

DRAFT RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF AGOURA HILLS
APPROVING A VALET PARKING SERVICE AS CONDITIONED BY THE
OUTDOOR DINING PERMIT CASE NO. 05-ODP-001
AND VARIANCE REQUEST CASE NO. 05-VAR-001

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

Section 1. An application was duly filed by Chapter 8 with respect to the real property located at 29020 Agoura Road, Assessor's Parcel Numbers 2061-031-023 and 024, requesting approval of a valet parking service as required by Condition #29 of Resolution #813 as a mitigation measure to the reduction of parking approved by Variance 05-VAR-001. A public meeting was duly held on October 5, 2006 at 6:30 p.m. in the Council Chambers, City Hall at 30001 Ladyface Court, Agoura Hills, CA 91301. Agenda noticing of the time, date and place and purpose of the aforesaid were duly posted.

Section 2. Evidence, both written and oral, was duly presented to and considered by the Planning Commission of the aforesaid public meeting.

Section 3. The Planning Commission finds, that Condition #29 of Resolution #813 stated as follows:

“ The location, configuration, design, hours of operation, and the manner of operation of any on-site valet parking shall be subject to review and approval by the City Traffic Engineer and the Director of Planning and Community Development.”

The City Traffic Engineer has reviewed and approved the valet parking plan and the Director of Planning and Community Development has referred review of the valet parking to the Planning Commission.

Section 4. The Planning Commission further finds, pursuant to the Agoura Hills Zoning Ordinance that:

Based on the trial period of 5 months, the proposed revised valet parking service which incorporates off-site parking does alleviate concerns originally brought to the City's attention provided that the operation of the valet parking service is per the recommended changes by the applicant's Parking Consultant. Changes in the characteristics of the operation of the business, the valet parking service and other external conditions impacting the quality of service shall be subject to additional review.

Section 5. The Planning Commission finds, pursuant to Section 9395 and 9676 of the Agoura Hills Zoning Ordinance that with this approval, the findings made for Case Nos. 05-ODP-001 and 05-VAR-001 as follows still apply:

- A. The outdoor dining area as conditioned complies with the City outdoor dining development standards and will operate in a satisfactory manner with regard to noise, physical and use related maintenance, traffic, lighting, and signage.
- B. The project will not conflict with on-site circulation and that there is sufficient parking provided to accommodate the use.
- C. Because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the Zoning Ordinance deprives the property of privileges enjoyed by other property owners in the vicinity and under identical zoning classification. The applicant has demonstrated that, although the Zoning Ordinance requires that each commercial property must be self-sufficient when providing parking, additional parking can be secured without impacting nearby facilities and that the proposed and conditioned operational measures will help alleviate the parking demand on-site, where no opportunity exists to increase the number of on-site parking spaces.
- D. 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. The shortage of parking created by the Outdoor Dining Permit is being mitigated with off-site parking thereby allowing all other tenants in the center to have complete access to their required supply of on-site parking.
- E. 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 outdoor dining is an intricate component of an eating establishment. The quality of the outdoor dining is unique as it is surrounded by open space and away from heavily traveled arterials. The site is currently non-conforming in regard to parking. The current parking standards would preclude the restaurant from operating any outdoor dining area.
- F. 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 outdoor dining area will be designed to meet the Alcohol Beverage Control Agency and the Building and Safety Department requirements while not interfering with the parking lot. Off-site parking availability is measured per City Code requirements and monitored to ensure safe pedestrian and motorist paths of travel.
- G. The granting of the Variance will be consistent with the character of the surrounding area. The mitigation for the lack of on-site parking through the provision of on-site parking currently exists in the area.

Section 6. The valet parking review is not considered a project pursuant to the California Environmental Quality Act.

Section 7. Based on the aforementioned findings, the Planning Commission hereby approves the revised Condition #29 to the Outdoor Dining Permit Case No. 05-ODP-001 and Variance Request Case No. 05-VAR-001 which is attached to this resolution, with respect to the property described in Section 1.

PASSED, APPROVED and ADOPTED this 5th day of October, 2006 by the following vote to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

Phil Ramuno, Chairperson

ATTEST:

Doug Hooper, Secretary