



**PLANNING DIVISION**

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DATE: December 19, 2019

TO: Planning Commission

APPLICANT: Melissa Farwell for Raw Inspiration, Inc.  
23501 Park Sorrento Drive, Suite 105  
Calabasas, CA 91302

CASE NO.: CUP-01633-2019

LOCATION: 28914 Roadside Drive (Whizin Market Square)

REQUEST: Request for approval of a Conditional Use Permit to operate a farmers' market and related activities to be held every Saturday from 9:00 am to 2:00 pm at the Whizin Market Square; and to make a finding of exemption under the California Environmental Quality Act

ENVIRONMENTAL DETERMINATION: Exempt from the California Environmental Quality Act (CEQA) per Section 15304(e) of the CEQA Guidelines.

RECOMMENDATION: Staff recommends the Planning Commission approve Conditional Use Permit Case No. CUP-01633-2019, subject to conditions, based on the findings of the attached Draft Resolution.

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

GENERAL PLAN DESIGNATION: Planned Development

## **I. PROJECT BACKGROUND AND DESCRIPTION**

The applicant, Melissa Farwell on behalf of Raw Inspiration, Inc., is requesting the approval of a Conditional Use Permit (CUP) to operate a certified farmers' market on Saturdays from 9:00 a.m. to 2:00 p.m. at the Whizin Market Square (the "Project"). The shopping center is bordered by Roadside Drive to the north, Agoura Road to the south, Cornell Road to the west, and the DIY Home Center to the east. The approximately 10-acre shopping center property is zoned Planned Development in the Agoura Village Specific Plan, which allows farmers' markets with the approval of a CUP. The farmers' market would occupy slightly under one (1) acre of the total 10-acre site, at the northeast corner of the property. The 100,000 square-foot shopping center is occupied by a variety of retail uses and restaurants and provides 494 parking spaces in and around the property with four (4) vehicular access points into the property. The project area is paved and set apart from the other commercial establishments in the shopping center, therefore the use would not conflict with the on-going operations of the center nor the adjacent retail building immediately to the east. A vicinity map is attached to this report as Attachment 2.

The farmers' market is proposed to be operated by Raw Inspiration, Inc. The non-profit company has been in operation for approximately 20 years, and currently operates 22 farmers' markets in and around the Los Angeles and Ventura County areas, including Calabasas, and Westlake Village. The company collaborates with California Certified Farmers Market (CCFM) to book farmers for each specific farmers' market location in California.

The California Department of Agriculture sets specific and general guidelines for the operation, marketing and food handling for certified markets. Being a "certified" farmers' market means that the California Department of Agriculture has inspected the farm to ensure the produce being sold is California grown. Should this CUP request be approved, the operator will need to secure a permit from the California Department of Agriculture, as well as a permit from the Los Angeles County Department of Environmental Health, to operate the market. In addition, certified farmers' markets are subject to a variety of health, safety, and sanitation requirements under state law.

## **II. STAFF ANALYSIS**

### **A. Site Plan**

The location of the Project site is at the northeast corner of the shopping center. The site is divided into two pads with the upper pad adjacent to Roadside Drive to its north side and a commercial building and parking lot to its west side. The lower pad is bordered by trees and landscaping along its east and west sides and the upper pad to its north side.

The certified farmers' market will consist of 50 10-foot by 10-foot booths for the sale of fresh farm produce, pre-packed food items, and hand-made crafts. In addition to fresh fruit and produce, items such as fresh-cut flowers, dried fruits and nuts, baked goods, honey, and other cooked and prepared food items will also be sold. Consistent with the previous Farmers Market approved for the Agoura Hills City Mall, staff is recommending that at least 80 percent of the vendors be certified farmers or food vendors (Condition No. 14 of Attachment 1 Exhibit A).

The market is proposed to operate between 9:00 a.m. to 2:00 p.m. on Saturdays only. This duration does not include time for setting up and tearing down. Set-up is anticipated to take no more than two (2) hours and will begin at approximately 7:00 a.m. Tear-down would take approximately 90 minutes up until 4:00 p.m. at the latest. An on-site manager would arrive before the vendors set up, and would remain on-site until the vendors leave. All temporary services, such as trash containers, parking barriers, and bathroom facilities would be placed on-site by the market manager before the 9:00 a.m. opening, and all the items would be removed from the site by 4:00 p.m.

It is anticipated that most of the vendors will operate under "pop-up"-type tents or similar structures. There will be no direct sales of products from vendor vehicles. After unloading, the vendor vehicles will be parked across the tents in regularly marked spaces. Tables would be provided on the upper pad for customers interested in eating on-site, as well as an inflatable play structure for children, and a musician who would play acoustic music without any amplification. (Condition No. 21 of Attachment 1 Exhibit A). Temporary bathroom facilities would also be provided during the duration of the market. There would be temporary directional signs, and "no dog allowed" signs on the perimeter of the property and of the Project area. A site plan demonstrating the layout of the market is attached to this report. The conditions of approval require the applicant to comply with the site plan.

The Project area is accessible by multiple driveways and drive-aisles, and has ample nearby parking spaces. Safety features would include parking spaces that would be temporarily marked as reserved and designated as accessible spaces. Also, one vehicle would be parked across each end of the adjacent drive aisle as a barricade to protect pedestrians circulating in and around the market. Temporary vinyl fencing is also required of the applicant along the north and east sides of the upper pad to prevent children from accessing Roadside Drive.

The CUP allows the City to impose conditions of approval to maximize public safety while the farmers' market is operating and minimize impacts on nearby residential and commercial properties. The draft resolution with findings and conditions of approval is attached to this report as Attachment 1 and as Exhibit A.

#### B. Homeowners Group

The Old Agoura Home Owners Planning and Zoning Committee provided their comments for this project, stating “We support the farmers’ market and look forward to what we hope will be, a promoted business model”. Their comment letter is attached to this report for the Planning Commission’s review (Attachment 3).

#### C. General Plan Consistency

Staff finds the Project will be consistent with the following applicable General Plan goal and policy:

Goal LU-26 Pedestrian-Oriented Mixed Use Village. Transformation into a pedestrian-oriented village containing a mix of retail shops, restaurants, theaters, entertainment, and housing that serves as a destination for residents and visitors to Agoura Hills.

- *Policy LU-26.1 Diversity of uses. Accommodate a range of uses, including community-serving retail, entertainment, office, public and quasi-public, visitor-serving hotel, housing, and complementary uses.*

The farmers’ market increases the diversity of uses in the Whizin Market Square and the Agoura Village Specific Plan overall by bringing fresh and local produce products not available at the shopping center. The use encourages pedestrian activity. The proposed use will provide a desirable, convenient location for the public to purchase fresh local fruits and vegetables.

#### D. Environmental Review

The Project has been reviewed pursuant to the California Environmental Quality Act (CEQA), and has been determined to be exempt from CEQA per Section 15304(e). This section addresses the temporary use of land having negligible, or no permanent effects on the environment, which would include the periodic operation of a farmers’ market. The use is contained within an existing shopping center, and safe and adequate circulation and access is provided. There would be no permanent changes to the site or environment. No exception to this determination applies as set forth in Section 15300.2 of the CEQA Guidelines, including, but not limited to, subsection (c), which relates to unusual circumstances that could have a significant effect on the environment.

### III. RECOMMENDATION

Based on the foregoing analysis, staff recommends that the Planning Commission approve Conditional Use Permit Case No. CUP-01633-2019, subject to the findings in the attached resolution and the conditions of approval.



**IV. ATTACHMENTS**

1. Draft Resolution for the Conditional Use Permit with Conditions of Approval (Exhibit A)
2. Vicinity Map
3. Old Agoura Home Owners Planning and Zoning Committee Letter
4. Copy of the Site Plan
5. Photographs of Booths and Signage
6. Photographs of Whizin Market Square

Case Planner: Valerie Darbouze, Associate Planner

# **ATTACHMENT 1**

RESOLUTION NO. 19\_\_\_\_\_

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF AGOURA HILLS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT CASE NO. CUP-01633-2019, TO ALLOW THE OPERATION OF A CERTIFIED FARMERS' MARKET AT THE WHIZIN MARKET SQUARE LOCATED AT 28914 ROADSIDE DRIVE; AND MAKING A FINDING OF EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

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

Section 1. An application was duly filed by Melissa Farwell on behalf of Raw Inspiration, Inc., with respect to the property known as the Whizin Market Square, located at 28914 Roadside Drive (Assessor's Identification No. 2061-007-047), requesting approval of a Conditional Use Permit (Case No. CUP-01633-2019) to operate a certified farmers' market, consisting of 50 booths for the sale of fresh farm produce, pre-packaged food items, prepared food, and hand-made crafts, and related activities, to be held on Saturdays from 9:00 a.m. to 2:00 p.m. (the "Project").

Section 2. The Project has been reviewed pursuant to the California Environmental Quality Act (CEQA), and has been determined to be exempt from CEQA per Section 15304(e). This section addresses the temporary use of land having negligible, or no permanent effects on the environment, which would include the periodic operation of a farmers' market. The use is contained within an existing shopping center, and safe and adequate circulation and access is provided. There would be no permanent changes to the site or environment. No exception to this determination applies as set forth in Section 15300.2 of the CEQA Guidelines, including, but not limited to, subsection (c), which relates to unusual circumstances that could have a significant effect on the environment.

Section 3. The Planning Commission of the City of Agoura Hills considered the Project and application at a public hearing held on December 19, 2019, at 6:30 p.m. in the City Council Chambers of City Hall, 30001 Ladyface Court, Agoura Hills, California. Notice of the time, date, place and purpose of the aforementioned public hearing was duly given and published as required by state law.

Section 4. Evidence, both written and oral, including the staff report and supporting documentation, was presented to and considered by the Planning Commission at the aforementioned public hearing.

Section 5. Conditional Use Permit. Pursuant to Section 9673.2.E of the Agoura Hills Municipal Code and based upon the evidence presented at the public hearing, including the staff report and oral and written testimony, the Planning Commission finds, that:

A. The Project is consistent with the objectives and provisions of the Zoning Ordinance and the purposes of the land use district in which the use is located. The use is temporary and does not physically modify the existing development, within which it would be located. The market's vendors do not block the view of the existing tenants of the shopping center or access to the site. The use is allowed in the Planned Development zone and the Agoura Village Specific Plan with a Conditional Use Permit (CUP).

B. The Project is compatible with the surrounding properties. The Project site is within an existing shopping center. The shopping center's surrounding properties consist of commercial retail uses, to the east and west, Roadside Drive and the U.S. 101 Freeway to the north and one residence and office building to the south. The market booths will be within the parking lot of the shopping center and bordered by existing structures and landscaping, which will serve to minimize noise and visual impacts from the rights-of-way and surrounding uses. Existing vehicle driveways at the shopping center provide adequate ingress and egress.

C. The Project and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare. The market is organized to protect the vendors and customers from vehicles. Sanitary facilities, including adequate trash receptacles and bathrooms, are provided during the duration of the market's activities. Temporarily marked accessible spaces and paths are provided while the market is operating. Temporary fencing would be provided along Roadside Drive to protect young visitors from running out in the street. Temporary signage is provided to direct the traffic to the site. The market's operators would monitor the operation and verify that the site is left in clean condition after the vendors have left.

D. The Project will comply with each of the applicable provisions of the Zoning Ordinance, except for approved variances or modifications. The use is permitted with the issuance of a Conditional Use Permit and conditioned to limit impacts to the surrounding properties. The temporary structures used by the farmers' market are to be located on a vacant area of the property, and will not impact access to the existing tenants of the shopping center and the adjacent businesses. The shopping center provides sufficient parking to serve the expected parking demand of the market during the daytime hours.

E. The distance from other similar and like uses is sufficient to maintain the diversity of the community. No other farmers' market operates in the City, therefore the use does not contribute to the over-concentration of like and similar uses in the City and/or in the shopping center.

F. The Project is consistent with the City's General Plan. The Project is consistent with the Land Use and Community Form Goal LU-26 Pedestrian-Oriented Mixed Use Village, and Policy LU-26.1 Diversity of Uses. The farmers' market increases the diversity of uses in the Whizin Market Square and the Agoura Village Specific Plan overall by bringing fresh and local produce products not available at the shopping center.

The use encourages pedestrian activity. The proposed use will provide a desirable, convenient location for the public to purchase fresh local fruits and vegetables.

Section 6. Based on the aforementioned findings, the Planning Commission hereby approves Case No. CUP-01633-2019, subject to the conditions attached hereto as Exhibit A, with respect to the property described in Section I hereof.

Section 7. The Secretary of the Planning Commission shall certify to the passage, approval, and adoption of this resolution, and shall cause this resolution and its certification to be entered in the Book of Resolutions of the Planning Commission of the City.

PASSED, APPROVED, and ADOPTED this 19<sup>th</sup> day of December, 2019, by the following vote to wit:

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

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John Asuncion, Chairperson

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Doug Hooper, Secretary

**Exhibit A**  
**CONDITIONS OF APPROVAL**  
**(Case No. CUP-01633-2019)**

PLANNING DIVISION

1. This decision, 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 has agreed in writing that the Applicant is aware of, and accepts, all Conditions of this Permit with the Planning Division.
3. Except as modified herein, the approval of this action is limited to, and requires complete conformation to the approved labeled exhibits: Site Plan, and Photographs.
4. If any provision of this permit is held or declared invalid, the approval shall be void and the privileges granted hereunder shall lapse.
5. 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. All requirements of the Zoning Ordinance and of the specific zoning designation of the subject property must be complied with unless set forth in this permit.
7. Unless this permit is used within two (2) years from the date of City approval, Conditional Use Permit Case No. CUP-01633-2019 will expire.
8. Operation of the use shall not be granted until all Conditions of Approval have been complied with as determined by the Planning Director.
9. The Applicant, and property owner(s), and their successors in interest, shall indemnify, defend and hold harmless the City, its officials, officers, agents and employees (collectively "Indemnitees") from and against any and all claims, actions, lawsuits, damages, losses and liabilities arising or resulting from the granting of this approval by the City or the exercise of the rights granted by this approval. This indemnification obligation shall include, but not be limited to, paying all fees and costs incurred by legal counsel of the City's choice in representing the Indemnitees in connection with any such claims, actions or lawsuits, any expert fees, and any award of damages, judgments, verdicts, court costs or attorneys' fees in any such claim, action or lawsuit. The City shall promptly notify Applicant and property owners of any claim, action, or proceeding and the City shall reasonably cooperate in the defense. In the event such a legal action is filed, the City shall estimate its expenses for litigation. Applicant or property owners shall

deposit such amount with the City or enter into an agreement with the City to pay such expenses as they become due. Applicant and property owners shall reimburse the City, and each of the Indemnitees for any and all legal expenses and costs incurred by it in enforcing the indemnity herein provided. Although the Applicant is the real party in interest in an action, the City may, at its sole discretion, participate in the defense of the action, but such participation shall not relieve the Applicant of any obligation under this condition.

10. The hours of operation of the Certified Farmers Market are from 9:00 a.m. to 2:00 p.m. on Saturdays, with teardown and cleanup permitted two hours prior to opening and after closing, respectively. All temporary trash containers, parking barriers, and bathroom facilities shall be established by 9:00 a.m. on Saturdays when the certified farmers' market is operating.
11. The market shall be managed in accordance with the rules, laws and regulations as established by the California Department of Food and Agriculture, all applicable provisions of the California Health and Safety Code, including Section 114371, and shall be operated as a "certified farmers' market", as defined therein, at all times.
12. The applicant shall obtain all necessary permits to operate the farmers' market, including permits from the Los Angeles County Health Department, Los Angeles County Fire District, and all other applicable agencies.
13. All temporary electrical wiring to any vendor spaces shall be secured to prevent physical hazards to the public and participants. Portable generators, if used, shall be shielded to prevent accidental contact. Extension cords shall be secured to the ground to prevent tripping.
14. The event is limited to a maximum of 50 vendors, a minimum of eighty percent (80%) of which are reserved for certified farmers or food vendors.
15. The site shall be left clean and in its original manner after every event. Sufficient trash receptacles shall be provided so that trash/debris can be deposited accordingly.
16. All vendors must operate within a designated vendor space in the event area as identified in this approved site plan and must be affiliated with the event.
17. Roadways, parking areas, emergency vehicle access and pedestrian traffic aisles to other businesses in and around the event shall be maintained accessible at all times.
18. An adequate number of portable restroom facilities shall be provided to accommodate participants and guests. American with Disabilities Act-compliant portable restrooms shall be provided as required by the City Building and Safety Division and/or Los Angeles County Health Department.

19. The applicant shall submit information (proposed location, size and materials) of all temporary signs a minimum of two (2) weeks prior to the start of the first event. No sign permit shall be required.
20. Applicant must comply with all accessibility regulations including but not limited to providing temporary accessible parking and aisles, signage and the path of travel from the accessible spaces to the event area on both upper and lower parking lots.
21. Music shall be limited to one musician playing non-amplified acoustic music during the operation of the farmers market.
22. The farmers' market is subject to the City's prohibition on commercial marijuana activity under Division 10 of Chapter 6 of Article XI of the Municipal Code. No marijuana, marijuana products, or marijuana accessories are permitted to be sold at the farmers' market.
23. The farmer's market shall comply with all health and safety requirements of the State of California relating to Certified Farmers' Markets.

END



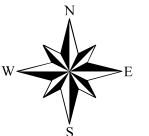
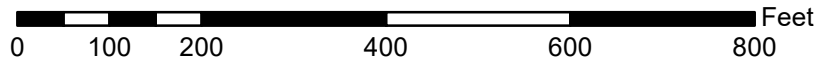
## **ATTACHMENT 2**



# City of Agoura Hills

Conditional Use Permit Case No. CUP-01633-2019

Vicinity/Zoning Map





## **ATTACHMENT 3**

## Old Agoura Home Owners Planning and Zoning Committee

November 21, 2019

Re: Farmers market.

Agoura, and especially Old Agoura have managed to maintain a small town atmosphere. Supporting local business, is not only good for the owners of these endeavors, it helps our local government with collecting taxes.

The proposed farmers market, with a place to sit, and kid's activities will add a nice touch to the "standard" larger commercialized markets, and big box retailers. The area designated for this event has ample street parking, and on-site parking, further enhancing the shopping experience. Coupled with our amazing climate, the location works well.

In conclusion, we support the Farmers market, and look forward to what we hope will be, a promoted business model.

We appreciate the opportunity to comment on the proposed farmers market at the Whizin shopping center.

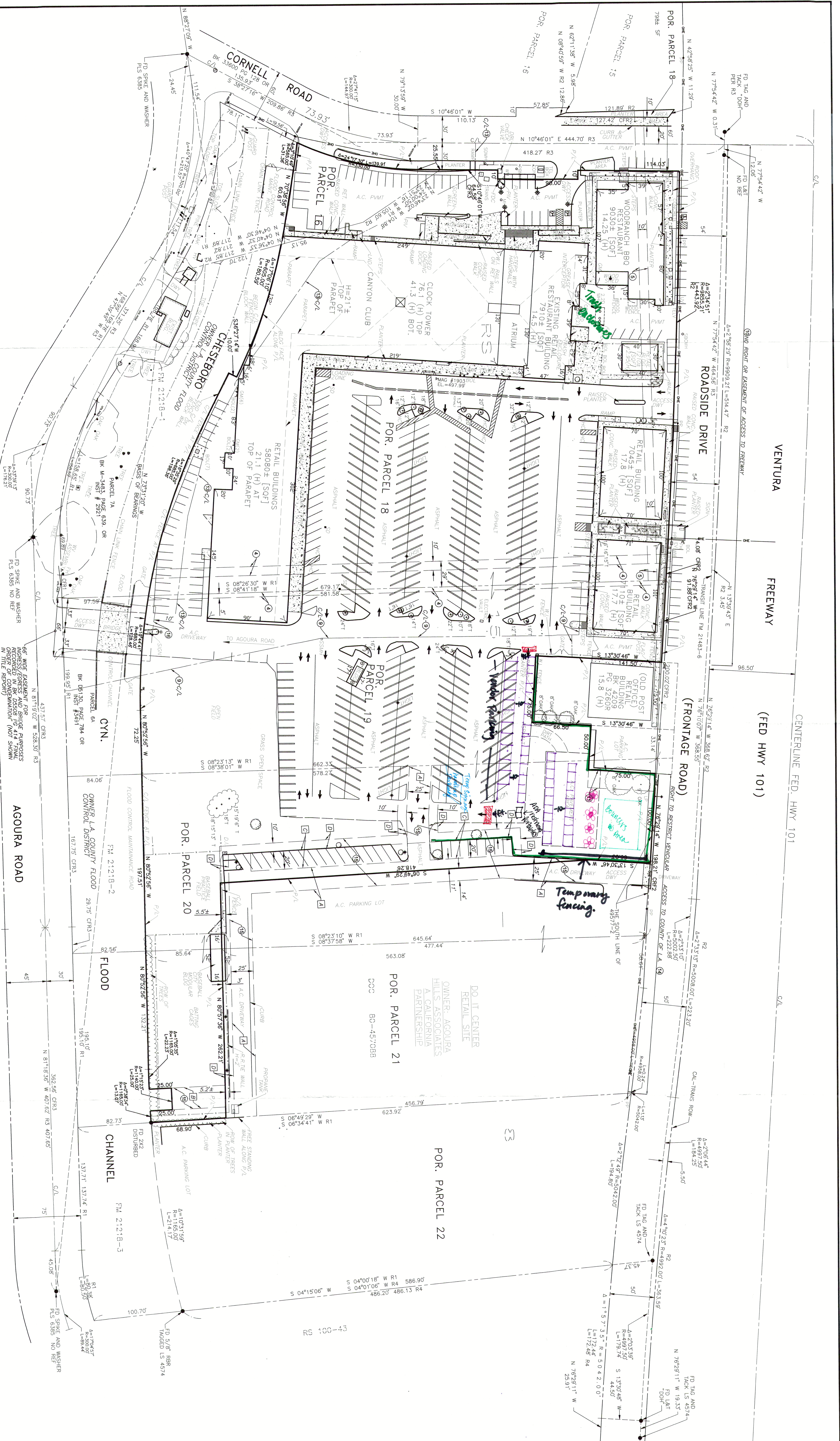
Thank you.

Daniel Farkash  
Mike Colabella  
Phil Ramuno.

## **ATTACHMENT 4**



- Legend
- 10x10 tent □
  - Property Boundary Line —
  - Temporary Fencing around the Bounce House —
  - Barricades ■



**UNDERGROUND SERVICE ALERT**

CALL TOLL FREE  
1-800-277-2600

TWO WORKING DAYS BEFORE YOU DIG

- SURVEYOR NOTES:**
1. EXPRESSED IN FEET AND DECIMALS THEREOF.
  2. POINTS FOUND OR SET ARE SO NOTED. ALL OTHER POINTS ARE FOR REFERENCE ONLY.
  3. ENCUMBRANCES AND/OR OTHER ENCUMBRANCES THAT AFFECT THIS PROPERTY MAY NOT BE SHOWN. SEE THE RECORDING TITLE REPORT.
  4. THIS SURVEY IS A TYPE I NON-CONFORMING BUSINESS PARK DISTRICTS, PROJECT IS TYPE I NON-CONFORMING BUSINESS PARK DISTRICTS, AND ARE THOSE USES WHICH ARE NOT LISTED SPECIFICALLY AS PERMITTED USES BUT WHICH ARE OF THE SAME GENERAL CHARACTER AS THOSE PERMITTED USES AND ARE NOT DETRIMENTAL TO THE SURROUNDING USES AND THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE. SUCH USES MAY BE CONTINUED, IMPROVED, ALTERED OR ENLARGED SUBJECT TO THE PROVISIONS OF THE DISTRICT. SEE CITY ZONING CODE 9701-9708.

5. PROJECT WAS CONSTRUCTED PRIOR TO CITY OF AGOURA HILLS INCORPORATING NO OBSERVABLE EVIDENCE OF SITE AS SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL.
6. PROPOSED ZONING SETBACKS:
  - OF W/ VYAD - 20 FEET TO EXISTING RIGHT SIDE.
  - NONE EXCEPT STREET SIDE SHALL BE TREATED AS FRONT YARD.
  - REAR YARD - EQUAL TO HEIGHT OF BUILDING.
7. NOTE PROJECT SITE ALSO IS GOVERNED UNDER THE AGOURA VILLAGE SPECIFIC PLAN, COPY ON FILE AT CITY OF AGOURA HILLS.

- REQUIREMENTS PER RECORDED AGREEMENT FOR RECREATIONAL FACILITIES AND RESTRICTIONS ON THE USE OF LAND:**
- A. MAINTENANCE OF FACILITIES.
  - B. DRAINAGE ASSIGNMENT.
  - C. ADDITIONAL PARKING AND ROADWAY.
  - D. CONST. GRADING & SLOPE EASEMENT.
- PARCEL SUMMARY:**
- TOTAL GROSS BUILDING AREA: 90,384± [SOFT]
- NUMBER OF REGULAR PARKING SPACES: 444
- H.C. PARKING SPACES: 11
- GROSS AREA OF PARCEL: 8.8± ACRES
- CRP#

REV	SW/BL	DESCRIPTION OF CHANGE	RCE	DATE

**NOTE:**

UPDATED 12/01/2006 ALTA SURVEY PER TITLE REPORT DATED AUGUST 26, 2011.

**BASIS OF BEARINGS**

THE BEARING OF NORTH 73°17' WEST AS CALCULATED BETWEEN FOUND MONUMENTS ALONG THE CENTERLINE OF AGOURA ROAD AS SHOWN ON FM 2148-6 RECORDED IN THE COUNTY OF LOS ANGELES IS THE BASIS OF BEARINGS FOR THIS SURVEY.

**PREPARED FOR:** TUCKER INVESTMENT GROUP, INC. CALIFORNIA, CA 91302

**REGISTERED ENGINEER NO. 27293**

**REGISTERED ENGINEER NO. 27293**

**PROJECT NO.:** AL.T.A./A.C.S.M. LAND TITLE SURVEY  
WHIZLIN SHOPPING CENTER  
28912 ROADSIDE DR.  
AGOURA HILLS, CALIFORNIA 91301

SHEET 2 OF 3





## **ATTACHMENT 5**



## Choose a farmers market & Explore!



Tag us on Instagram and your photos will appear here.  
Tag us on other social media sites and we'll re-post!



Bank of America



Brentwood



Calabasas



Century City



Channel Islands



CSUN Northridge



Downey



Fig At 7th



Glendale



Grand



Howard Hughes



La Canada



Lancaster



Larchmont Village



Melrose Place



Miracle Mile



Pacific Palisades



Pershing Square



Port Hueneme



Sherman Oaks



The Collection



The Village



USC



Westlake Village





BIODIVERSITY

A young woman with blonde hair, wearing a white tank top, denim shorts, and flip-flops, is examining a pink flower. She has a large white tote bag slung over her shoulder.

A woman with long dark hair, seen from behind, is holding a large bouquet of green plants wrapped in clear plastic.

\$5.00

SEEDLINGS  
\$3.00/EA

Certified  
ORGANIC  
APRICOT  
LANE

LISBON  
LEMONS  
\$2.50/LB

WEIR  
ORA  
\$2



## Farmers Market Signage

**Please respect  
Health Dept. Regulations:**



**NO DOGS  
ALLOWED  
Sec.114259.5**

**FIND US ON**  



## **ATTACHMENT 6**

**Whizin Market Square  
Farmers' Market  
Conditional Use Permit Case  
No.  
CUP-01633-2019**



West View of the Lower Pad



South View of the Lower Pad



Southeast View of Lower Pad



Northeast View of the Upper Pad



Northwest View of the Upper Pad