



**DEPARTMENT OF PLANNING AND
COMMUNITY DEVELOPMENT**

To: Planning Commission

From: Planning Staff

Subject: Adoption of Resolution No. 900 – Case No. 07-VAR-002

Date: March 15, 2007

I. BACKGROUND

On March 1, 2007, the Planning Commission held a public hearing to consider Noel Heller/HBF Holdings, LLC's request for approval of a Variance from Zoning Ordinance Section 9654.3(I) to install parking lot light fixtures in excess of 16 feet in height (Case No. 07-VAR-007). Upon receiving written and oral testimony from staff and the applicant, the Planning Commission directed staff on a 4-1 vote (Commissioner O'Meara opposed) to return with a Resolution of denial of the Variance request, for adoption by the Planning Commission. Attached for the Planning Commission's consideration for adoption is a draft Resolution of denial.

II. RECOMMENDATION

Based on direction given by the Planning Commission on March 1, 2007, staff recommends the Planning Commission adopt attached Resolution No. 900, denying Variance Case No. 07-VAR-002.

III. ATTACHMENTS

- Draft Resolution No. 900
- Draft Minutes of the March 1, 2007 Planning Commission Meeting
- March 1, 2007 Staff Report

RESOLUTION NO. 900

A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF AGOURA HILLS
DENYING VARIANCE CASE NO. 07-VAR-002

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

Section I. An application was duly filed by Noel Heller / HBF Holdings, LLC, with respect to the real property located at 28901 Canwood Street (Assessor's Parcel No. 2048-011-062), requesting approval of a Variance from Zoning Ordinance Section 9654.3(I) to install parking lot light fixtures in excess of 16 feet in height. A public hearing was duly held on March 1, 2007, 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.

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

Section III. The Planning Commission finds, pursuant to the Agoura Hills Zoning Ordinance, that:

A. The strict application of the Zoning Ordinance does not deprive the property of privileges enjoyed by other property in the vicinity and under identical zoning classification because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings. The light poles are situated within and immediately adjacent to the parking lot and do not require additional height to illuminate the parking lot.

B. The granting of the Variance will 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. There was insufficient evidence presented to demonstrate the need for parking lot light fixtures on the parcel that would be in excess of 16 feet in height. The graded topography of the property and the parcel proximity to developed commercial property does not distinguish the parcel as requiring parking lot light fixtures in excess of Zoning Ordinance standards that are otherwise required for commercial properties.

C. The strict interpretation and enforcement of the provisions of the Zoning Ordinance would not result in practical difficulty or unnecessary hardship inconsistent with the objectives of the Zoning Ordinance. The existing light poles can be adjusted to accommodate the lower light fixtures that would not exceed 16 feet in height, while providing for illumination of the parking lot.

D. The granting of the Variance will be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements of the aesthetic value in the vicinity. The parking lot is situated approximately 10 feet above Canwood Street and the 101 Freeway. Parking lot light fixtures in excess of 16 feet in height will create unnecessary glare as viewed from the adjacent roadways and will negatively impact the visual quality of the freeway corridor.

E. The granting of the Variance will be inconsistent with the character of the surrounding area. Light fixtures in excess of 16-feet in height will appear incompatible with neighboring developed commercial property in the freeway corridor and will detract from the building design and surrounding environment.

Section IV. The proposed light fixtures are considered new accessory structures to the primary hotel use of the property. The project, therefore, is exempt from the California Environmental Quality Act per Section 15303.

Section V. Based on the aforementioned findings, the Planning Commission hereby denies Variance No. 07-VAR-002, with respect to the property described in Section 1 hereof.

PASSED, APPROVED and ADOPTED this 15th day of March, 2007, by the following vote to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

Steve Rishoff, Chairperson

ATTEST:

Doug Hooper, Secretary