



**DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT
MEMORANDUM**

ACTION DATE: June 18, 2009

TO: Planning Commission

APPLICANT: The Kanan Group
29395 Agoura Road, Ste. 204
Agoura Hills, CA 91301

CASE NO.: 09-CUP-003

LOCATION: 5835-5935 Kanan Road (Agoura Hills City Mall)
(Assessor's Parcel No. 2051-005-002)

REQUEST: Request for a Conditional Use Permit to operate a farmers' market
to be held every Sunday in the Agoura Hills City Mall.

**ENVIRONMENTAL
ANALYSIS:** Categorically Exempt from CEQA per Section 15304

RECOMMENDATION: Staff recommends that the Planning Commission approve
Conditional Use Permit Case No. 09-CUP-003, subject to
conditions.

ZONING DESIGNATION: CS (Shopping Center Commercial)

**GENERAL PLAN
DESIGNATION:** CS (Commercial-Shopping Center)

I. PROJECT DESCRIPTION AND BACKGROUND

On April 2, 2009, the Planning Commission recommended the City Council approve a zone text amendment that would allow farmers' markets to operate in the Shopping Center Commercial (CS) zone with a conditional use permit (CUP). The City Council, on April 22, 2009, adopted an Ordinance approving the proposed zone text amendment. Prior to the amendment, farmers' markets were allowed only in the Commercial Retail Service (CRS) zone with a CUP.

The Kanan Group, which operates the Agoura Hills City Mall at 5835-5935 Kanan Road, has applied for a CUP to hold a certified farmers' market every Sunday from 9 a.m. to 2 p.m. in the shopping center. The farmers' market is proposed to be operated by California Certified Farmers' Markets, LLC (www.ccfm.com). The company has been in operation for approximately nine years and currently operates 14 farmers' markets in and around the Los Angeles area, including the Calabasas Certified Farmers' Market. The company is currently in the process of opening a farmers' market in Westlake Village. The company is sponsored by Raw Inspiration, Inc, a California 501 c (3) non-profit organization.

The California Department of Agriculture sets specific and general guidelines for the operations, marketing and food handling for certified markets. Being a "certified" farmers' market means that the California Department of Agriculture has inspected the farms to ensure the produce being sold at the markets is California grown. 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.

The certified farmers' market proposed at the City Mall will consist of approximately 50 booths selling 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 and honey will also be sold. In addition, a small percentage (10-20%) of the vendors will sell hand-made arts and crafts items.

The market will be operated between 9:00 a.m. to 2:00 p.m. This time frame does not include time for set up and tear down. Set-up is anticipated to take 2 to 2 ½ hours and will begin around 6:30 a.m. to 7:00 a.m. and tear-down would take approximately two hours. All temporary services such as trash cans, parking barriers, bathroom facilities, and temporary signage would be placed on site prior to the 9:00 a.m. opening. Since the operation is temporary, all items would be removed from the site by 4:00 p.m.

Temporary trash cans and bathroom facilities would be provided on the site by the operator. In addition, the operator has indicated that a few of the restaurants in the center have agreed to let the patrons of the market utilize their restrooms. During the initial phases of the market operations there will be three event staff on hand during the market. One person will serve as an on-site manager and two people will monitor the perimeter of the booth installations and assist with parking and traffic flow. After the market has been in operation for awhile, the number of on-site personnel may be reduced but there will always be a minimum of one person from the

operator on-site. 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 their vehicles, the vendor vehicles will be parked in the rear parking lot.

II. STAFF ANALYSIS

As indicated in the preceding project description, the applicant proposes to operate a certified farmers market with approximately 50 booths. The booths would be located in the front portion of the parking lot of the shopping center. The shopping center includes 56 businesses with 358 parking spaces, including 75 parking spaces located behind the shopping center. As shown on Attachment B, the farmers' market will occupy approximately 15% or 54 parking spaces directly adjacent to Kanan Road. Attendance at the market is anticipated to be approximately 100-150 customers per hour, which the applicant indicates in his attached Conditional Use Permit Burden of Proof form would be less than some of the busy weekdays at the center.

Since the event will be held on Sunday mornings, when the demand for parking is relatively low, the existing parking lot should be able to accommodate those attending the farmers' market while also leaving sufficient parking for patrons of the shopping center tenants. Staff did a visual survey of the existing first floor retail businesses in the center and noted that approximately half of the businesses are closed on Sunday. Staff spoke to some of the tenants that close on Sundays and a few of them indicated they may consider opening on Sunday to capture some of the foot traffic from the farmers' market.

If the front parking lot does become crowded with vehicles, it will be important that any potential overflow parking be directed to the parking spaces at the rear of the center to avoid impacts to the adjacent shopping center. Staff is recommending a condition of approval that would require the applicant to place temporary signs indicating that no farmers' market parking is allowed in the adjacent shopping center and directing vehicles to the rear parking lot. This sign would be placed at a location that would be highly visible to vehicles exiting the parking lot to the south.

The City Traffic concurs with staff's analysis regarding on-site parking for the use and anticipates that having the event on Sunday morning will result in minimal effects on the normal flow of traffic on Kanan Road. In addition, while the farmers' market will be an outdoor event, there will be minimal impact on the surrounding residential neighborhoods. The nearest residential unit is located directly behind or west of the shopping center but since the market will be located on the interior and near the front of the shopping center, there will be minimal noise impacts. Willow Elementary School, which is closed on Sundays, is located directly north of the center and the Fountainwood residential neighborhood is located to the east across Kanan Road. Due to a combination of the distance and existing traffic noise on Kanan Road, staff does not anticipate any potential noise impacts to the homes in Fountainwood. In fact the close proximity of residential uses, including the Town and Country condominium complex, could encourage many patrons to walk or bicycle to the market.

The applicant has proposed to install temporary signage to advertise the market by placing a temporary sign over the existing monument sign on Kanan Road as well as direction signs within the center. A condition of approval has been included which will require the applicant to submit details of any proposed temporary signage prior to the operation of the market. No signage advertising the event will be allowed on the public right-of-way unless the applicant first obtains an encroachment permit from the City.

Due to the fact that the farmers' market is an outdoor temporary event subject to changing conditions such as market operations, staff is recommending that the CUP be approved with a condition that states that if the market does not operate for two (2) consecutive years, the CUP will expire. Typically a CUP runs with the land and is valid indefinitely unless the conditions of approval are violated. In addition, staff is recommending that since the operator of the market may change or the event operations may need some minor adjustment as the market evolves, the Director would have the authority to approve minor adjustments to the plan of operations and conditions of approval.

The proposed farmers' market can serve as a meeting place for residents to enjoy an outdoor shopping experience while purchasing fresh produce and other items. The event has the potential to benefit not only the residents of Agoura Hills but the local businesses as well because of the increased traffic to the area. The project has been determined to be Categorical Exempt from the California Environment Quality Act in accordance with the State CEQA Guidelines Section 15304. Staff finds that the project is consistent with the provisions of this exemption in that the project consists of the operation of a temporary farmers' market that will operate once a week in an existing shopping center. No permanent structures or facilities will be built. The temporary use will have negligible or no permanent effects on the environment.

III. RECOMMENDATION

Staff recommends that the Planning Commission adopt the attached draft Resolution, approving Conditional Use Permit 09-CUP-003 with the conditions noted in the Resolution.

IV. ATTACHMENTS

- Draft Resolution and Conditions of Approval
- Applicant's CUP Burden of Proof Form
- Site Plan
- Conceptual Booth Location Plan
- CEQA Exemption

DRAFT RESOLUTION
AND CONDITIONS OF APPROVAL

DRAFT RESOLUTION NO. ____

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF AGOURA HILLS
APPROVING CONDITIONAL USE PERMIT NO. 09-CUP-003

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

Section 1. An application was duly filed by the Kanan Group with respect to property located at Agoura Hills City Mall at 5835-5935 Kanan Road (Assessor's Parcel No. 2051-005-002) requesting a conditional use permit to operate a farmers' market consisting of approximately 50 booths selling fresh farm produce, pre-packed food items, and hand-made crafts to be held every Sunday from 9:00 a.m. to 2:00 p.m. A public hearing was duly held on June 18, 2009, at 6:30 p.m. in the Council Chambers of City Hall, 30001 Ladyface Court, Agoura Hills, California. Notice of the time, date, place and purpose of the aforesaid meeting was duly given.

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

Section 3. The Planning Commission hereby finds, pursuant to the Agoura Hills Zoning Ordinance that:

- A. The proposed use, as conditioned, is consistent with the objectives of the Zoning Ordinance and the purposes of the district in which the use is located. The proposed project is located within the Shopping Center Commercial (CS) zone, which permits farmers' markets and provides for the sale of retail products.
- B. The proposed temporary use, as conditioned, is compatible with the surrounding properties. The surrounding properties consist of a shopping center to the south, an elementary school to the north, Kanan Road to the east and residential dwelling units to the west. The proposed location of the market in the front of the shopping center will provide a barrier to prevent noise impacts to the abutting residential uses and the elementary school will be closed on Sunday's during the operation of the farmers market. Additionally, Kanan Road to the east is a major arterial that will act as a buffer to the residential uses east of the center. Signs will be posted to prevent any potential spill over traffic and parking impacts to the shopping center to the south of the site.
- C. The proposed temporary use, as conditioned, and the conditions under which the use will be operated or maintained, will not be detrimental to the public health, safety or welfare as the use will be located within the paved parking lot of an existing shopping center with adequate on-site parking. The area is large enough to host the farmers' market vendors and the public without conflicts with existing services. In addition, necessary health and operation permits from State and County Departments are required prior to operation of the use.

- D. The proposed temporary use, as conditioned, will comply with each of the applicable provisions of the Zoning Ordinance including the provisions for temporary uses and signage.
- E. The distance from other similar and like uses is sufficient to maintain the diversity of the community. No other outdoor farmers' market exists in the City and the site is centrally located within the City. The event will be held once a week on Sundays only and will provide residents with an opportunity to purchase fresh fruit and produce grown in California.
- F. The proposed use, as conditioned, is consistent with the goals, objectives and policies of the General Plan. The proposed use will provide a desirable, convenient location for the public to purchase fresh local fruits and vegetables which will help maintain and enhance the community's existing commercial economic base.

Section 4. The project is a request for a farmers' market to be held every Sunday in the parking lot of an existing shopping center and is exempt from the California Environmental Quality Act (CEQA), per Section 15304 and does not require adoption of an environmental impact report or negative declaration.

Section 5. Based upon the aforementioned findings, the Planning Commission hereby approves Conditional Use Permit 09-CUP-003, subject to the attached Conditions, with respect to the property described in Section 1 hereof.

PASSED, APPROVED, and ADOPTED this 18th day of June, 2009, by the following vote to wit:

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

John O'Meara, Chairperson

ATTEST:

Doug Hooper, Secretary

Conditions of Approval
Conditional Use Permit Case No. 09-CUP-003

Standard Conditions

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 appropriate forms and related fees.
2. The 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 approved site plan.
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. All requirements of the Zoning Ordinance and of the specific zoning designation of the subject property must be complied with unless set forth in the Permit or on the approved Site Plan.
7. Unless this permit is used within two (2) years from the date of City approval, Case No. 09-CUP-003 will expire. A written request for a one (1) year extension may be considered prior to the expiration date.

Special Conditions

8. This Permit authorizes a farmers' market to be located in Agoura Hills City Mall parking lot at 5835-5935 Kanan Road on Sunday of each week between the hours of 9 a.m. to 2 p.m. Prior to the start of each calendar year's event, the applicant shall meet with the Planning Department to discuss the past season's event and any problems which may have occurred. Upon the request of the applicant, minor adjustments to the plan of operations and conditions of approval may be approved by the Director of Planning and Community Development if such adjustments are deemed to be in keeping with the intent of the Conditional Use Permit.

9. If the farmers' market does not operate for two (2) consecutive years, this conditional use permit shall expire.
10. The market shall be managed in accordance with the rules, laws and regulations as established by the California Department of Food and Agriculture and shall be operated as a certified market at all time.
11. 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.
12. The applicant shall obtain a permit from the Building and Safety Department, for temporary power, electric service, and any other applicable items, including large temporary structures.
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 produce vendors.
15. The site shall be left clean and in its original manner after every event. Trash receptacles shall be provided so that trash/debris can be deposited accordingly.
16. Unaffiliated, off-site solicitations and sales, advertising, etc., is prohibited. All vendors must operate within a designated vendor space with the event area as identified in this Permit 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 rest room facilities shall be provided, to accommodate participants and guests. ADA-compliant portable restrooms shall be provided as required by the Building and Safety Department and/or Los Angeles County Health Department.

19. The applicant shall submit information (proposed location, size and materials) of all temporary signs to the Planning and Community Development Department a minimum of two weeks prior to the start of the first event. Temporary signs will be approved as part of this permit and no additional sign permit shall be required.
20. The applicant shall post a sign at a highly visible location, as approved by the Director of Planning and Community, where vehicles exit the parking lot to the south indicating that no farmers' market parking is allowed in the adjacent shopping center and directing vehicles to the parking lot located to the rear of the shopping center.
21. Prior to the start of the first event, the applicant shall submit a site plan for review and approval by the City Building Official that includes the following information:
 - A. The location and number of all accessible and van accessible parking stalls on the property.
 - B. The path of travel from public right of way and parking stalls to project area of event. Path of travel shall meet all accessibility requirements.
 - C. Aisle widths that are ADA accessible.
22. Amplified music is prohibited with this permit.

END

APPLICANT'S C.U.P.
BURDEN OF PROOF FORM

CONDITIONAL USE PERMIT
BURDEN OF PROOF FORM

A. That the requested use at the location proposed will not:

1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or
2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare because;

California Certified Farmers Markets is a long standing contractor, which is the model for successful farmers markets in the state. They have been operating these markets for many years, and have just formed a relationship with Rick Caruso for markets in his numerous themed shopping centers.

With respect to health and welfare of people residing and/or working in the vicinity, one needs to keep in mind that this event will take place on Sundays only, and will attract local residents who are looking for fresh farm products. This operation only enhances the charm and community that Agoura Hills is known for.

The Agoura Hills City Mall is a well established shopping center with over 350 parking spaces and is well known for quality and convenience. The Mall operates daily, utilizing its city approved driveways and parking areas, without incident. Our center is host to hundreds of vehicles during the Great Race, and residents and visitors alike have enjoyed the use of our driveways and parking facilities without incident.

The attached site plan shows, and well defines, the area which will be dedicated to the food vendors. This area occupies only fifteen percent of the parking areas in the center. (Please see the 8 ½ X 14 site plan marked Exhibit "A" attached) We expect attendance in the market to be approximately 100 to 150 per hour, which will be substantially less than many of the busy weekdays which are common in the Mall.

Therefore, it is the applicant's opinion that there is no adverse effect, danger, or menace to the public health by the operation of this Farmers Market.

B. Not applicable to this application.

C. That the proposed site is adequately served:

1. By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and

2. By other public or private service facilities as are required because:

The Agoura Hills City Mall is a well established shopping mall which was built in 1985 and has operated continually since then with facilities and surface features approved by the City of Agoura Hills and the County of Los Angeles. The mall is served by Kanan Road which is a major thoroughfare which provides access to Agoura Hills City Mall and two other major shopping venues.

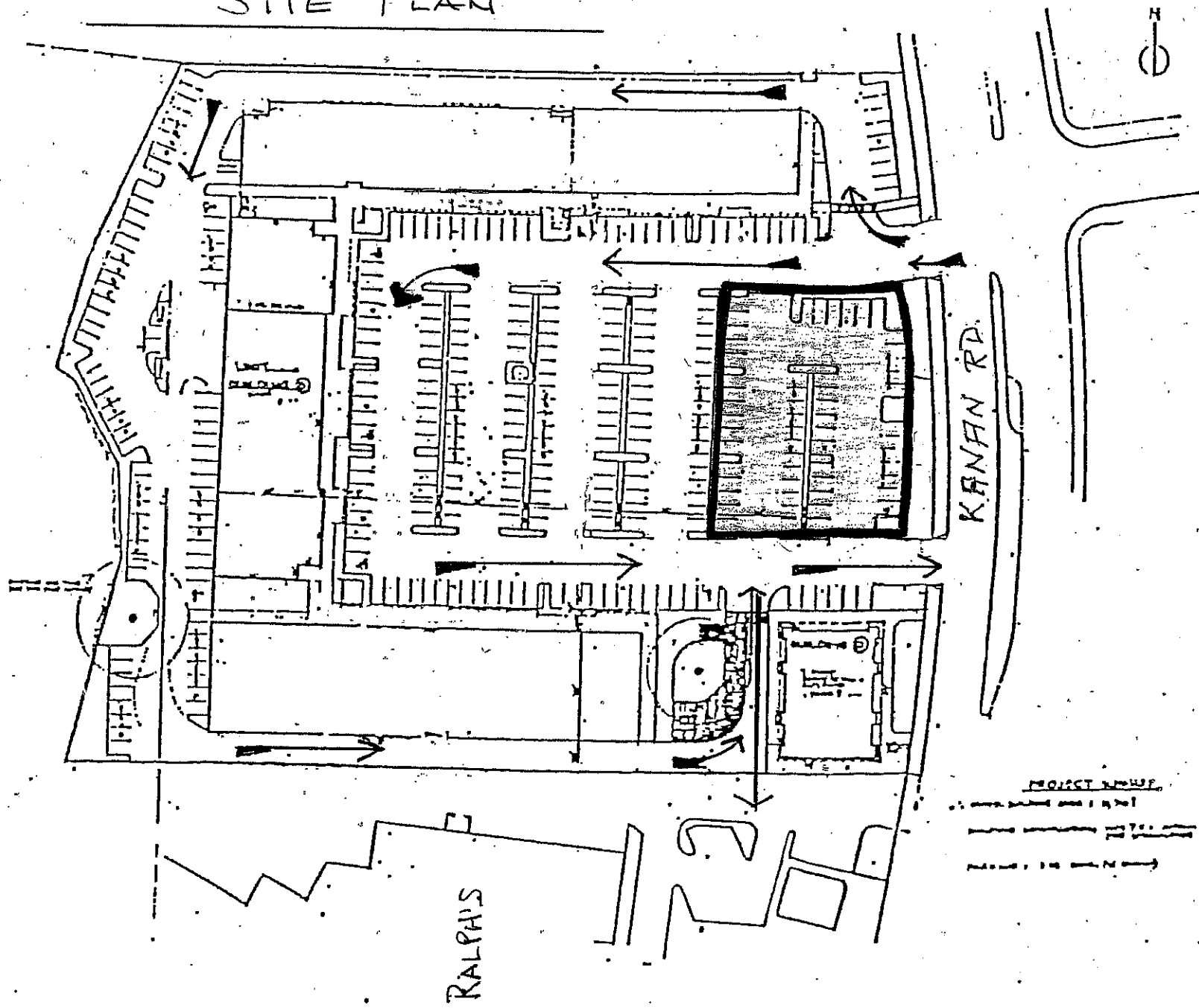
There are median strips and left turn pockets which handle traffic as proscribed by the traffic engineers for the city and the state. There is a direct interior connection to the shopping center to the south which mitigates traffic of ingress and egress on Kanan Road.

ADDITIONAL ITEMS OF BURDEN OF PROOF

1. Parking and traffic control: As indicated above, The Agoura Hills City Mall has operated for 24 years in its present configuration and has a proven record of available, convenient and safe parking facilities. The parking lanes are well delineated by striping and stop signs. There will be two persons from the operator who will supervise at the perimeter of the booth installations, and an onsite manager in the interior.
2. The market will operate in a five hour window, with a set up of two and a half hours and a break down and clean up time of two hours.
3. There will be no "boom-box" type music, however, on occasion there may be strolling musicians.
4. The Agoura Hills City Mall has temporary power in some of the light standards in the parking areas, however, if needed some vendors might utilize low volume generators.
5. The operator will apply for and obtain all permits, insurance, and other requisite paperwork.
6. Temporary advertising and signage will be placed over the existing monument sign and within the parking areas.
7. The operator will provide appropriate temporary toilet facilities.

SITE PLAN

SITE PLAN

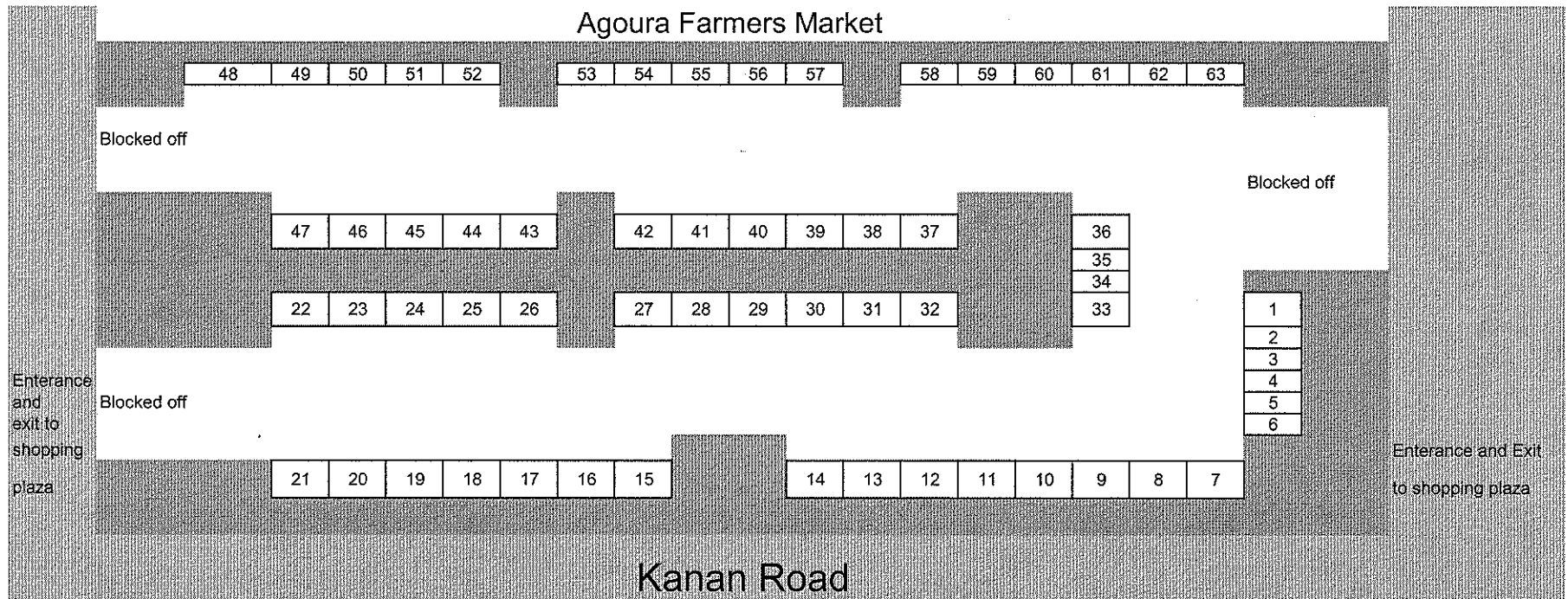


ABOUZA HILL CITY MALL
THE KANAN BLDG
THE KANAN BLDG
THE KANAN BLDG

PROJECT BOUNDARY
EXISTING DRIVE
EXISTING SIDEWALK

CONCEPTUAL BOOTH LOCATION PLAN

CONCEPTUAL BOOTH LOCATION PLAN



CEQA EXEMPTION

Notice of Exemption

To: Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, Ca 95814

From: City of Agoura Hills
30001 Ladyface Court
Agoura Hills, California 91301

County Clerk
County of Los Angeles
Los Angeles County Clerk
12400 E. Imperial Hwy.
Norwalk, CA 905690

Project Title: Farmers' Market at City Mall Shopping Center

Case No.: 09-CUP-003

Project Location-Specific: 5835-5935 Kanan Road
(A.P.N. 2051-005-002)

Project Location-City: City of Agoura Hills

Project Location-County: County of Los Angeles

Description of Nature, Purpose, and Beneficiaries of Project: The issuance of a conditional use permit to allow a farmer's market consisting of approximately 50 booths selling fresh farm produce, pre-packed food items, and hand-made crafts to be held every Sunday from 9:00 a.m. to 2:00 p.m. in the Agoura Hills City Mall shopping center.

Name of Public Agency Approving Project: City of Agoura Hills

Project Sponsor's Name and Address: City of Agoura Hills
30001 Ladyface Court
Agoura Hills, California 91301

Exempt Status: (Check One)

- Statutory Exemption (14 Cal. Code of Regs. Sections 15260 et seq.);
- No Possibility of physical impact. (14 Cal Code of Regs. Section 15061 (b)(3));
- Ministerial (14 Cal Code of Regs. Sec. 15268);
- Declared Emergency (14 Cal Code of Regs. Sec. 15269(a);
- Emergency Project (14 Cal Code of Regs Sec. 15269(b),(c), (d) and (e));
- Categorical Exemption (14 Cal Code of Regs. Sections 15000 et seq.) State of California CEQA Guidelines Section 15304

Reasons why project is exempt: The project consists of the operation of a temporary farmers' market that will operate once a week in an existing shopping center. No permanent structures or facilities will be built. The temporary use will have negligible or no permanent effects on the environment.

Lead Agency Contact Person: Doug Hooper, Assistant Director of Community Development

Area Code/Telephone/Extension: (818) 597-7342

Signature: 

Date: 6/8/09

Title: *Asst. Director of
Community Development*