG

REVISIONS	

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ACCORNA HILLS, CA

WHIZZIN'S
MONUMENT SIGNAGE

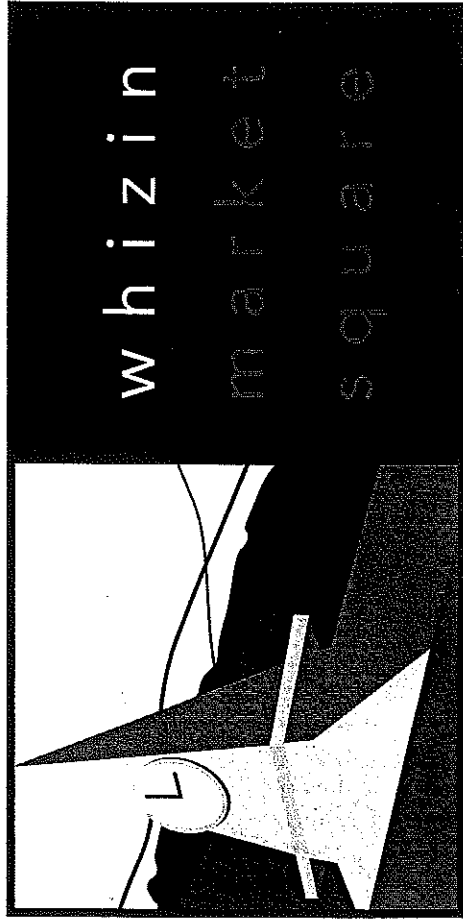
2912 ROADSIDE DRIVE



Heathcote & Associates
Architecture
1386 Willow Lane
Westlake, CA 91361
California Suite 200
Phone 805-497-4700

DATE: MARCH 2011
JOB NO: 1810 SITE SIGNAGE
SHEET: AD1.1.2
ENLARGED SITE PLAN

EXHIBIT D-2



WHIZIN MARKET SQUARE MONUMENT SIGNAGE

AGOURA HILLS, CA
June 19, 2012

NATIONAL SIGN FABRICATION,
PROJECT MANAGEMENT AND DESIGN

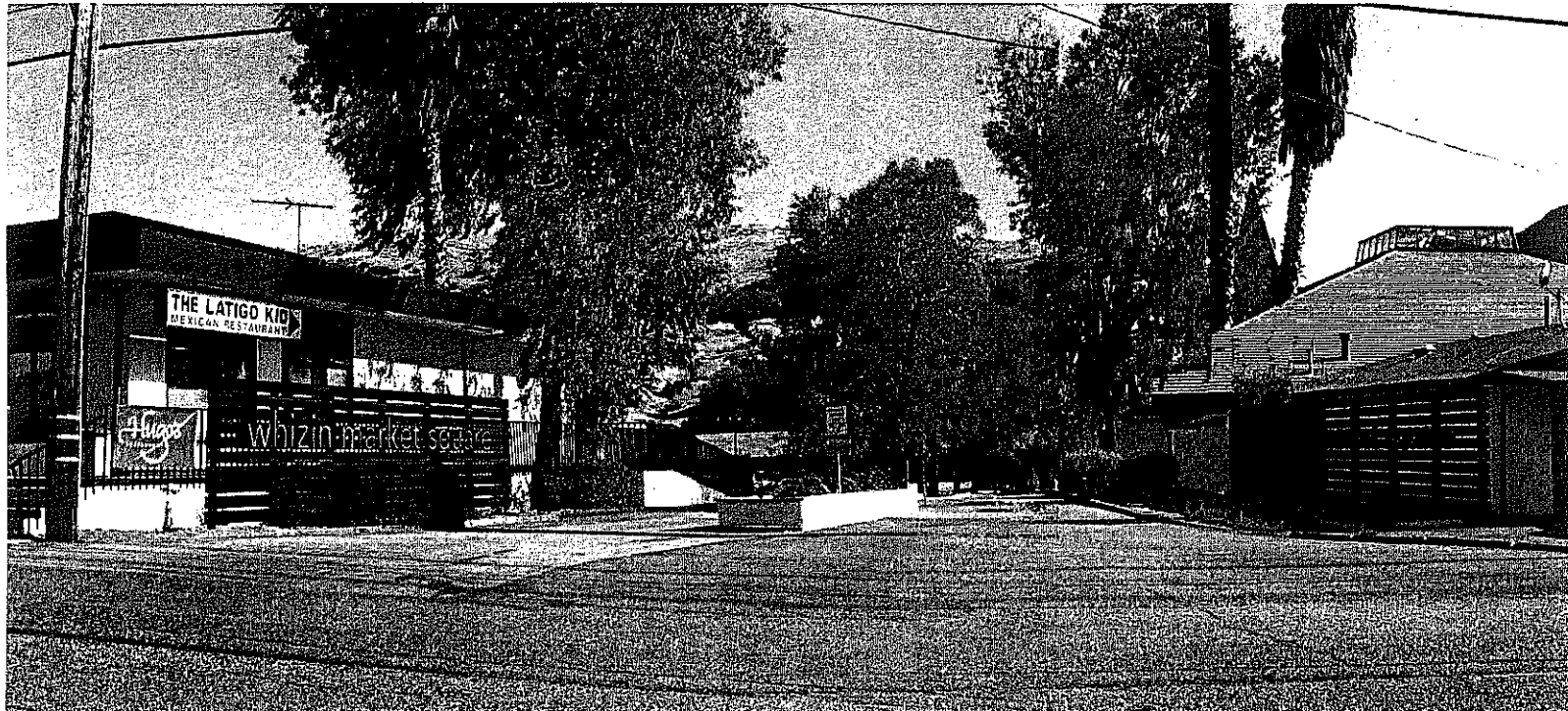


8943 Fullbright Avenue, Chatsworth, California 91311
T 800.525.5510 F 818.787.0416 www.visiblegraphics.com

Whizin Market Square

Site Plan

Monument Signage- @ Roadside



VISIBLE GRAPHICS
NATIONAL SIGN FABRICATION,
PROJECT MANAGEMENT AND DESIGN



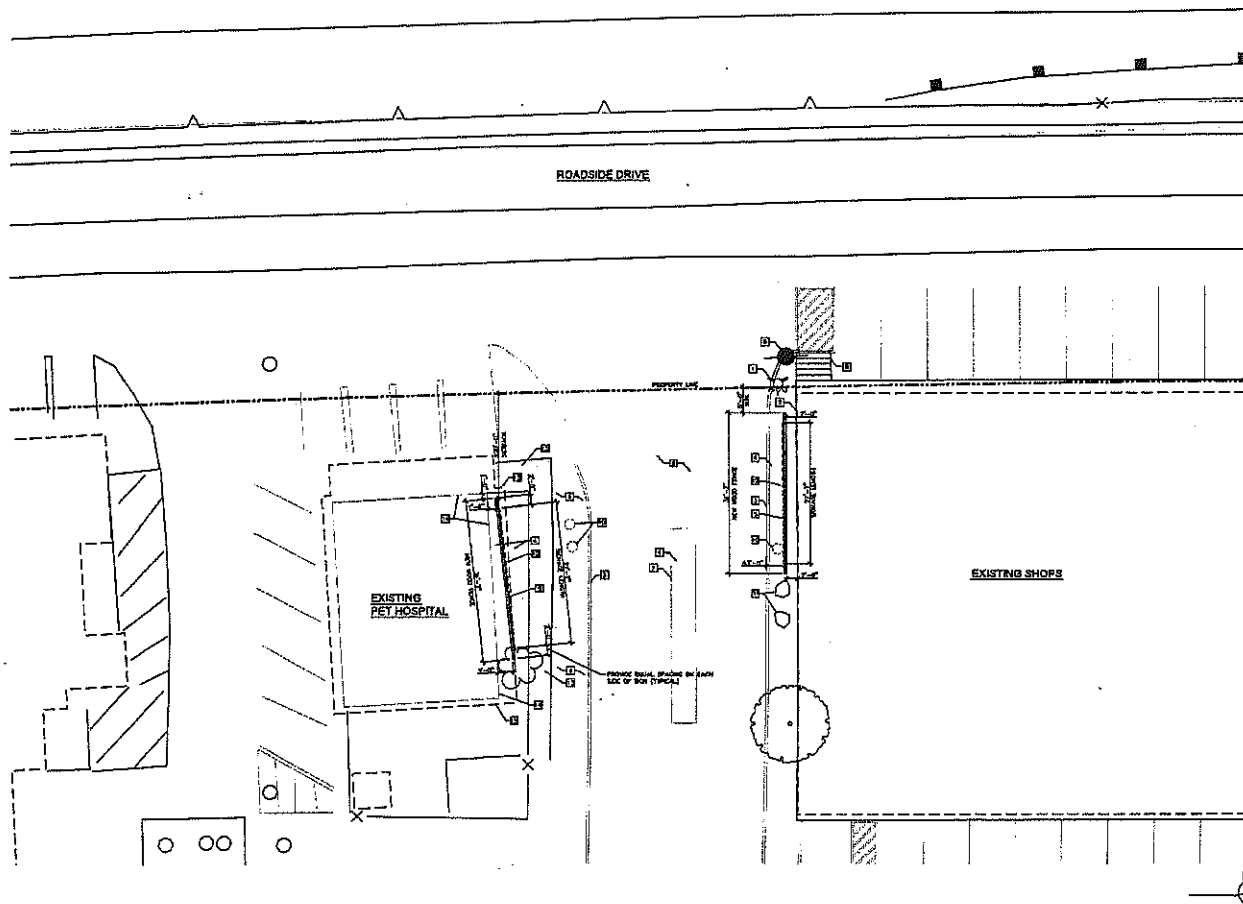
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Whizin Market Square

Site Plan

Monument Signage- @ Roadside



VISIBLE GRAPHICS
NATIONAL SIGN FABRICATION,
PROJECT MANAGEMENT AND DESIGN



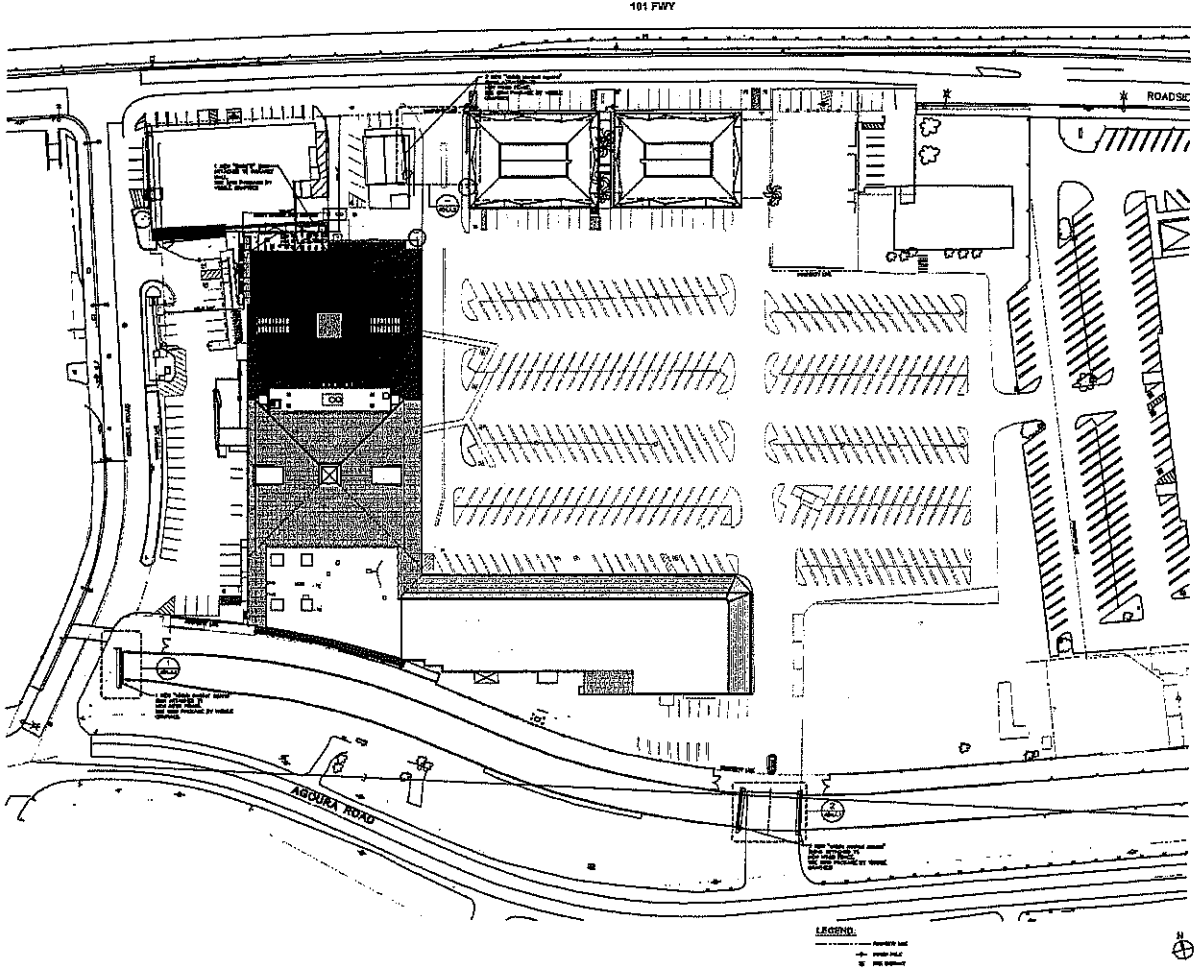
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WHIZIN MARKET SQUARE

Site Plan

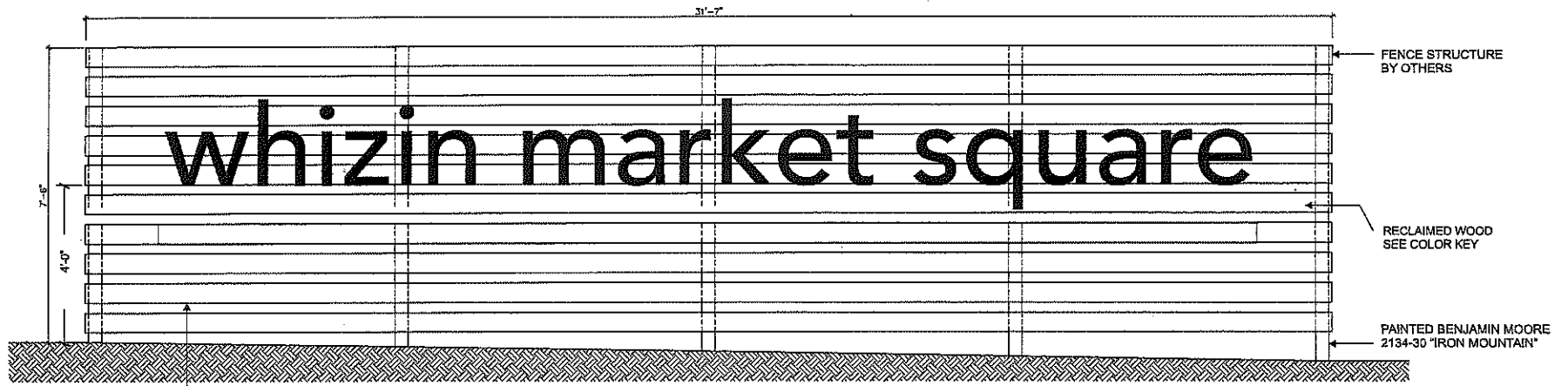
Monument Signage- @ Roadside



WHIZIN MARKET SQUARE

Signage Details

Monument Signage- @ Roadside



NEW WOOD FENCE ELEVATION AT ROADSIDE DRIVE

SCALE: 3/8"=1'-0"

LIGHT BOX TO BE CLAD WITH RECLAIMED WOOD ON FACE ONLY. EXTEND 6"x6" LIGHT BOX 1 1/2' PAST END OF COPY. ILLUMINATION TO BE FLORESCENT UP-LIGHTING



RECLAIMED WOOD

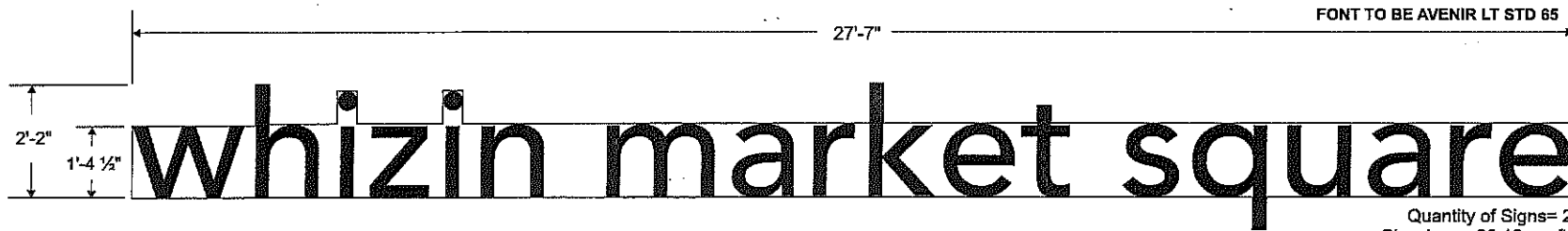


PMS 377C



BENJAMIN MOORE
2134-30 IRON MOUNTAIN

SEE SIDE VIEW DETAILS ON PAGE 7



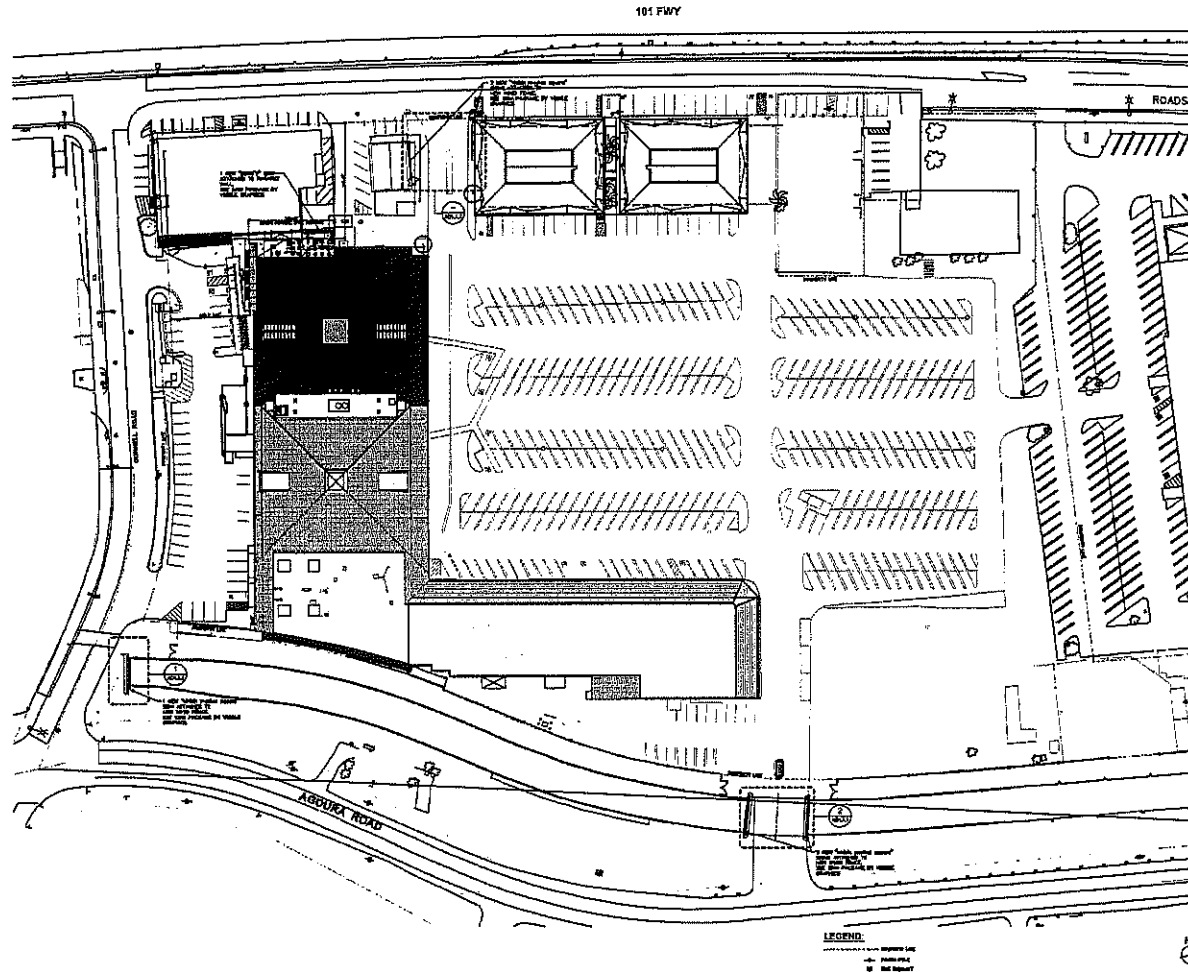
Quantity of Signs= 2
Sign Area= 38.12 sq. ft.



WHIZIN MARKET SQUARE

Site Plan

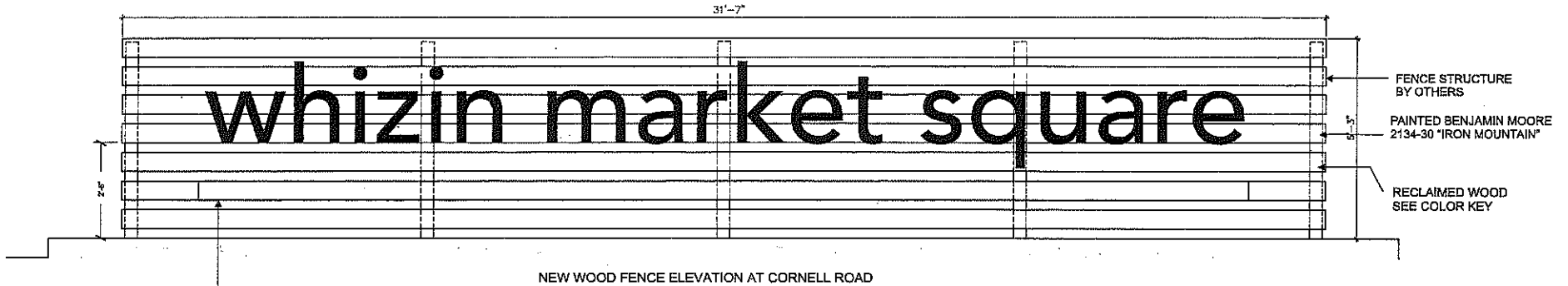
Monument Signage- @ Cornell Road



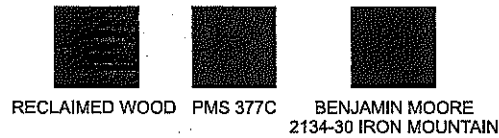
WHIZIN MARKET SQUARE

Signage Details

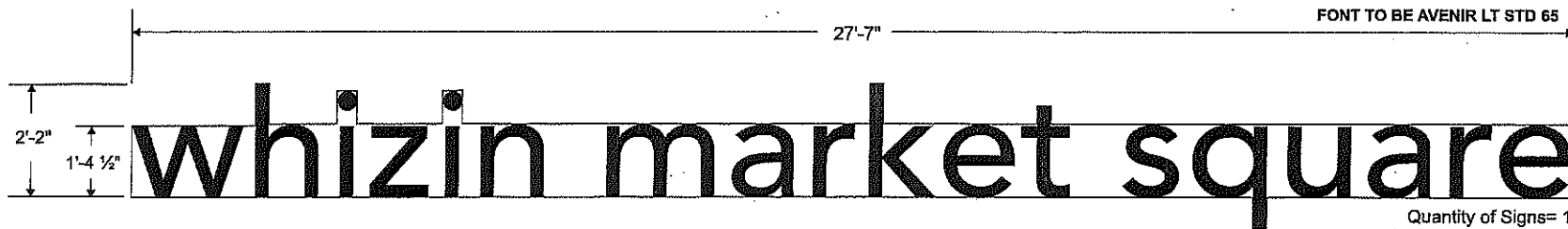
Monument Signage- @ Cornell Road



LIGHT BOX TO BE CLAD WITH RECLAIMED WOOD ON FACE ONLY. EXTEND 6"X6" LIGHT BOX 1 1/2" PAST END OF COPY. ILLUMINATION TO BE FLORESCENT UP-LIGHTING

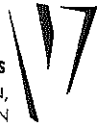


SEE SIDE VIEW DETAILS ON PAGE 7



Quantity of Signs= 1
Sign Area= 38.12 sq. ft.

VISIBLE GRAPHICS
NATIONAL SIGN FABRICATION,
PROJECT MANAGEMENT AND DESIGN



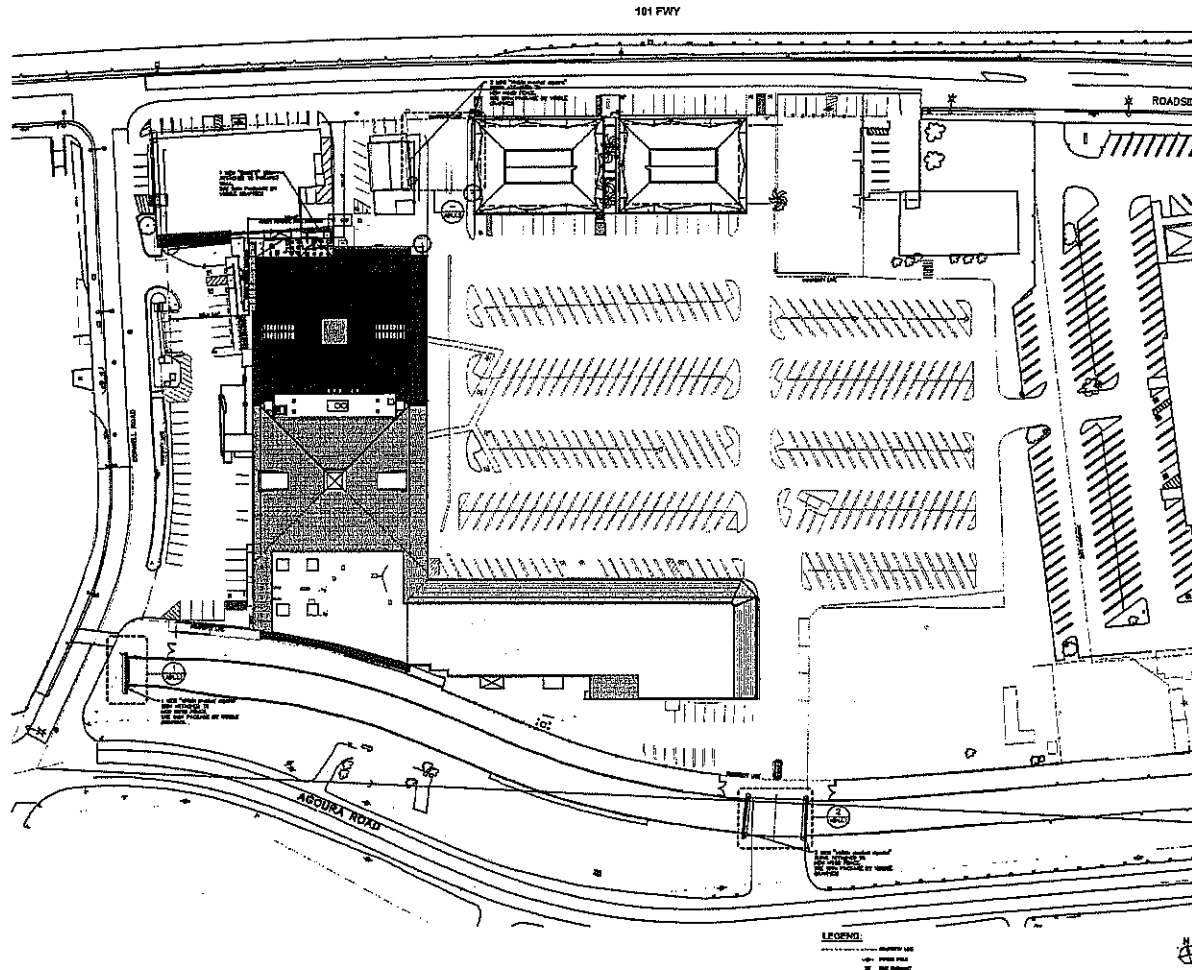
THIS CRITERIA IS OWNED AND MAINTAINED BY VISIBLE GRAPHICS INC. 14732 CALVERT STREET VAN NUYS, CA 91411



WHIZIN MARKET SQUARE

Site Plan

Monument Signage- @ Agoura Road



VISIBLE GRAPHICS
NATIONAL SIGN FABRICATION,
PROJECT MANAGEMENT AND DESIGN



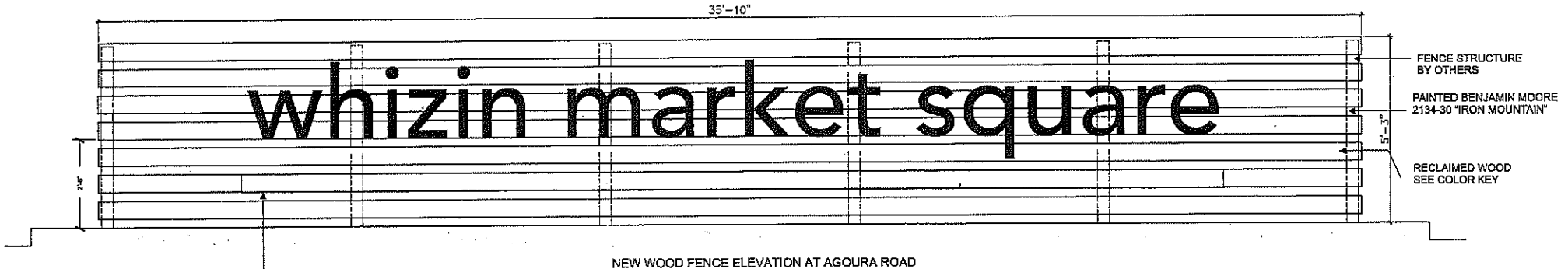
THIS CRITERIA IS OWNED AND MAINTAINED BY VISIBLE GRAPHICS INC. 14732 CALVERT STREET VAN NUYS, CA 91411



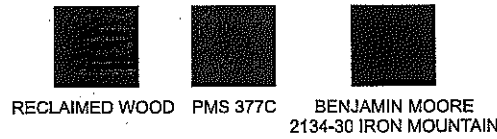
WHIZIN MARKET SQUARE

Signage Details

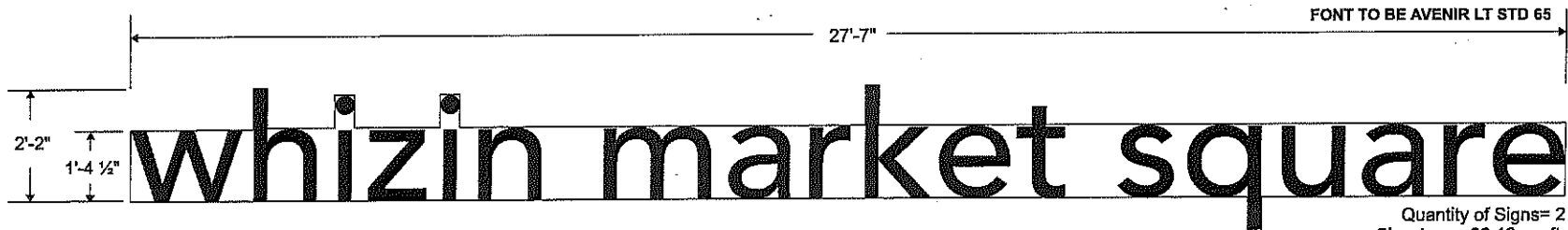
Monument Signage- @ Agoura Road



LIGHT BOX TO BE CLAD WITH RECLAIMED WOOD ON FACE ONLY. EXTEND 8"X8" LIGHT BOX 1 1/2" PAST END OF COPY. ILLUMINATION TO BE FLORESCENT UP-LIGHTING



SEE SIDE VIEW DETAILS ON PAGE 7



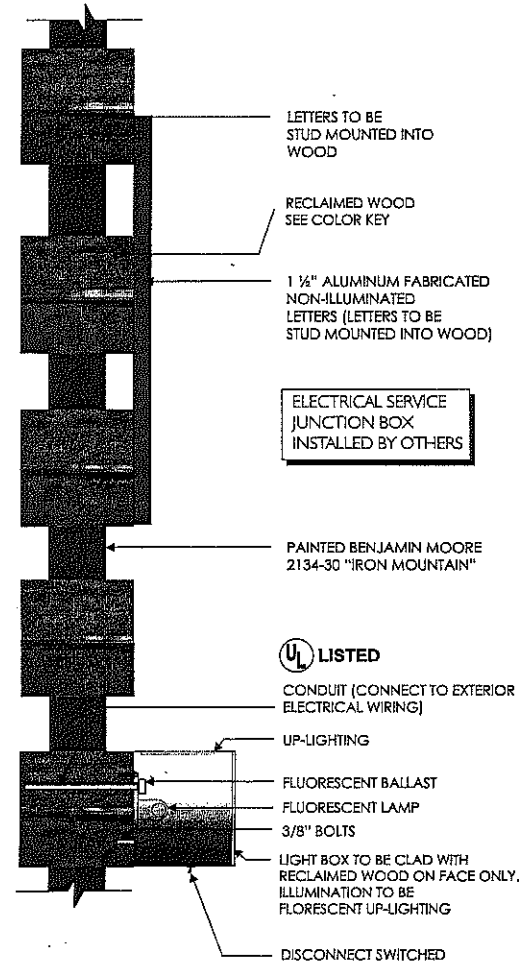
Quantity of Signs= 2
Sign Area= 38.12 sq. ft.



WHIZIN MARKET SQUARE

Signage Details

Monument Signage- Side View Detail



SIDE VIEW DETAILS(ENLARGED)

SCALE: NTS

EXHIBIT D-3

Hugo's

RESTAURANT

WHIZIN MARKET SQUARE

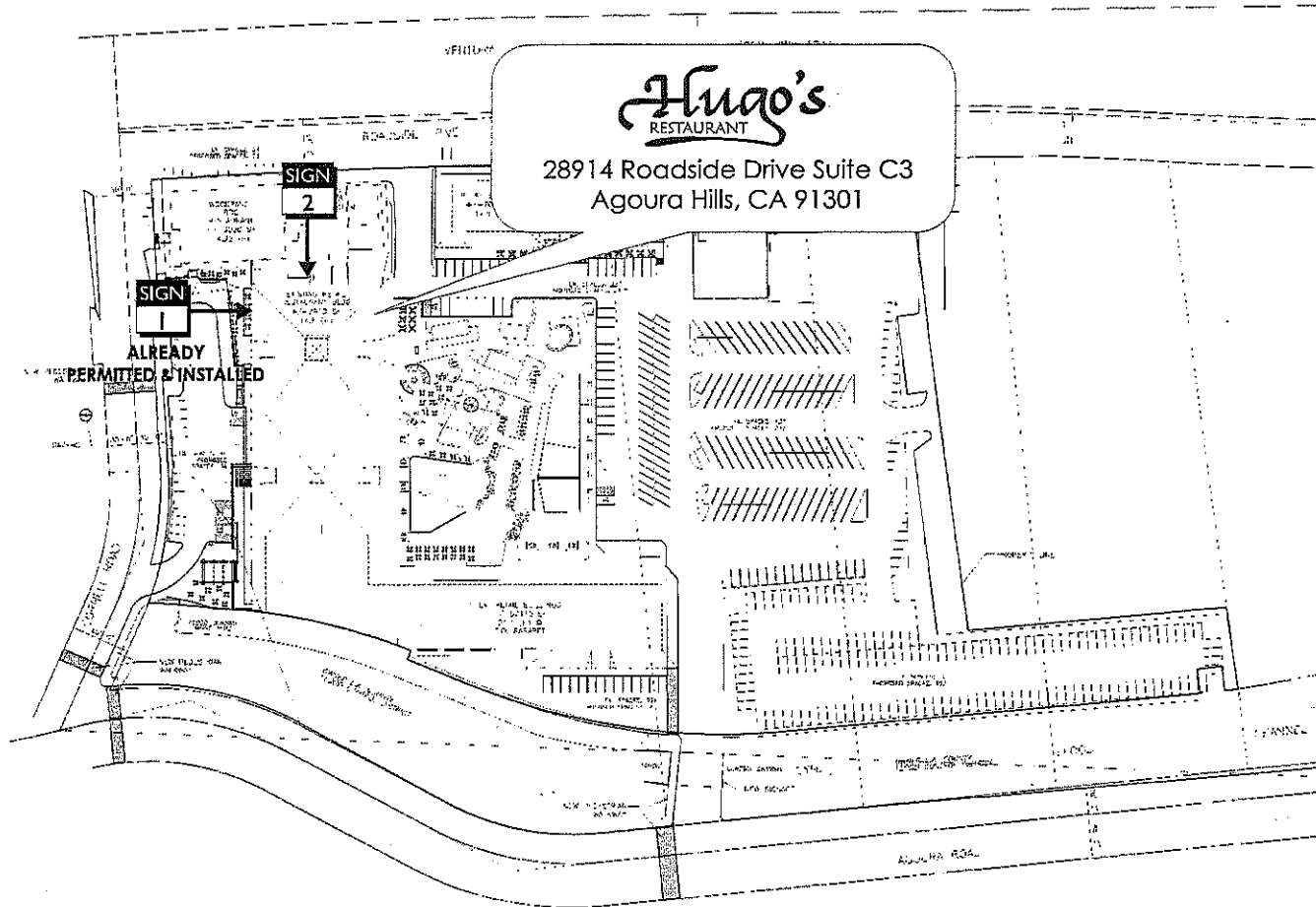
28914 Roadside Drive Suite C3
Agoura Hills, CA 91301

Originally Submitted: September 20, 2011

NATIONAL SIGN FABRICATION,
PROJECT MANAGEMENT AND DESIGN

8943 Fullbright Avenue, Chatsworth, California 91311
T 800.525.5519 F 818.787.0415 www.visiblegraphics.com





V I S I B L E G R A P H I C S

W 14732 Calvert Street
 Van Nuys, CA 91411
 T 800.525.5519
 F 818.787.0415
 www.visiblegraphics.com
 LIC# 745865

Project Name:
Whizin Market Square
Project Address:
Agoura, CA

Date: 9-20-11
Sign Type: Site Plan
Scale: As Noted
Sr Acct Mngr: Dave Mahn
Coordinator: Janine Kendall
Designer: Ed Nazaryan

CLIENT
WHIZIN
MARKET SQUARE

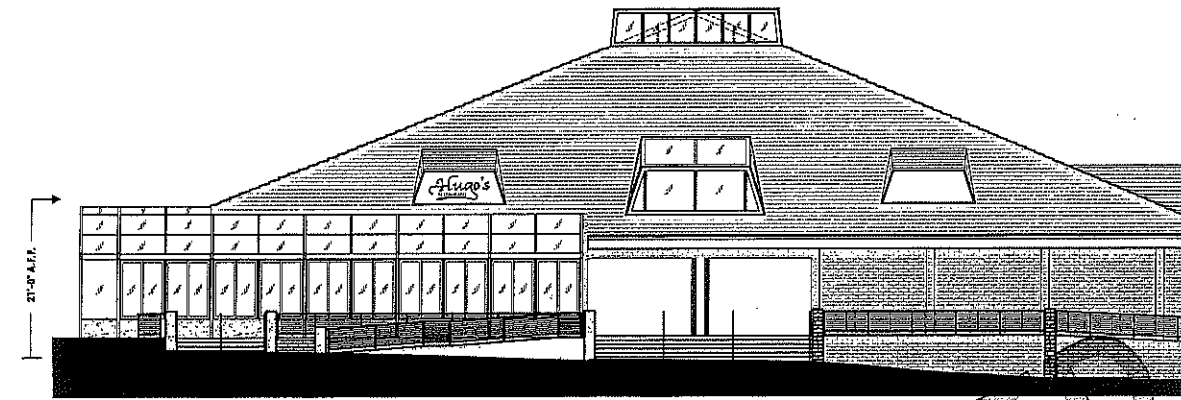
CLIENT APPROVAL
 Visible Graphics does NOT provide primary electrical to sign location - responsibility of others
 Client Signature _____ Date _____
COPY - COLORS - SIZES

LANDLORD APPROVAL
 Landlord Signature _____ Date _____

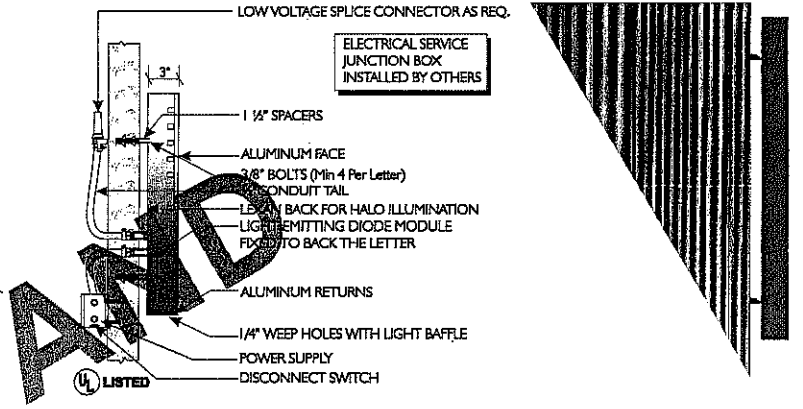
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Job Number _____

Sheet:
SP
 21



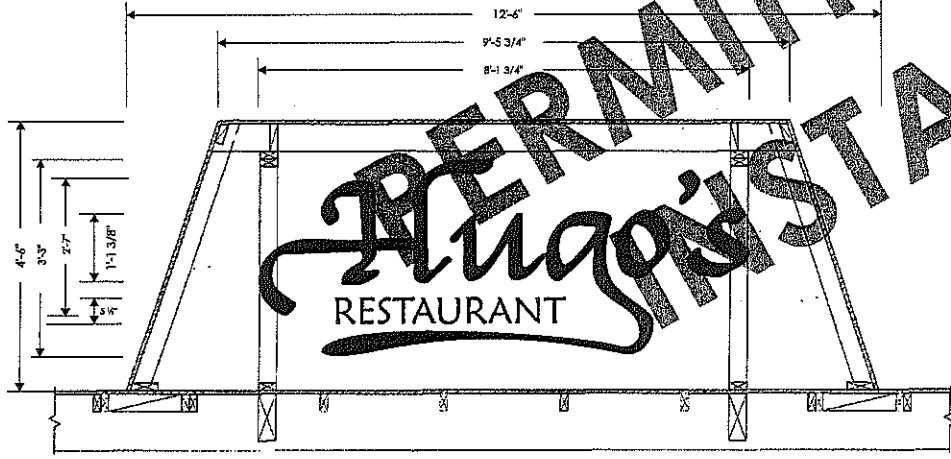
WEST ELEVATION



Halo Channel Letters
Hugo's

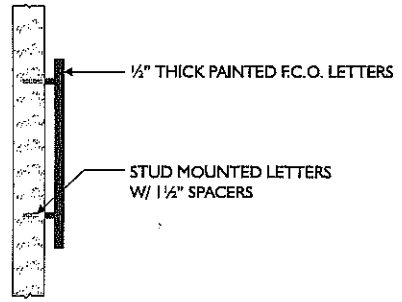
General Specifications:
1. Manufacture and install (1) set of illuminated Reverse Channel Letters

PERMITTED AND INSTALLED



47.0 SQ.FT

Scale: 1/4" = 1'-0"



F.C.O. Acrylic Letters
RESTAURANT

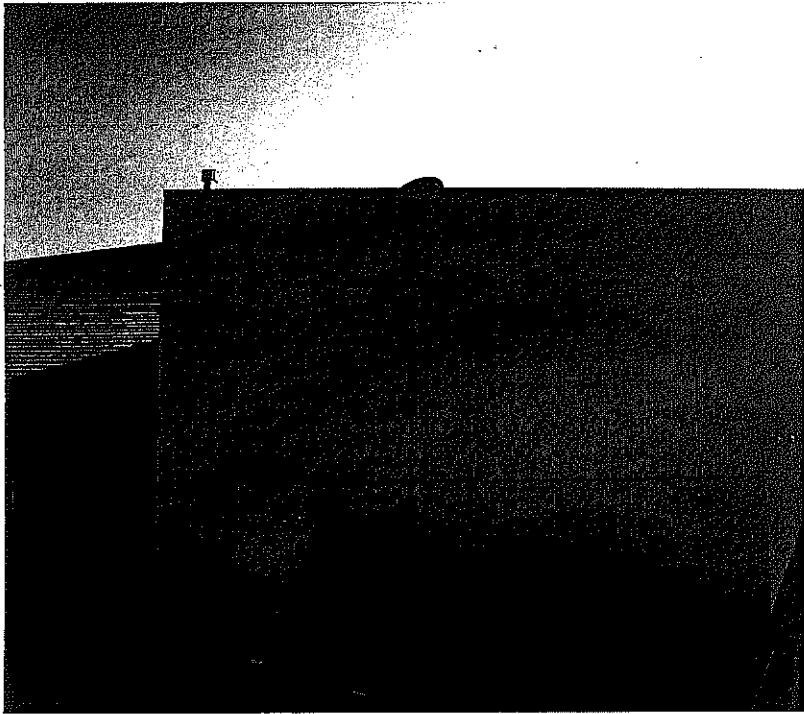
SIGN MEASUREMENTS

VISIBLE GRAPHICS 14732 Calvert Street Van Nuys, CA 91411 T 800.525.5519 F 818.787.0415 www.Visiblegraphics.com LIC# 746555		Project Name: <u>Whizin Market Square</u> Project Address: <u>Agoura, CA</u>	Date: <u>9-20-11</u> Sign Type: <u>Channel Ltrs/F.C.O.</u> Scale: <u>As Noted</u> Sr Acct Mngr: <u>Dave Mahn</u> Coordinator: <u>Janine Kendall</u> Designer: <u>Ed Nazaryan</u>	CLIENT WHIZIN MARKET SQUARE	CLIENT APPROVAL <small>Visible Graphics does NOT provide primary electrical to sign location - responsibility of others</small> Client Signature _____ Date _____ COPY - COLORS - SIZES	LANDLORD APPROVAL Landlord Signature _____ Date _____	This design is the exclusive property of Visible Graphics and cannot be reproduced in whole or part, without prior written approval. Job Number _____	Sheet 1
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General Specifications:

1. Manufacture and install (1) set of illuminated Reverse Channel Letters and F.C.O. Acrylic Letters

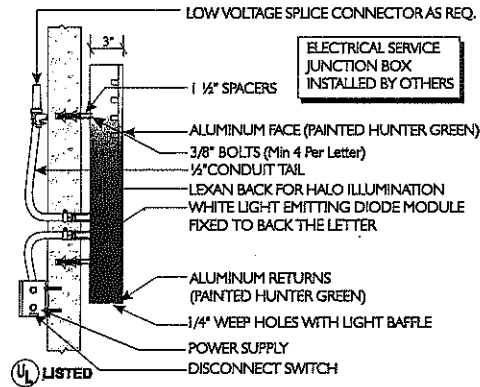
Leasehold 74'-10"



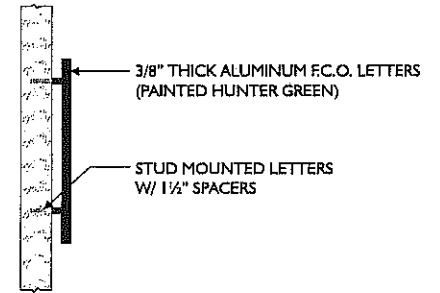
16'-6" A.F.F.

SIDE ELEVATION

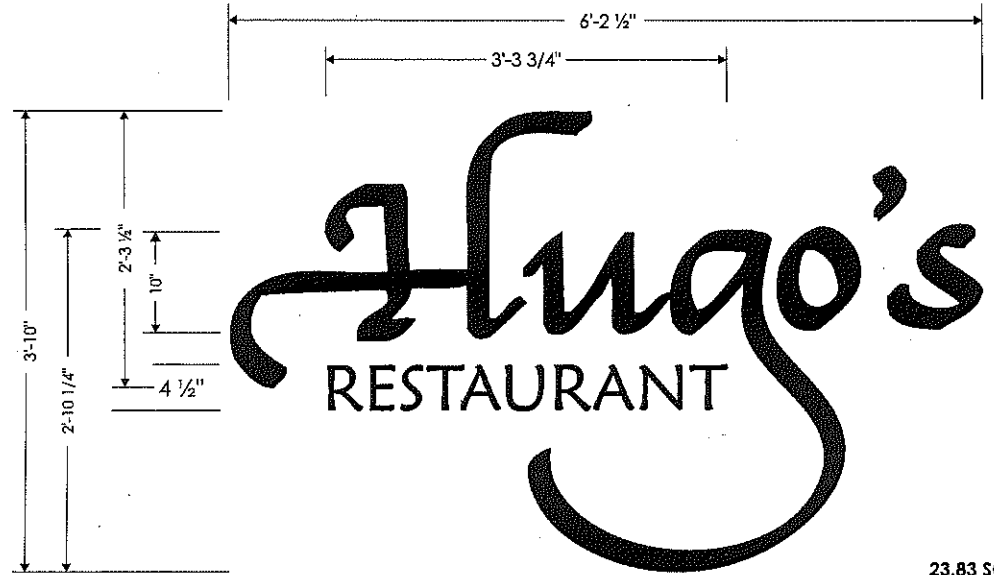
Scale: 3/16" = 1'-0"



Halo Channel Letters



F.C.O. Aluminum Letters
RESTAURANT



SIGN
2

MEASUREMENTS

23.83 SQ. FT

Scale: 1/2" = 1'-0"

V I S I B L E G R A P H I C S

W 14732 Calvert Street
Van Nuys, CA 91411
T 800.525.5519
F 818.787.0415
www.visiblegraphics.com
LIC# 745985

Project Name:
Whizin Market Square
Project Address:
Agoura, CA

Date: 9-20-11
Sign Type: Channel Ltrs/F.C.O.
Scale: As Noted
Sr Acct Mngr: Dave Mahn
Coordinator: Janine Kendall
Designer: Ed Nazaryan

CLIENT
WHIZIN
MARKET SQUARE

CLIENT APPROVAL
Visible Graphics does NOT provide primary electrical to sign location - responsibility of others
Client Signature _____ Date _____
COPY - COLORS - SIZES

LANDLORD APPROVAL
Landlord Signature _____ Date _____

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Job Number _____

Sheet:
2
BT