



DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

ACTION DATE: October 7, 2010

TO: Planning Commission

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

CASE NO.: 10-CUP-006

LOCATION: 28914 Roadside Drive/Whizin Shopping Center
(Assessor's Parcel No. 2061-007-047)

REQUEST: Request for a Conditional Use Permit to operate a farmers' market to be held on Tuesdays in the Whizin Shopping Center.

ENVIRONMENTAL ANALYSIS: Categorically Exempt from CEQA per Section 15304

RECOMMENDATION: Staff recommends that the Planning Commission approve Conditional Use Permit Case No. 10-CUP-006, subject to conditions.

ZONING DESIGNATION: Specific Plan

GENERAL PLAN DESIGNATION: Planned Development District

I. BACKGROUND AND PROJECT DESCRIPTION

The applicant, Melissa Farwell from Raw Inspiration, is requesting the approval of a Conditional Use Permit to operate a certified farmers' market on Tuesdays from 3:00 p.m. to 8:00 p.m. in the Whizin Shopping Center. The shopping center is bordered by Roadside Drive to the north and Agoura Road to the south, and Cornell Road to the east. The property is zoned Agoura Village Specific Plan which allows farmers markets with the approval of a Conditional Use Permit.

The farmers' market is proposed to be operated by California Certified Farmers' Markets, LLC (CCFM). The company has been in operation for approximately nine years and currently operates 14 farmers' markets in and around the Los Angeles area, including Calabasas, Westlake Village and the Sunday farmers' market in the Agoura City Mall on Kanan Road, which has been in operation since August 2009. CCFM is sponsored by Raw Inspiration, Inc, a California 501c (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. Should this Conditional Use Permit 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.

The certified farmers' market proposed at the Whizin shopping center will consist of approximately 92 10' by 10' 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 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 is proposed to operate between 3:00 p.m. to 8:00 p.m. on Tuesdays only. This duration does not include time for set up and tear down. Set-up is anticipated to take no more than 2 hours and will begin at approximately 1:00 p.m. Tear-down would take approximately 90 minutes. All temporary services, such as trash containers, parking barriers, and bathroom facilities would be placed on site prior to the 3:00 p.m. opening. Since the operation is temporary, all items would be removed from the site by 9:30 p.m.

Temporary trash cans and bathroom facilities would be provided on the site by the operator. 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, the number of on-site personnel may be reduced, but there will always be a minimum of one person 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 across the tents in regularly marked spaces.

II. STAFF ANALYSIS

The proposed 92 booths would be located in the interior of the parking lot of the shopping center adjacent to the tenant spaces occupied by antique shops along Agoura Road. The shopping center provides space for a potential 60 tenants including 6 restaurants with 462 parking spaces located in various areas of the property with a current vacancy rate of 20-25%. As shown on the provided site plan, the farmers' market will occupy a 100-foot by 300-foot area and will cover 64 parking spaces or 14% of the total number of provided parking spaces. No vehicular circulation would be permitted in drive-aisle between the rows of booths.

Since the event will be held on Tuesday afternoons when the demand for parking is relatively low, staff anticipates sufficient parking to be available for patrons of the shopping center and farmers' market. An informal survey of the center by staff concluded that approximately 40 spaces were used on Tuesday, September 7, 2010 at 2:00 p.m. and 90 on the following Tuesday at 5:30 pm. According to a representative of the Canyon Club, events within the club are seldom scheduled on that day and time of the week. Additionally, in considering the days in which to operate the market, the applicant chose to keep the same day and hours as it was once operated in the same center beginning in 1995. That farmers' market was approved to operate with 100 vendors and was located on a vacant lot within the center near Roadside Drive. The market was sponsored by the Friends of the Library and was later replaced with an approved outdoor flea market in 2005 which has subsequently, ceased operation.

The City Traffic Engineer concurs with staff's analysis regarding on-site parking for the use and anticipates that having the event on Tuesday afternoons will result in minimal effects on the normal flow of traffic on Roadside Drive and Agoura Road. Despite the fact that this market would be located beyond walking distance from residential neighborhoods and, therefore, more patrons will drive to the market and use the parking lot, it was determined that there would still be ample parking to accommodate the increased number of vehicles.

In addition, while the market will be an outdoor event, the booths will be surrounded by buildings on three sides which will minimize noise and visual impacts on neighboring uses beyond the shopping center. The tents will not exceed the height of the existing buildings and any additional lighting is anticipated to be screened by the tents and the buildings.

The applicant has not submitted a proposal to display temporary signage. A condition of approval has been included in the draft resolution which will require the applicant to submit a Sign Permit with details of any proposed temporary signage prior to the operation of the market, for approval by the Planning Commission. No signage advertising the market will be allowed on the public rights-of-way. The applicant has not proposed amplified music or live entertainment during the operation of the market.

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 Conditional Use Permit 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 of Planning and Community Development 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 customer traffic to the area. The project has been determined to be Categorically 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 10-CUP-006 with the conditions noted in the Resolution.

IV. ATTACHMENTS

- Draft Resolution and Conditions of Approval
- Site Plan with Conceptual Booth Location
- Vicinity/Zoning Map
- Photographs of the Whizin Shopping Center
- CEQA Exemption

Case Planner: Valerie Darbouze, Associate Planner

DRAFT RESOLUTION NO. ____

A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF AGOURA HILLS
APPROVING CONDITIONAL USE PERMIT CASE NO. 10-CUP-006

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

Section I. An application was duly filed by Melissa Farwell from Raw Inspiration, with respect to the property located at Whizin Shopping Center at 28914 Roadside Drive, (Assessor's Parcel No. 2061-007-047) requesting approval of a Conditional Use Permit to operate a certified farmers' market, consisting of 92 booths for the sale of fresh farm produce, pre-packaged food items, and hand-made crafts to be held on Tuesdays from 3:00 p.m. to 8:00 p.m. A public hearing was duly held on October 7, 2010, at 6:30 p.m. in the City Hall 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 hearings.

Section III. Pursuant to Section 9673.2.E of the Agoura Hills Zoning Ordinance, the Planning Commission finds that:

A. The proposed use, as conditioned, 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 proposed project is located within the Agoura Village Specific Plan (SP) zone, which permits certified farmers' market subject to the issuance of a Conditional Use Permit.

B. The proposed use, as conditioned, is compatible with the surrounding properties. The surrounding properties consist of commercial retail use, 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 center and surrounded by structures which will serve to prevent noise impacts and visual impacts from the rights-of-way and surrounding uses.

C. The proposed use, as conditioned, and the manner in which it will be operated or maintained, will not be detrimental to the public health, safety, or general welfare as the use will be located within the paved parking lot of the existing shopping center with adequate on-site parking. The area is large enough to accommodate 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 use, as conditioned, will comply with each of the applicable provisions of the Zoning Ordinance including the provisions for temporary uses.

E. The distance from other similar and like uses is sufficient to maintain the diversity of the community. The proposed market site is located approximately 4,600 feet from the existing farmers'

market site on Kanan Road, and is separated by the U.S. 101 Freeway. Also, the two markets would operate on different days of the week and would not, therefore impact customer demand.

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 IV. The Planning Commission finds that the proposed Conditional Use Permit application to be categorically exempt from the requirements of the California Environmental Quality Act, per Section 15304 (e), in that it involves the operation of a temporary use of land with no permanent effects on the environment.

Section V. Based on the aforementioned findings, the Planning Commission hereby approves Conditional Use Permit Case No. 10-CUP-006, subject to the attached conditions, with respect to the property described in Section I hereof.

PASSED, APPROVED, and ADOPTED this 7th day of October, 2010, by the following vote to wit:

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

Steve Rishoff, Chairperson

Mike Kamino, Secretary

Conditions of Approval
Conditional Use Permit Case No. 10-CUP-006

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. 10-CUP-006 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 28914 Roadside Drive on Tuesdays of each week between the hours of 3:00 p.m. to 8:00 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.

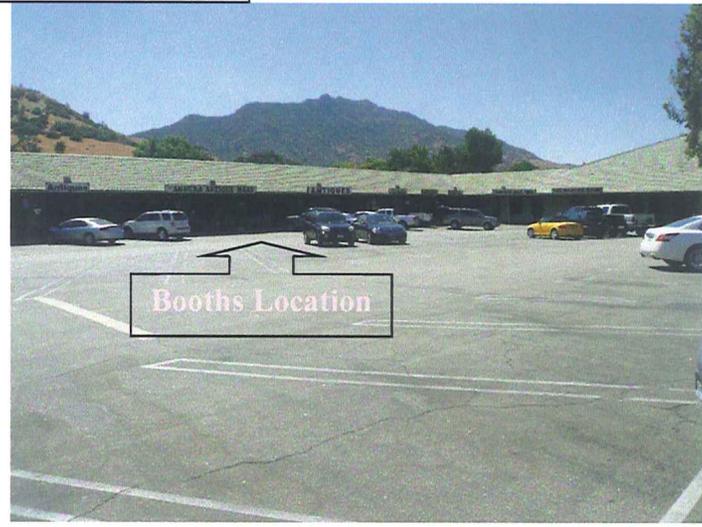
9. If the farmers' market does not operate for two (2) consecutive years, this conditional use permit shall expire.
10. The market shall be managed in accordance with the rules, laws and regulations as established by the California Department of Food and Agriculture and shall be operated as a certified 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 92 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. American with Disabilities Act-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 shall be subject to review and approval with a Sign Permit by the Planning Commission.
20. 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.
21. A monitoring report on the applicant's compliance with the conditions of approval shall be reviewed by the Planning Commission twelve months after the farmers' market first day of operation. Upon review of the report, the Planning Commission may require a public hearing to be held to reconsider the entitlement or to consider placing new or revised conditions of approval deemed necessary by the Planning Commission.
22. Amplified sound is not approved as part of this Conditional Use Permit.

END



**CONDITIONAL USE PERMIT
CASE NO. 10-CUP-006**



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 Whizin Shopping Center

Project Location-Specific: 28914 Roadside Drive
Agoura Hills, California
APN: 2061-007-047. The project is located in an existing shopping center

Project Location-City: City of Agoura Hills

Project Location-County: Los Angeles

Description of Nature, Purpose, and Beneficiaries of Project: The issuance of a conditional use permit to allow a farmers' market consisting of approximately 92 booths selling fresh farm produce, pre-packaged food items, and hand-made crafts to be held every Tuesday from 3:00 p.m. to 8:00 p.m. in the Whizin Shopping Center. The use is permitted in the Agoura Village Specific Plan. The use will serve the community and possibly a larger geographical area.

Name of Public Agency Approving Project: City of Agoura Hills

Name of Person or Agency Carrying Out Project: 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 15300 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 has negligible or no permanent effects on the environment.

Lead Agency Contact Person: Valerie Darbouze, Associate Planner

Area Code/Telephone/Extension: (818) 597-7328

Signature: _____ Date: _____ Title: _____