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**DEPARTMENT OF PLANNING AND  
COMMUNITY DEVELOPMENT**

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**ACTION DATE:** March 1, 2007

**TO:** Planning Commission

**APPLICANT:** Noel Heller / HBF Holdings, LLC  
1201 Camino Del Mar, #211  
Del Mar, CA 92014

**CASE NO.:** 07-VAR-002

**LOCATION:** 28901 Canwood Street  
(A.P.N. 2048-011-062)

**REQUEST:** A 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.

**ENVIRONMENTAL DETERMINATION:** This project is categorically exempt from CEQA, per Section 15303.

**RECOMMENDATION:** Staff recommends the Planning Commission approve Variance Case No. 07-VAR-002, subject to conditions, based on the findings of the draft Resolution.

**ZONING DESIGNATION:** CRS-FC (Commercial Retail Service - Freeway Corridor Overlay)

**GENERAL PLAN DESIGNATION:** CRS (Commercial/Retail-Service)

**I. BACKGROUND AND PROJECT DESCRIPTION**

In December of 2003, the Planning Commission unanimously approved Conditional Use Permit Case No. 03-CUP-018, which was a request of HBF Holdings, LLC, to construct a 125-unit Hilton Homewood Suites Hotel. The project site is located at 28901 Canwood Street, east of Kanan Road and west of Clareton Drive.

In January of 2004, the City Council considered an appeal of the Planning Commission's approval of the Conditional Use Permit. After conducting the appeal hearing, the City Council upheld the decision of the Planning Commission, subject to conditions of approval. Included in the conditions was the requirement for the applicant to submit a detailed lighting and photometric plan for review and approval by the Director of Planning and Community Development. Building permits were issued for construction of the hotel, however the lighting and photometric plans were not approved at that time. The applicant was allowed to proceed with the construction of the hotel with the condition that lighting and photometric plans be submitted for review and approval prior to occupancy of the hotel.

The applicant has installed light poles and fixtures in the parking lot area without having submitted a new plan for approval by the Planning and Community Development Director. A site inspection by staff revealed that most poles and fixtures on the site exceed the City's 16-foot height limitation, which includes the height of the base. Most parking lot light fixtures installed at the site are 25 feet in height. Staff has used its discretion in the past in measuring the height of light fixtures, which has resulted in some fixtures being approved for heights greater than 16 feet, usually due to the base height of the poles accommodating the adjacent topographic grade. However, in this instance, the proposed 25-foot height of the fixtures exceeds staff's discretionary review. The applicant has subsequently filed for a Variance request. Meanwhile, there are other corrections related to the construction of the hotel that are required of the applicant prior to staff's issuance of occupancy.

## **II. STAFF ANALYSIS**

Staff acknowledges that the light fixtures can be reduced in height to meet the Zoning Ordinance limitation of 16 feet. However, upon reviewing the lighting in the filed, staff finds that the existing fixtures sufficiently serve the property without producing intense illumination or glare. The elevation of the parking lot is approximately 10 feet above Canwood Street and the 101 Freeway, making the fixtures on the south side of the property prominently visible. However, the height of the fixtures diffuses the light levels on the surface, thereby reducing shadow-effects. By lowering the light fixtures, the illumination levels on the surface of the parking lot will be increased. It may also require the installation of additional fixtures within the parking area, which could be result in the parking lot illumination being more visible from the 101 Freeway.

Staff finds that the effect of the existing light fixtures meet the intent of the City's Lighting Guidelines and Standards. The fixtures reduce glare onto neighboring parcels through the use of subtle illumination levels. The light fixtures also provide illumination within the parking lot and near the building that is appropriate for public safety. Also, staff finds that the on-site lighting will likely appear less noticeable when the adjacent, vacant commercial parcels to the west of the property are developed.

The Planning Commissioners are encouraged to view the parking lot lights, which will be kept on during the week prior to the Planning Commission meeting.

## **II. RECOMMENDATION**

Based on our analysis, staff recommends the Planning Commission adopt a motion to approve Variance Case No. 07-VAR-002, subject to conditions.

## **III. ATTACHMENTS**

- Draft Resolution and Conditions of Approval
- Applicant's Burden of Proof Letter

Case Planner: Doug Hooper, Assistant Director of Community Development

DRAFT RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF AGOURA HILLS  
APPROVING 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. 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 light poles and fixtures are placed in logical locations on the site to provide sufficient illumination of the public parking lot. By limiting the height of the light fixtures to 16 feet, while keeping the light poles in their existing locations, the illumination radiuses from each light fixture on public parking areas will be reduced. This will likely require the installation of more light fixtures for public safety, and add to the visual impact of the light sources as viewed from Canwood Street and the 101 Freeway.

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. There are existing parking light fixtures on commercial properties in excess of 16 feet in height. The proposed light poles and fixtures, while in excess of the 16-foot height limit, will accomplish the intent of providing subdued illumination on the public parking lot for adequate access.

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 objective of the 16-foot height limitation for light fixtures is to reduce glare while providing security for the public. The proposed light fixtures accomplish this intent by illuminating the parking lot in a subdued manner while avoiding the need for additional fixtures that may be visually incompatible for the site.

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 fixtures are subject to compliance with the City Building Code will provide on-site security for the public. The illumination levels produced from the fixtures will not have a negative visual impact as viewed from the 101 Freeway or surrounding parcels.

E. The granting of the Variance, as conditioned, will be consistent with the character of the surrounding area. The fixtures and light intensity will appear compatible with the developed commercial property to the east and will not detract from the building design or 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 approves Variance No. 07-VAR-002, subject to attached Conditions, with respect to the property described in Section 1 hereof.

PASSED, APPROVED and ADOPTED this 1<sup>st</sup> day of March, 2007, by the following vote to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

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Steve Rishoff, Chairperson

ATTEST:

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Doug Hooper, Secretary

**DRAFT CONDITIONS OF APPROVAL  
(CASE NO. 07-VAR-002)**

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 approved Site Electrical Plan and Site Photometric Plan approved by the Planning Commission on March 1, 2007.
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. 07-VAR-002 will expire. A written request for a one (1) year extension may be considered prior to the expiration date.

END