



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

DATE: March 7, 2013

TO: Planning Commission

APPLICANT: Grissini Ristorante Italiano
30125 Agoura Road, Suites I & J
Agoura Hills, CA 91301

CASE NOS.: 13-SP-007, 13-VAR-001, & 13-OTP-006

LOCATION: 30125 Agoura Road
(A.P.N. 2061-005-058)

REQUEST: Request for approval of a Sign Permit, a request for a Variance from Zoning Ordinance Sections 9655.8.B.1. and 9655.5.F.2.i. to add a second monument/directory sign less than five feet from the front property line, and a request for an Oak Tree Permit to encroach in the protected zone of one oak tree for construction.

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

RECOMMENDATION: Staff recommends the Planning Commission adopt a motion to approve Sign Permit No. 13-SP-007, Variance request 13-VAR-001, and Oak Tree Permit No. 13-OTP-006, subject to Conditions, based on the findings of the attached resolutions.

ZONING DESIGNATION: CS-FC (Commercial Shopping Center – Freeway Corridor Overlay District)

GENERAL PLAN DESIGNATION: CS – Commercial Shopping Center

I. BACKGROUND AND PROJECT DESCRIPTION

The applicant, Giuseppe Bellisario, owner of Grissini Ristorante Italiano, is requesting approval of a Sign Permit, a Variance and an Oak Tree Permit, to install a second monument/directory sign in the Agoura Hills Town Center located at 30125 Agoura Road, east of Reyes Adobe Road. The applicant's restaurant is located in Suites I and J of the center.

The shopping center is built on a 5.8 acre parcel, and with over 880 feet of street frontage. Two parking lots serve the center each served by different driveways. An aerial photograph is attached for the Commission's reference. As shown on the exhibit, the project is bordered by an office building to the north and west of the parcel and the office building to the east is separated by a private access driveway (Agoura Court), which serves the office building to the north. The parcel is also separated by a steep downward slope from the office to the north.

A sign program was adopted for the site which included on-building signage and one monument/directory sign near the primary driveway. The on-building signage which serves each tenant was constructed with internally illuminated channel letters with a rust face and the monument sign with acrylic faces with vinyl overlays for the letters also in a rust color; the monument sign is externally lit. The applicant is proposing a second monument sign serving the easterly driveway and this request for a second monument sign deviates from Zoning Ordinance Sections 9655.8.B.d. and 9655.5.F.2.i., which limits the number of monument signs on parcels to one per street frontage, and requires the sign to be placed at least five feet away from the property line. In this case, the monument sign is being proposed at the property line and the construction of the sign would encroach in the protected zone of one nearby on-site oak tree.

II. STAFF ANALYSIS

Per the City Sign Ordinance, a commercial center site is entitled to a 48 square-foot maximum, 6-foot high, double-sided monument/directory sign per each public street frontage. The monument sign can be placed parallel or perpendicular to the right-of-way, and must be placed at least 5 feet from the property line. In this instance, Agoura Road is the only public street frontage serving the property. The applicant, however, is requesting to place a monument sign at the entrance of a secondary driveway to direct patrons to the restaurant and other tenant spaces not easily visible from the westerly entrance. A rendering of the proposed monument sign is attached (Exhibit B) and includes the proposed tenant names on the sign. Only the two restaurant tenants in the shopping center have expressed interest in being named on the monument sign. As a result, staff recommends that the monument sign be designed as a directory sign which would require at least two (2) tenants to be named, or allow the space for two tenants' names.

As proposed, the monument sign would not exceed 48 square feet in size, or 6 feet in height, as allowed by Code. The monument sign would be constructed with the same design as the existing monument sign, which is built out of a stuccoed metal frame, painted in a rust color to match the buildings' colors with the name of the center at the top, and with a base clad in stone tiles. This second monument sign would also be externally lit with a ground-mounted light fixture on each side. The name plates would be beige to match the existing monument sign name plates. Two name plates would be installed using rust color letters. Staff recommends that the monument sign be conditioned to have the letters equally spaced from the edges of their respective name plate for increased legibility.

The applicant is requesting to place the proposed monument sign at the property line, instead of at least 5 feet from the property line as required by the Sign Ordinance. Typically, a front property is at or near the inside of the street sidewalk. In this case, the front property line at the easterly driveway is located approximately 17 feet from the street pavement, and the distance to the sidewalk along Agoura Road varies as it meanders between the curb and the property line. If the applicant were to locate the sign an additional 5 feet from the property line, it would be located 22 feet from the street and would not serve its intended purpose for visible identification of the center. The Engineering/Public Works Department anticipates the proposed location of the sign would not interfere with traffic visibility for motorists entering and exiting the easterly driveway.

The sign requires encroachment in the protected zone of one large, on-site oak tree for its construction. The encroachment would cause minor disturbances to the root system. In order to keep the encroachment as a minor encroachment, the City Oak Tree Consultant recommends that the electrical conduits be placed as far away from the tree as possible and connected to the closest power source which, in this case, is a light pole north of the sign or another light pole across the driveway. Included in the conditions of approval, are protective fencing and monitoring of the excavation work.

The Sign Permit requires that findings be made based on the qualitative aspects of the structure as well as its function. As proposed, the monument sign is integrated with the building's architectural character and provides meaningful identification for the parcel as called for in Policy LU-13.2 of the General Plan. The new monument/directory sign will be built the same way as the existing monument/directory sign so as to tie the driveways together with the same materials and colors and will be externally illuminated as well. The size of the monument sign, its shape, illumination, its proportions, and its 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 faces are legible under normal prevailing viewing conditions where the sign is to be installed. The monument/directory sign contains only two business names as currently proposed, but in the future the sign face can be redesigned to accommodate others. A condition is included that future changes to the copy would subject to approval by the Director of Planning and Community Development. Both names would only use two colors consistent with the

tenant listing on the existing monument/directory sign. The sign is designed with a base, architectural features, construction materials and colors that match the shopping center's construction. The proposed sign is consistent with the adopted sign design guidelines and with the sign standards of the Sign Ordinance. With the exception of the two requested Variances, the dimensions and the materials of the sign, the lighting, and landscaping requirements are all in compliance with the Sign Ordinance.

In regards to the Oak Tree Permit, the request is for a minor encroachment in the protected zone of one on-site oak tree where the footing of the monument sign will be placed. No removal or relocation is requested. The proposed construction will be accomplished without endangering the health of the tree under review and the remaining trees on the property and/or in the right-of-way. The City Oak Tree Consultant has conditioned the project to require that the applicant manually dig the areas for the construction of the footing and the installation of the light fixtures. This will limit the impact of the encroachment to a single oak tree. The electric conduits will need to be routed to the power source closest to the monument sign without increasing the area of the encroachment. The monument was placed as far as feasibly possible from the canopy and from the driveway to both maintain the health of the tree and protect traffic safety. The landscaping will be returned to its original condition in order to avoid soil erosion. The location for the construction of the monument sign was selected to best serve traffic traveling in an eastern and western direction on Agoura Road.

In order for the Planning Commission to grant the request for the Variance from Sections 9655.8.B.1.d.(to allow more than one monument sign per public street frontage) and 9655.5.F.2.i. (to remove the setback requirement for the monument sign), the Zoning Ordinance requires that the following five (5) findings be made. Staff has analyzed the applicant's requests per the required findings and recommends that the Variance be approved.

1. Required Finding

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.

Staff Analysis

The project site has 880 feet of street frontage with access only on Agoura Road thereby creating an unusually long distance between driveways. As to the layout of the retail center, the buildings are clustered on the west side of the property with some parking near the tenant spaces but are disconnected from the east side of the property, where most of the parking is located, by large expanses of landscaping which resulted in the request for an additional directory sign near the easterly driveway. With respect to the setback, the project was designed with the

right-of-way extending beyond the sidewalk to accommodate a meandering sidewalk placing the property line further away from the curb face. Requiring an additional five feet beyond the property line would place the sign at twenty-two feet from the curb face and would make it difficult for motorists to see the content of the sign. Furthermore, the easterly parking lot is at a lower grade than the shopping center buildings to the west and a second monument sign would help provide identification of the center and its tenants thus helping to efficiently spread the use of the parking spaces in the center. It would also contribute to splitting the traffic entering the property more efficiently thereby limiting impacts at the intersection further to the west.

2. Required Finding

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.

Staff Analysis

Existing commercial development in this vicinity, along Agoura Road, shares access driveways, each with a monument or directional sign. An inventory of those signs showed setbacks varying between 13 and 20 feet from the curb face and with various distances to the sidewalk. Thus, the request for a monument/directory sign setback at 17 feet instead of 22 feet from the curb face falls within the development pattern along Agoura Road. Also, Agoura Court, which borders the center, does not provide access into the center because of the difference in topographic elevation and furthermore, the street no longer qualifies as public frontage to allow for a second monument sign as it now considered a private street.

3. Required Finding

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.

Staff Analysis

One of the purposes of the City's 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. The design of the proposed monument/directory sign matches the quality of the architectural style of the buildings they serve. The placement of one sign at each driveway will allow motorists a second opportunity to enter the site and patronize the businesses. The strict interpretation of the sign requirements would prevent the property from having adequate identification from the street. In addition,

given that the property line is already setback 17 feet from the street, the required twenty-two-foot total setback would not be in keeping with the other monument signs on that side of the street. Such a large setback would result in practical difficulty by preventing adequate identification of the property from drivers on the street. Moreover, any additional setbacks would result in impacts to the existing oak tree.

4. Required Finding

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

Staff Analysis

The proposed project identification monument signs will be located entirely on private property and seventeen feet away from the curb. The proposed sign is well designed, and consistent with the sign program. The proposed illumination will provide for adequate visibility without negatively impacting views from Agoura Road or surrounding parcels. The construction of the sign is required to be in compliance with the Agoura Hills Building Code. There is sufficient separation between the edge of the monument sign and the travel lanes for incoming and outgoing traffic and the landscape planter is large enough to provide sufficient landscaping coverage so as to not impact the aesthetics of the property.

5. Required Finding

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

Staff Analysis

One purpose of the Sign Ordinance is to preserve and enhance the unique character and visual appearance of the City. The proposed monument sign complies with this purpose. The proposed colors and materials used for the second sign will match the buildings within the project and will be appropriately located within a landscaped area so as not to appear visually obtrusive. Both the right-of-way and the private property provide large expanses of landscaping near and around the monument sign so as to not be impacted by the proximity of the sign to the sidewalk. The monument sign will be consistent with the character of the surrounding area and will not detract from the surrounding neighborhood.

The project has been determined to be Categorically Exempt from the California Environmental Quality Act as an accessory structure to an existing commercial building per Section 15311(a).

IV. RECOMMENDATION

Based on the foregoing review and analysis, staff recommends that the Planning Commission approve Sign Permit Case No. 13-SP-007, Variance Request Case No. 13-VAR-001, and Oak Tree Permit Case No. 13-OTP-006, subject to conditions, by adopting a motion to approve the attached Draft Resolutions.

V. ATTACHMENTS

- Draft Resolution and Conditions of Approval for the Sign Permit
- Draft Resolution and Conditions of Approval for the Variance Request
- Draft Resolution and Conditions of Approval of the Oak Tree Permit
- Exhibit A: Vicinity/Zoning Map
- Exhibit B: Monument Sign Plans
- Exhibit C: Applicant's Variance Burden of Proof
- Exhibit D: Photographs of the Project Site

Case Planner: Valerie Darbouze, Associate Planner

DRAFT RESOLUTION NO. ____

A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF AGOURA HILLS RECOMMENDING APPROVAL OF
SIGN PERMIT CASE NO. 13-SP-007 FOR THE PROPERTY
LOCATED AT 30125 AGOURA ROAD

Section I. An application was duly filed by Giuseppe Bellisario, of Grissini Ristorante Italiano, with respect to the real property located at 30125 Agoura Road, (A.P.N. 2061-005-058) requesting approval of Sign Permit Case No. 13-SP-007 to construct a second monument/directory sign serving a commercial center. A public hearing to consider the matter was duly held on March 7, 2013, at 6:30 p.m. in the Council Chambers, City Hall, at 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. 9655.5.D. of the Agoura Hills Municipal Code, that:

A. The proposed sign, as conditioned, is consistent with the General Plan and the provisions of the Sign Ordinance. The monument sign is integrated with the building's architectural character and provides meaningful identification for the parcel as called for in Policy LU-13.2 of the General Plan. The location of the second monument/directory sign at the center will contribute to improving the identification of the center overall.

B. The location of the proposed sign and the design of its visual elements, as conditioned, are legible under normal viewing conditions prevailing where the sign is to be installed. The new monument/directory sign will be built the same way as the existing monument/directory sign so as to tie the driveways together with the same materials and colors. The monument/directory sign will be externally illuminated with ground-mounted light fixtures and parking lot light poles.

C. The location and design of the proposed sign, its size, shape, illumination, and colors, as conditioned, 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 second monument/directory sign would be built the same way as the existing monument/directory sign and would be illuminated in the same manner as the existing sign. In addition, despite the need for a variance to reduce the setback from the property line, the proposed sign would be setback from the curb like the existing monument/directory sign.

D. The proposed sign, as conditioned, is consistent with the sign standards of the Sign Ordinance. With the exception of its location, the dimensions and the materials of the sign, the lighting, and landscaping requirements are all in compliance with the Sign Ordinance.

E. The proposed sign, as conditioned, is consistent with the adopted sign design guidelines in that the dimensions of the structure and name plates are in good proportions. The sign is designed with a base, architectural features, construction materials and colors that match the shopping center. The names of the tenants will be legible under normal prevailing viewing conditions where the sign is to be installed. As currently proposed the sign will contain two tenants' names but can be easily redesigned to accommodate more if needed.

Section IV. The project has been environmentally reviewed pursuant to the California Environmental Quality Act (CEQA) Guidelines (California Code of Regulations, Title 14, Section 15000 et seq.), and the City's local CEQA guidelines. The project which involves the installation of a second monument sign with no setback on a commercial property is exempt from CEQA pursuant to Section 15311 of the Guidelines.

Section V. Based on the aforementioned findings, the Planning Commission hereby approves Sign Permit Case No. 13-SP-007 subject to the attached conditions, with respect to the property described in Section I 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 7th day of March, 2013, by the following vote to wit:

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

Michael Justice, Chairperson

Mike Kamino, Secretary

CONDITIONS OF APPROVAL
(Case No. 13-SP-007)

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. This action shall not be effective for any purpose until the applicant has agreed in writing that the applicant is aware of, and accepts all Conditions of 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 complete conformation to the plans.
4. It is hereby declared to be the intent that if any provision of this Permit is held or declared to be invalid, the Permit shall be void and the privileges granted hereunder shall lapse.
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 the approval is used within two (2) years from the date of City approval, Case No. 13-SP-007 will expire. A written request for a one (1) year extension may be considered prior to the expiration date.
7. Sign Permit Case No. 13-SP-007 is valid only in conjunction with Variance Case No. 13-VAR-001 and Oak Tree Permit Case No. 13-OTP-006 and the approved Conditions of Approval therein.
8. The applicant is required to apply for and obtain approval of Building Permits including Electrical Permits, prior to the start of construction of the monument/directory sign.
9. The project may be subject to an Encroachment Permit issued by the Engineering Department in the event that work or storage of materials occurs in the public right-of-way.

SPECIAL CONDITIONS

Conditions of Approval

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10. The names of the tenants shall be equally spaced from the edge of the name plates, subject to the approval of the Director of the Planning and Community Development Department.
11. Any changes to the sign copy of this monument/directory sign shall be subject to review and approval by the Director of the Planning and Community Development Department.
12. This monument/directory sign shall have space for a minimum of two businesses.

END

DRAFT RESOLUTION NO. ____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF AGOURA HILLS RECOMMENDING APPROVAL OF VARIANCE CASE NO. 13-VAR-001 TO ALLOW THE CONSTRUCTION OF A MONUMENT SIGN AT THE PROPERTY LOCATED AT 30125 AGOURA ROAD

Section I. An application was duly filed by Giuseppe Bellisario, of Grissini Ristorante Italiano, with respect to the real property located at 30125 Agoura Road, (A.P.N. 2061-005-058) requesting approval of Variance Case No. 13-VAR-001 from Zoning Ordinance Sections 9655.8.B.d. and 9655.5.F.2.i., to construct a second monument/directory sign on a commercial center property less than five feet from the property line. A public hearing to consider the matter was duly held on March 7, 2013, at 6:30 p.m. in the Council Chambers of City Hall, located at 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 Sections 9655.8.B.1.d. and 9655.5.F.2.i. 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 project site has 880 feet of street frontage with access only on Agoura Road thereby creating an unusually long distance between driveways. As to the layout of the retail center, the buildings are clustered on the west side of the property with some parking near the tenant spaces but are disconnected from the east side of the property, where most of the parking is located, by large expanses of landscaping which resulted in the request for an additional directory sign near the easterly driveway. With respect to the setback, the project was designed with the right-of-way extending beyond the sidewalk to accommodate a meandering sidewalk placing the property line further away from the curb face. Requiring an additional five feet beyond the property line would place the sign at twenty-two feet from the curb face and would make it difficult for motorists to see the content of the sign. Furthermore, the easterly parking lot is at a lower grade than the shopping center buildings to the west and a second monument sign would help provide identification of the center and its tenants thus helping to efficiently spread the use of the parking spaces in the center. It would also contribute to splitting the traffic entering the property more efficiently thereby limiting impacts at the intersection further to the west.

B. 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. Existing commercial development in this vicinity, along Agoura Road, share

access driveways, each with a monument or directional sign. An inventory of those signs showed setbacks varying between 13 and 20 feet from the curb face and with various distances to the sidewalk. Thus, the request for a monument/directory sign setback at 17 feet instead of 22 feet from the curb face falls within the development pattern along Agoura Road. Also, Agoura Court, which borders the center, does not provide access into the center because of the difference in topographic elevation and furthermore, the street no longer qualifies as public frontage to allow for a second monument sign as it now considered a private street.

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. One of the purposes of the City's 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. The design of the proposed monument/directory sign matches the quality of the architectural style of the buildings they serve. The placement of one sign at each driveway will allow motorists a second opportunity to enter the site and patronize the businesses. The strict interpretation of the sign requirements would prevent the property from having adequate identification from the street. In addition, given that the property line is already setback 17 feet from the street, the required twenty-two-foot total setback would not be in keeping with the other monument signs on that side of the street. Such a large setback would result in practical difficulty by preventing adequate identification of the property from drivers on the street. Moreover, any additional setbacks would result in impacts to the existing oak tree.

D. The granting of the Variance will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity in that the proposed project identification monument signs will be located entirely on private property and seventeen feet away from the curb. The proposed sign is well designed, and consistent with the sign program. The proposed illumination will provide for adequate visibility without negatively impacting views from Agoura Road or surrounding parcels. The construction of the sign is required to be in compliance with the Agoura Hills Building Code. There is sufficient separation between the edge of the monument sign and the travel lanes for incoming and outgoing traffic and the landscape planter is large enough to provide sufficient landscaping coverage so as to not impact the aesthetics of the property.

E. The granting of the Variance will be consistent with the character of the surrounding area. One purpose of the Sign Ordinance is to preserve and enhance the unique character and visual appearance of the City. The proposed monument sign complies with this purpose. The proposed colors and materials used for the second sign will match the buildings within the project and will be appropriately located within a landscaped area so as not to appear visually obtrusive. Both the right-of-way and the private property provide large expanses of landscaping near and around the monument sign so as to not be impacted by the proximity of the sign to the sidewalk. The monument sign will be consistent with the character of the surrounding area and will not detract from the surrounding neighborhood.

Section IV. The project has been environmentally reviewed pursuant to the California Environmental Quality Act (CEQA) Guidelines (California Code of Regulations, Title 14, Section 15000 et seq.), and the City's local CEQA guidelines. The project which involves the installation of

a second monument sign with no setback on a commercial property is exempt from CEQA pursuant to Section 15311 of the Guidelines.

Section V. Based on the aforementioned findings, the Planning Commission hereby approves Variance Case No. 13-VAR-001 subject to the attached conditions, with respect to the property described in Section I 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 7th day of March, 2013, by the following vote to wit:

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

Michael Justice, Chairperson

Mike Kamino, Secretary

CONDITIONS OF APPROVAL
(Case No. 13-VAR-001)

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. This action shall not be effective for any purpose until the applicant has agreed in writing that the applicant is aware of, and accepts all Conditions of 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 complete conformation to the plans approved by the Planning Commission on March 7, 2013.
4. It is hereby declared to be the intent that if any provision of this Permit is held or declared to be invalid, the Permit shall be void and the privileges granted hereunder shall lapse.
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 the approval is used within two (2) years from the date of City approval, Case No. 13-VAR-001 will expire. A written request for a one (1) year extension may be considered prior to the expiration date.
7. Variance Case No. 13-VAR-001 is valid only in conjunction with Sign Permit Case No. 13-SP-007 and Oak Tree Permit Case No. 13-OTP-006, and the approved Conditions of approval therein.

END

DRAFT RESOLUTION NO. ____

A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF AGOURA HILLS RECOMMENDING APPROVAL OF
OAK TREE PERMIT CASE NO. 13-OTP-006 FOR THE
PROPERTY LOCATED AT 30125 AGOURA ROAD

Section I. An application was duly filed by Giuseppe Bellisario, of Grissini Ristorante Italiano, with respect to the real property located at 30125 Agoura Road, (A.P.N. 2061-005-058) requesting approval of Oak Tree Permit Case No. 13-OTP-006 to encroach in the protected zone of one on-site oak tree in conjunction with Sign Permit application Case No. 13-SP-007 to construct a second monument/directory sign in a commercial center and Variance Case No. 13-VAR-001 to allow for the second monument/directory sign with no setback. A public hearing to consider the matter was duly held on March 7, 2013, at 6:30 p.m. in the Council Chambers, City Hall, at 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 9657.5.C.3. of the Agoura Hills Municipal Code, that:

A. The proposed construction will be accomplished without endangering the health of the remaining trees on the subject property. No removal or relocation or pruning of an oak tree is required by the project. The request is to allow a minor encroachment in the protected zone of one on-site oak tree. The project is conditioned to include manual digging in the area surrounding the tree for the construction of the footing and the installation of the light fixtures. This will limit the impacts of the encroachment to a single oak tree. The electric conduits are to be routed to the power source closest to the monument sign without increasing the area of the encroachment.

B. The oak tree encroachment will not result in soil erosion through the diversion or increased flow of surface waters which cannot be satisfactorily mitigated. Neither the work activities nor the introduction of a new concrete structure will cause diversion or increased flow of surface waters because it is located in a large landscaped area to absorb surface water and the footing of the sign is not within a designated or natural drainage course. The request is for a minor encroachment in the protected zone of one on-site oak tree where the footing of the monument sign is to be placed. The required minor encroachment and excavation of the soil will not endanger the health of the oak tree, nor require removal or relocation of the tree. The location of the monument was selected to be as far as feasibly possible from the oak tree canopy and from the adjacent driveway to both maintain the health of the tree and protect traffic safety.

C. No removal or relocation is requested for the construction of the sign. The proposed oak tree permit relates only to the encroachment into the protected zone of a single oak tree which is

considered a minor disturbance to one on-site oak tree. The requested use on the private property can be accomplished without the endangerment of the health of the oak tree. The location for the construction of the monument sign was selected to best serve traffic on Agoura Road and will not affect any other trees on the site.

Section IV. The project has been environmentally reviewed pursuant to the California Environmental Quality Act (CEQA) Guidelines (California Code of Regulations, Title 14, Section 15000 et seq.), and the City's local CEQA guidelines. The project, which involves the installation of a second monument sign with no setback on a commercial property is exempt from CEQA pursuant to Section 15311 of the Guidelines.

Section V. Based on the aforementioned findings, the Planning Commission hereby approves Oak Tree Permit Case No. 13-OTP-006, subject to the attached conditions, with respect to the property described in Section I 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 7th day of March, 2013, by the following vote to wit:

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

Michael Justice, Chairperson

Mike Kamino, Secretary

CONDITIONS OF APPROVAL
(Case No. 13-OTP-006)

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. This action shall not be effective for any purpose until the applicant has agreed in writing that the applicant is aware of, and accepts all Conditions of 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 complete conformation to the plans.
4. It is hereby declared to be the intent that if any provision of this Permit is held or declared to be invalid, the Permit shall be void and the privileges granted hereunder shall lapse.
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 the approval is used within two (2) years from the date of City approval, Case No. 13-OTP-006 will expire. A written request for a one (1) year extension may be considered prior to the expiration date.
7. Oak Tree Permit Case No. 13-OTP-006 is valid only in conjunction with Sign Permit Case No. 13-SP-007 and Variance Case No. 13-VAR-001 and the approved Conditions of approval therein.

OAK TREE/LANDSCAPE CONDITIONS

8. The applicant is permitted to encroach within the protected zone of one valley oak tree to construct the new monument sign as proposed on the site plan and aerial photograph submitted with the permit application.
9. The applicant is permitted to encroach within the protected zone of one valley oak tree to excavate for electrical trenching to illuminate the proposed monument sign. This conduit shall be run between the proposed sign and the light standard located within

the parking lot finger planter directly north of the proposed sign. The conduit shall be run as close to the back of the curb as existing conditions permit.

10. The applicant is permitted to remove the recently planted crape myrtle tree (*Lagerstroemia indica*) in the footprint of the proposed monument sign.
11. All excavation performed within the protected zone of the valley oak tree shall be performed using only hand tools under the direct observation of the City Oak Tree Consultant.
12. Care shall be exercised during excavation to avoid roots whenever possible. All roots shall be cut with clean, sharp hand tools.
13. No roots shall be left exposed and allowed to dry out during construction. No roots over two inches (2") in diameter shall be cut without express approval from the City Oak Tree Consultant.
14. Prior to the start of work, the contractor shall meet on site with the City Oak Tree Consultant to review proposed project construction procedures and these oak preservation measures.
15. No vehicles, equipment, materials, spoil or other items shall be used or placed within the protected zone of any oak tree at any time, except as specifically required to complete the approved work, nor shall any staging be permitted within the protected zone of any oak.
16. Upon completion of construction, the oak tree shall be mulched throughout the drip line with three inches (3") of approved organic mulch as needed to supplement natural leaf litter.
17. No pruning of live wood shall be permitted unless specifically authorized by the City Oak Tree Consultant. Pruning operations shall be consistent with ANSI A300 Standards – Part 1 Pruning and the most recent edition of the International Society of Arboriculture Best Management Practices for Tree Pruning.
18. The applicant shall replace any groundcover planting disturbed during construction of the new monument sign. Groundcover shall match existing. No spray-type irrigation will be permitted within the protected zone.
19. The applicant shall provide 48-hour notice to the City Oak Tree Consultant at (818) 597-7350 prior to the start of any approved work within the protected zone of the oak tree.

20. Within 10 calendar days after the completion of work the applicant shall contact the City Oak Tree Consultant to perform a final inspection. The applicant shall proceed with any remedial measures the City Oak Tree Consultant deems necessary to protect or preserve the health of the subject oak trees at that time.

END

City of Agoura Hills

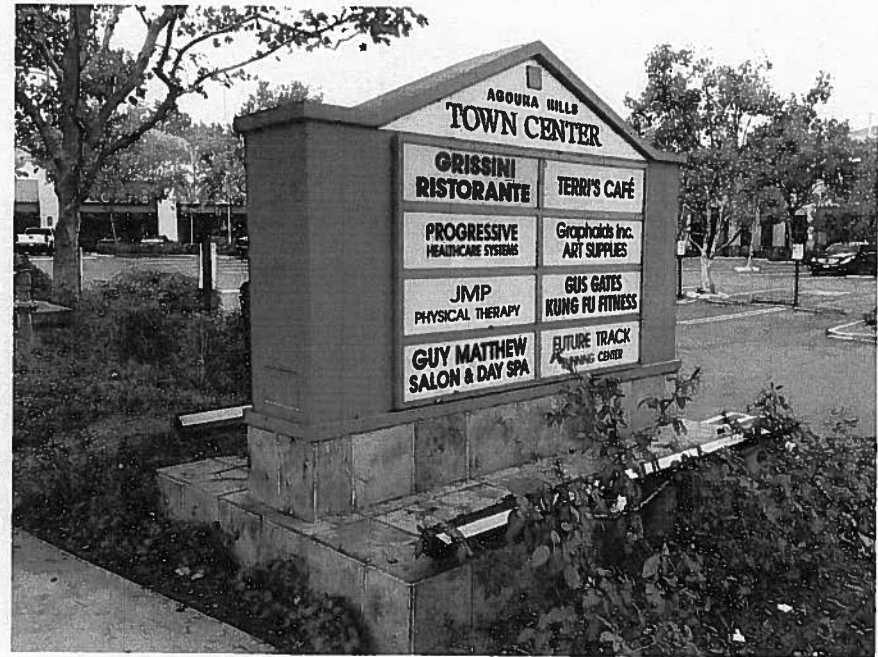
Sign Permit - Case No. 13-SP-007, Variance Request - Case No. 13-VAR-001, & Oak Tree Permit - Case No. 13-OTP-006



EXISTING SIGN



EXISTING LIGHT FIXTURE TYPE



PROPOSED SIGN LOCATION

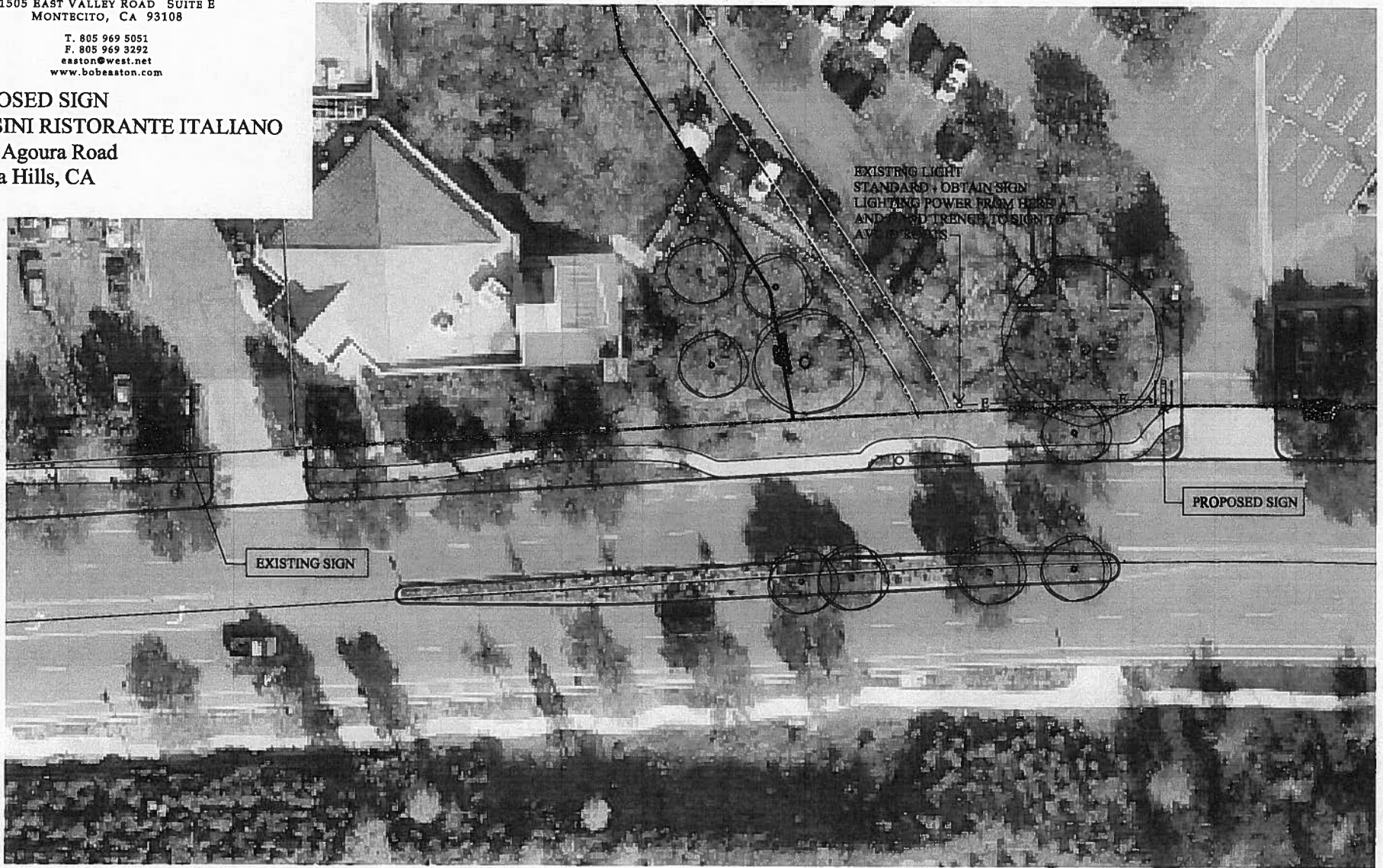


BOB EASTON AIA ARCHITECT

1505 EAST VALLEY ROAD SUITE E
MONTECITO, CA 93108

T. 805 969 5051
F. 805 969 3292
easton@west.net
www.bobeaston.com

PROPOSED SIGN
GRISSINI RISTORANTE ITALIANO
30125 Agoura Road
Agoura Hills, CA



12/28/12

1 AERIAL SITE PLAN
SCALE: 1"=30'-0"

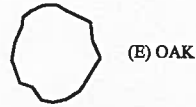
GRAPHIC SCALE
0 15 30

BOB EASTON AIA ARCHITECT

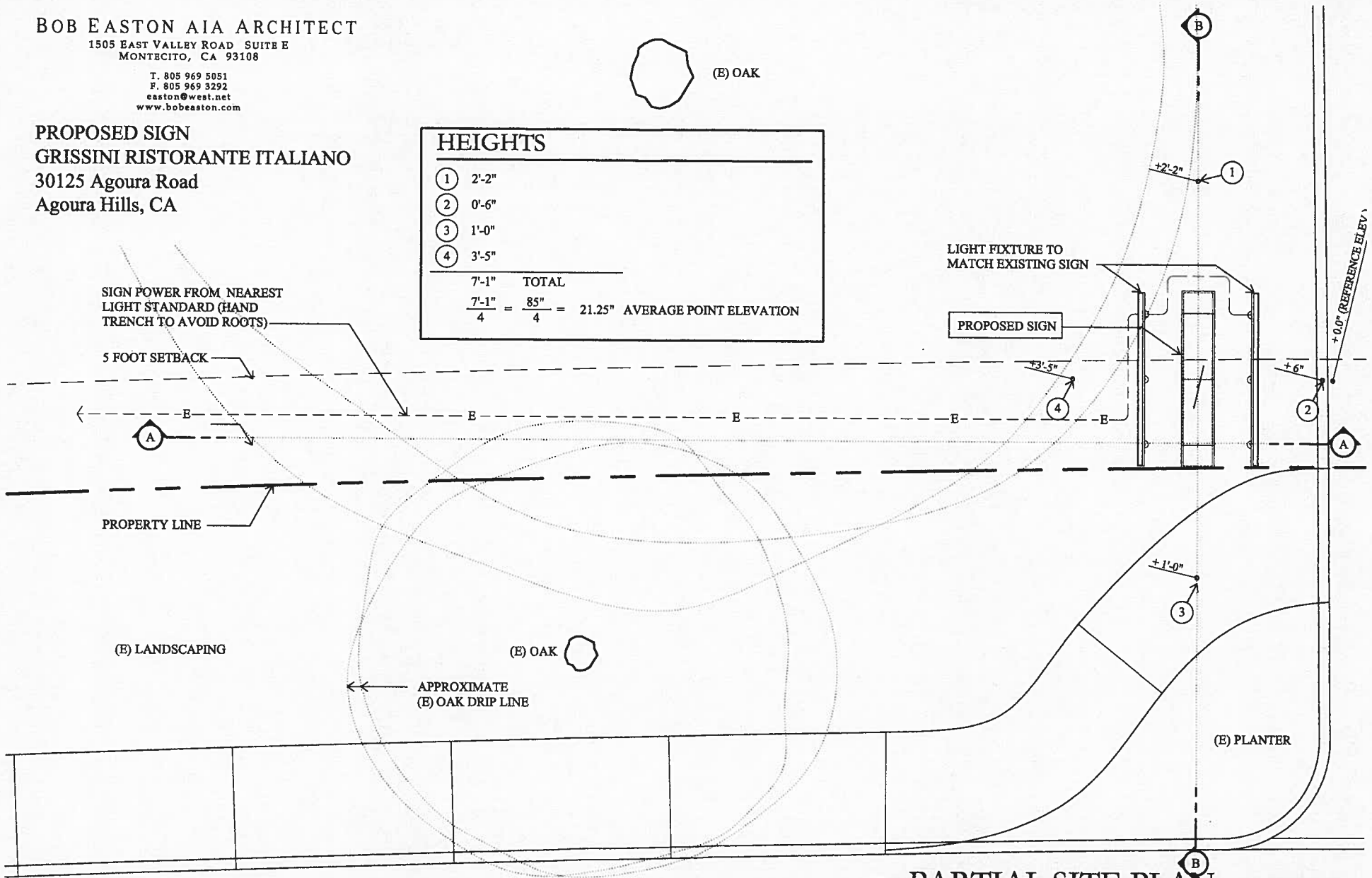
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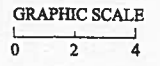
PROPOSED SIGN
GRISSINI RISTORANTE ITALIANO
30125 Agoura Road
Agoura Hills, CA



HEIGHTS	
①	2'-2"
②	0'-6"
③	1'-0"
④	3'-5"
<hr/>	
7'-1"	TOTAL
$\frac{7'-1"}{4} = \frac{85"}{4}$	$= 21.25"$ AVERAGE POINT ELEVATION



2 PARTIAL SITE PLAN
SCALE: 1/4"=1'-0"



12/28/12

BOB EASTON AIA ARCHITECT

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PROPOSED SIGN

GRISSINI RISTORANTE ITALIANO

30125 Agoura Road

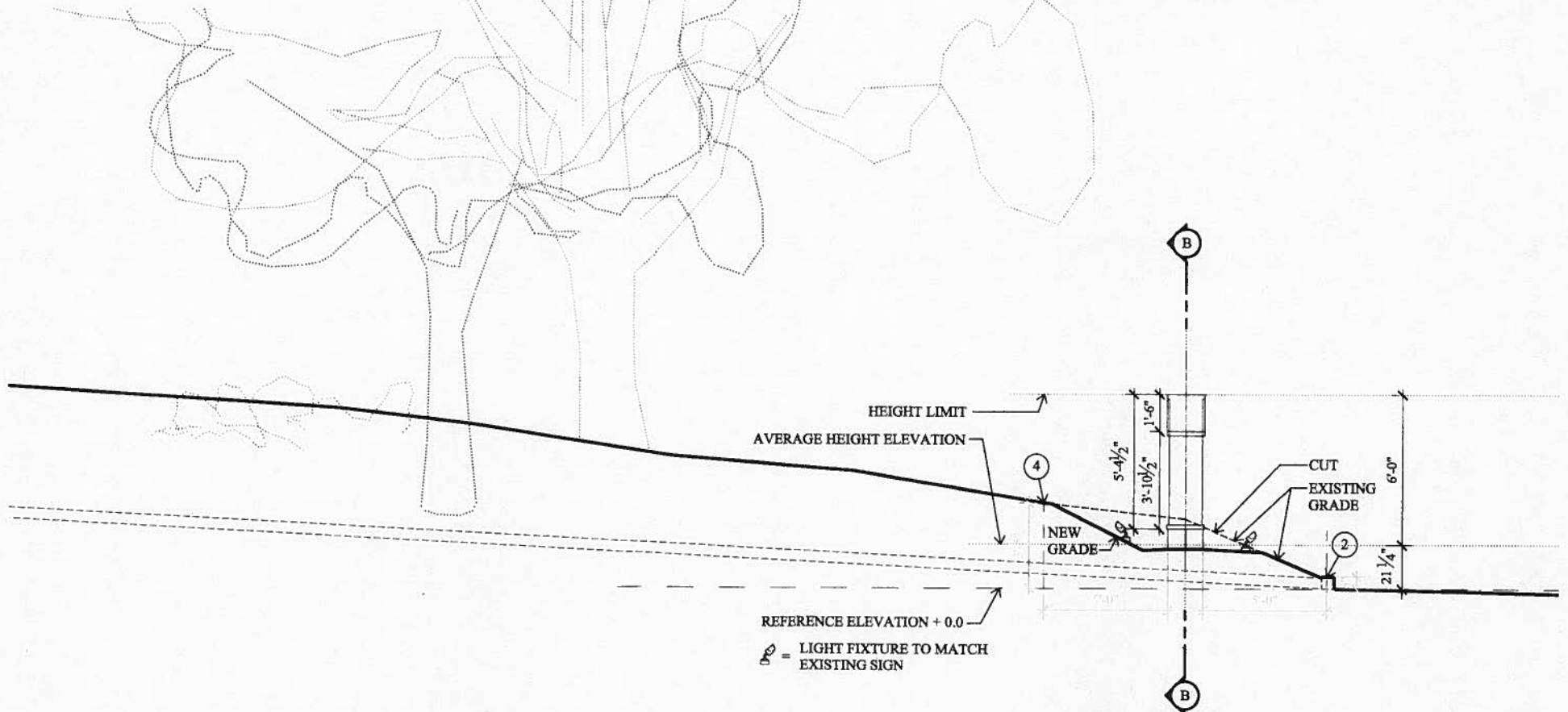
Agoura Hills, CA

HEIGHTS

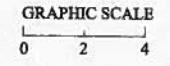
- ① 2'-2"
- ② 0'-6"
- ③ 1'-0"
- ④ 3'-5"

7'-1" TOTAL

$$\frac{7'-1"}{4} = \frac{85"}{4} = 21.25" \text{ AVERAGE POINT ELEVATION}$$



A SITE SECTION
SCALE: 1/4"=1'-0"



12/28/12

BOB EASTON AIA ARCHITECT

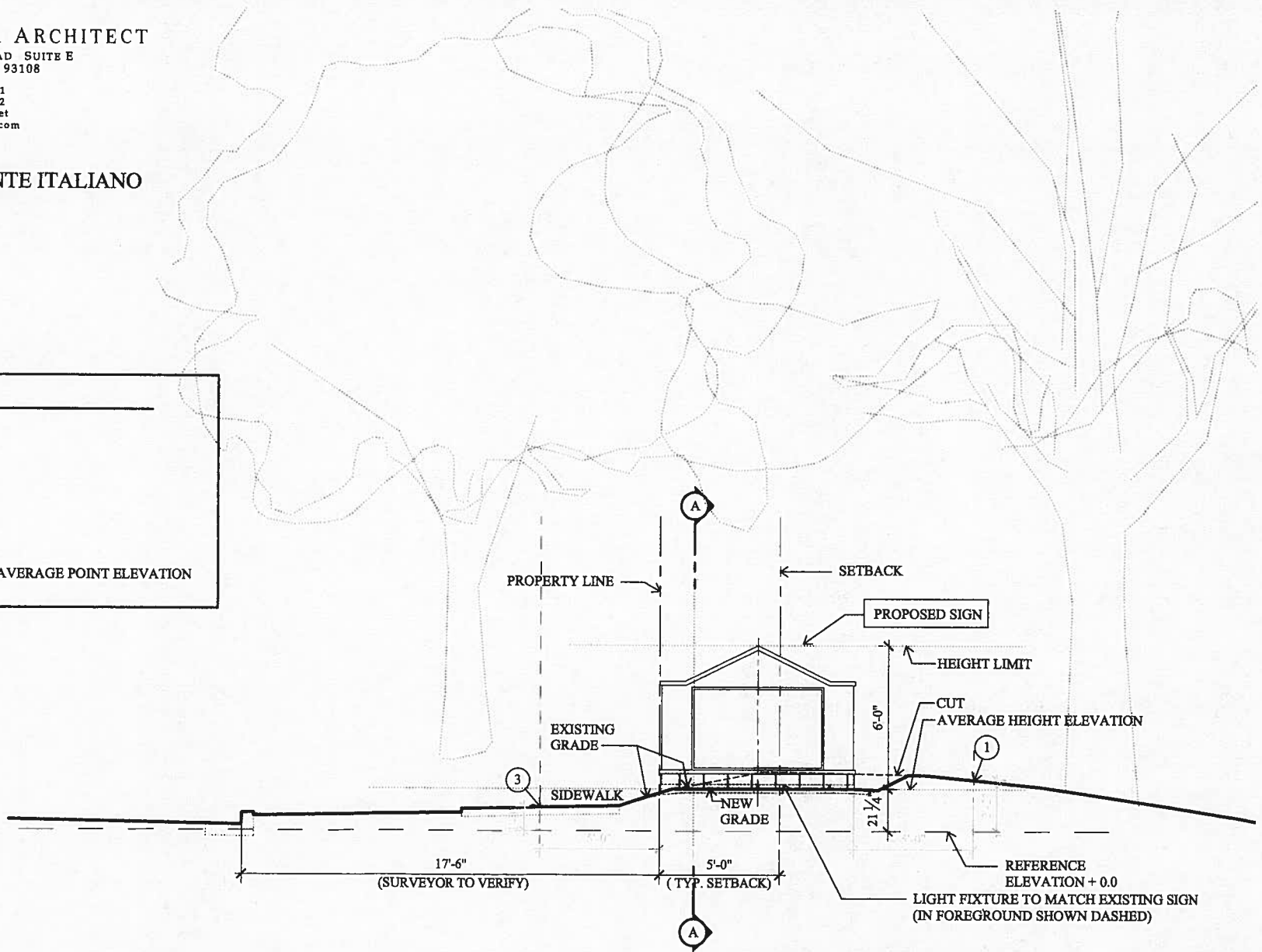
1505 EAST VALLEY ROAD SUITE E
 MONTECITO, CA 93108

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 F. 805 969 3292
 easton@west.net
 www.bobeaston.com

PROPOSED SIGN
GRISSINI RISTORANTE ITALIANO
 30125 Agoura Road
 Agoura Hills, CA

HEIGHTS	
①	2'-2"
②	0'-6"
③	1'-0"
④	3'-5"
<hr/>	
7'-1"	TOTAL
$\frac{7'-1"}{4} = \frac{85"}{4} = 21.25"$	AVERAGE POINT ELEVATION

SIGN AREA: 35.6 SF



B SITE SECTION
 SCALE: 1/4"=1'-0"
 GRAPHIC SCALE
 0 2 4




**CALIFORNIA
SIGNS**
& BANNERS
 21410 Nordhoff St. Chatsworth, CA 91311
 TEL: 818-999-5151 • FAX: 818-341-7640

CITY OF AGOURA HILLS
 2018 FEB 13 AM 8:07
 CITY CLERK
PROPOSED SIGNAGE- SCALE 3/4" = 1'-0"

CLIENT: GIUSEPPE
 ADDRESS: 30125 AGOURA ROAD, AGOURA HILLS, CA 91301
 DESIGN No: 100559
 DRAWN SIGN: CALIFORNIA SIGNS

**VARIANCES
BURDEN OF PROOF FORM**

In addition to the information required in the application, the applicant shall substantiate, in writing, the following required findings of fact to the satisfaction of the Director. Please provide detailed answers and use additional sheets of paper, as necessary.

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;

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SEE ATTACHED ADDENDUM
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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.

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SEE ATTACHED ADDENDUM
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2. 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:

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SEE ATTACHED ADDENDUM
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- 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; and

SEE ATTACHED ADDENDUM

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

SEE ATTACHED ADDENDUM

END

ADDENDUM TO VARIANCES BURDEN OF PROOF FORM

Form Item No. 1.

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. Specifically, the subject restaurant ("Grissini") **IS NOT** visible from the street (Agoura Road). The subject property is a large commercial project, with the majority of the tenant spaces not visible from Agoura Road. With respect to Grissini, it is located behind a larger restaurant structure, which such other structure blocks all views of Grissini Restorante. In addition, regardless if someone is walking or driving on either side of Agoura Road, they are not able to visually identify and see that Grissini is located in the subject property. If the City allows for the proposed additional monument signage, then both vehicular and pedestrian traffic would have knowledge that Grissini Restorante is located on the subject property. Thus, because the subject property is irregular, and because of its topography and location and additional surroundings, makes for Grissini Restorante not to be visible to both vehicular and pedestrian traffic. This is a great disadvantage to not only Grissini, but all other tenants of the subject property. It is for this reason that the Applicant requests the City to approve of the Conditional Use Permit/Variance.

Form Item No. 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 zoning in which the subject property is situated. The Applicant is not requesting or seeking any special privileges. In fact, the Applicant, not unlike other businesses located on Agoura Road, is requesting additional monument signage so that the Applicant will be noticeable to both vehicular and pedestrian traffic. As the City is aware, from Chesebro Road moving north to the outer City limits near Lindero Canyon, there are many businesses which have monument signs, which are visible only from the street (vehicular and pedestrian viewshed), as opposed to the distracting and tall pole signs that exist in other nearby communities. All that the Applicant is requesting is for it to be able to compete, on a level playing field with other businesses located on Agoura Road, which have the low profile monument signs. These other businesses include Do It Center (located near Chesebro Road), as well as the Radisson Hotel, located immediately across the street on Agoura Road from the subject property. Thus, the granting of the Variance does not and will not grant any additional special privileges to the Applicant, which would be inconsistent with limitations placed on other nearby property owners as well as business owners.

Form Item No. 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. Specifically, for the reasons previously set forth, the City's granting of the Variance, as requested by the Applicant, will only put the Applicant on equal footing with all other nearby business owners and real property owners. Should the City grant the Applicant's request for the monument signage, the monument signage will make the Applicant's business known to both vehicular and pedestrian traffic, which will provide additional customers to the subject property and provide additional tax revenue for the City. This is not in violation of the Zoning Ordinance objectives, as pronounced by the City of Agoura Hills. In fact, it complies with and maintains the City's desire to maintain low profile signage within the City, and still allow for businesses to prosper and generate income and revenue for the City of Agoura Hills.

Form Item No 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. Attached to the Application is the proposed monument signage. The monument signage, as proposed, does not create any detriment to the public health, safety or welfare, or materially injurious to properties or improvements of the aesthetic value in the vicinity. The proposed monument signage is similar to other monument signage located all along Agoura Road and in other areas of the City of Agoura Hills. It is in total compliance with and is not different, or does not vary from other similar existing signage in the City of Agoura Hills. The Applicant is very well aware of the fact that the subject property is located near and within the Ladyface Mountain area. The Applicant is well aware of the City's desire not to obstruct or in any way interfere with Ladyface Mountain. The monument sign is of low profile and is consistent with other signage along Agoura Road and near Ladyface Mountain.

Form Item No. 5

That the granting of the Variance will be consistent with the character of the surrounding area. For all of the above reasons previously set forth, it is Applicant's contention that the proposed signage as set forth in the Application IS consistent with the character of other surrounding monument signage along Agoura Road and near or affecting Ladyface Mountain.

Sign Permit—Case No. 13-SP-007
Variance –Case No. 13-VAR-001
Oak Tree Permit –Case No. 13-OTP-006



Westerly Driveway



Easterly Driveway