



**PLANNING COMMISSION  
STAFF REPORT**

**TO:** Planning Commission

**FROM:** Brian Foote, AICP, Associate Planner

**DATE:** November 15, 2012

**SUBJECT:** Planning and Zoning Permit No. 12-520-06 (Special Use Permit – Minor)  
Farmer’s Market at Plaza Park, 500 South C Street

- 1) **Recommendation:** That the Planning Commission adopt a resolution approving PZ No. 12-520-06, subject to certain findings and conditions.
- 2) **Project Description and Applicant:** A request to expand the weekly Thursday morning farmer’s market located in Plaza Park by adding an additional hour to operate until 2:00 p.m., and additional activities such as live entertainment, children’s activities, non-food vendors, and temporary banners and signs. The City-owned Plaza Park is located at 500 South C Street (see Attachment A). Filed by the Oxnard Downtown Management District, on behalf of Coastal Pacific LLC, 444 South A Street, Oxnard California 93030.
- 3) **Existing & Surrounding Land Uses:** Plaza Park is approximately 1.5 acres in size, and the farmer’s market currently uses approximately one acre.

LOCATION	ZONING	GENERAL PLAN	EXISTING LAND USE
Project Site	Central Business District (CBD)	Central Business District (CBD)	Plaza Park
North	CBD	CBD	Office Building (formerly Social Security offices), Carnegie Museum
South	CBD	CBD	Offices, Retail Businesses
East	CBD	CBD	Centennial Plaza: Movie Theatre, Starbucks, and Restaurants
West	CBD	CBD	Offices, Retail Businesses

**4) Background Information:** On June 28, 2010, the City and the Oxnard Downtown Management District (ODMD) executed a Concession Agreement formalizing the prior agreement that allowed the contractor (Coastal Pacific, LLC) to operate the weekly market. A condition of the 2010 Concession Agreement requires the ODMD to obtain a use permit to establish operating conditions and standards for continuing the existing farmer's market.

**5) Environmental Determination:** According to Sections 15301 and 15311 of the California Environmental Quality Act (CEQA) Guidelines, the permitting of existing facilities and placement of temporary use items in generally the same locations from time to time in publicly owned parks may be found to be exempt from environmental review. Therefore, staff has determined that there is no substantial evidence that the project may have a significant effect on the environment and recommends that Planning Commission accept the Notice of Exemption (Attachment C).

**6) Analysis:**

**a) General Discussion:** The current farmer's market operates every Thursday morning from 9:00 a.m. to 1:00 p.m. The vendors typically require approximately one hour for unloading vehicles. Set-up begins at approximately 8:00 a.m., and clean-up concludes by 2:00 p.m. The following table describes the number and types of vendors that usually operate at the event every week.

VENDOR TYPE	TYPE OF PRODUCTS	NUMBER OF VENDORS
Farmers	Fresh Fruits, Vegetables, or Flowers	13
Food Products	Bakery Products, Nut & Fruit Package Products, Hot Prepared Foods (e.g. burritos, tamales, churros, combination plates, hot dogs, etc.), Beverages	12
Non-Food Products	Imitation Flowers & Floral, Cookware, Jewelry, Crafts, Mortgage Services (downtown business), On-Site Massage	6

The contracted operator is Coastal Pacific, LLC, and focuses on operating Certified Farmer's Markets. A "Certified Farmer's Market" is registered and monitored by the California Department of Food and Agriculture, and exempts farmers from regulations that would otherwise require packaging, sizing, and labeling of fresh fruits, nuts, and vegetables in standard containers for transport and sale. This assists the farmers in selling their own produce. Elimination of costs related to packaging, shipping, and wholesaling means that the farmer may pass these savings on to customers. Coastal Pacific operates other weekly Certified Farmer's Markets at Channel Islands Harbor, and in the cities of Simi Valley, Northridge, Riverside, Canoga Park, Newhall, and Oak Park.

The applicant envisions adding additional vendors and activities (such as children's activities) to attract a wider variety of customers and age groups. Currently, there is no limit

to the numbers and types of non-food vendors that may be present at the event. An inflatable jolly jump has been provided at the event for the past several months. Proposed entertainment would include age-appropriate activities such as face painting, hula-hoop, and seasonal activities such as Easter Bunny Day (see Attachment E – Business Description). The hours of operation are proposed to be extended by one hour to 2:00 p.m.; the clean-up time would be extended to 3:00 p.m. Live entertainment, currently consisting of a disc jockey or musician with one small hand-held amplifier, is proposed to include musicians of various musical genres. A specified area for the musician or disc jockey is on the grass turf at the northeast corner of the park, in front of the seating area on the lawn.

The recommended conditions of approval include a requirement that one portable lavatory is to be located in the parking lot north of Plaza Park. Live entertainment and musicians will be required to comply with the City's noise ordinance regulating sound amplification. The number of vendors selling products other than farm fresh produce and foods would be limited to 25% of the total number of farm/food vendors (i.e., if a total of 20 farm/food vendors attend the market, then the number of non-food vendors would be limited to no more than five). The focus of the farmer's market would remain on the farmers and locally-grown foods. The types of non-food vendors are recommended to be limited, to floral and other decorative plants, and food-related and cooking items or products (e.g., cookware or cutlery). Vendors or booths would not be permitted for the following types of items: arts or crafts; commercial or professional services; personal services; clothing, jewelry or accessories; toys or novelties; pets or pet-related products; and other non-food or non-agricultural products not specifically permitted by Condition of Approval No. 10.

- b) General Plan Consistency:** The City's 2030 General Plan land use designation for the subject site is Central Business District (CBD) which allows relatively intense retail and office land uses. Approval of this special use permit is consistent with the 2030 General Plan and the zoning designation.

Consistency with the 2030 General Plan is defined by the relationship between the 2030 General Plan policies and the proposed project. The three consistency classification levels are:

- I. Direct Applicability to a Proposed Project or Program.
- II. Related or Indirect Applicability to the Proposed Project or Program.
- III. No or Distant Applicability to the Proposed Project or Program (all policies not listed as Level I and II are assumed to be consistent).

POLICY	LEVEL	POLICY OR TITLE	EXPLANATION
CD-19.3	I	Downtown Events: promote quality	The weekly farmer's market

		events that bring residents and visitors to the downtown.	is an event that attracts residents and visitors to the downtown.
CD-19.2	II	Complementary Development: seek a complementary rather than competitive role with other areas of the City for the continued economic development of the City's downtown.	The weekly farmer's market offers a unique experience in a pedestrian-friendly setting that is unavailable in many other retail districts in the City.
CD-4.1	II	Mitigate Land Use Conflicts: mitigate conflicts between commercial and other land uses, especially residential and recreational uses.	Conditions of approval as to size and noise ensure that the weekly farmer's market does not conflict with surrounding retail businesses or nearby residential land uses.
All Others	III	All policies not listed above	No or Distant Applicability to the Proposed Project

c) **Conformance with Zoning Development Standards:** The farmer's market is located in the Central Business District (CBD). In accordance with City Code §16-148(P), the proposed use may be permitted, subject to approval of a special use permit.

d) **Site Design:** No changes are proposed to the existing Plaza Park site plan or landscaping. Temporary booths are currently located in the southerly half of the parking lot (north side of park), and food booths in the westerly side of B Street (east side of park). The live entertainment, children's activities, face painting, inflatable jolly jump, and other activities occur on the lawn area between the parking lot and the Oxnard pagoda. Additional non-food vendors and booths are proposed to be placed within the interior of the park. Condition No. 10 in the Planning Commission resolution (Attachment D) limits the number of vendors/booths offering non-food, non-agricultural, and other products to not exceed 25 percent of the number of booths selling farm fresh produce or prepared foods, with the purpose of maintaining the event's primary function as a Certified Farmer's Market.

e) **Circulation and Parking:** Patrons to the weekly farmer's market will continue to use a mix of public parking facilities and on-street parking in the Central Business District. Zoning Code §16-152(G) allows off-site parking to be provided in public parking structures within 1,000 feet, public parking lots within 700 feet, or private parking lots within 500 feet.

Several public lots and one public parking structure are located within the specified distances. A public parking lot is located to the southeast approximately 230 feet from Plaza Park, at the rear of 270 West Fifth Street. A second public lot is located at the southeast corner of C Street and Fourth Street, approximately 230 feet from Plaza Park. The downtown public parking structure is located at the northeast corner of B Street and Fourth Street, less than 500 feet from Plaza Park. On-street parking is available along B and C Streets as well as Fourth and Fifth Streets. Currently, the attendance is between 250 and 500 persons each week, which varies depending on the season, weather forecast, and actual weather on Thursday mornings. Anticipated growth of the event is expected to draw in excess of 1,000 persons per week.

Booths and vendors will continue to locate on the west side of B Street, facing the east side of the park, occupying approximately 10 on-street parking spaces. The affected section of B Street currently has signs posted that prohibit parking between the hours of 7:00 a.m. to 1:00 p.m. There is one on-street handicap parking space that is temporarily occupied by the booths. However, a total of four handicap-accessible spaces are located less than 100 feet from Plaza Park, plus an additional five handicap spaces are located within 250 feet of Plaza Park in public parking lots or on the street. The Deputy Building Official has reviewed the site plan, and determined that handicap parking is adequate.

The recommended condition requiring a portable ADA-compliant lavatory (Condition No. 12) can be accommodated in the north parking lot, and placed within one standard parking space at the northwest corner of the parking lot. The placement will be adjacent to the blue handicap parking space and blue striping, in order to ensure adequate ADA accessibility to the lavatory. The Deputy Building Official has determined that a minimum of one handicap-accessible portable lavatory must be provided, and Condition No. 12 accomplishes this requirement.

- f) **Signs:** City Code §16-152(I)(13) permits temporary signs within Plaza Park, subject to the standards that apply to temporary signs in the General Commercial (C-2) zone. One banner (8'0"W by 3'6"H) is placed between two palm trees facing the Fifth Street/C Street intersection. One banner (8'0"W by 3'6"H) stating, "Farmer's Market Today," is placed on one booth facing B Street. Condition No. 11 specifies the size and placement of banners, and permits a maximum of four banners (one per street or parking lot frontage). The sign regulations do not permit off-site directional signs, and off-site signs are not authorized by this approval.

- 7) **Appeal Procedure:** In accordance with Section 16-545 of the City Code, the Planning Commission's action may be appealed to the City Council within 18 days after the decision date. Appeal forms may be obtained from the City Clerk and must be submitted with the appropriate fees before the end of the appeal period.

**Attachments:**

- A. Maps (Vicinity, General Plan, Zoning)
- B. Project Plans & Project Description
- C. CEQA Notice of Exemption
- D. Resolution

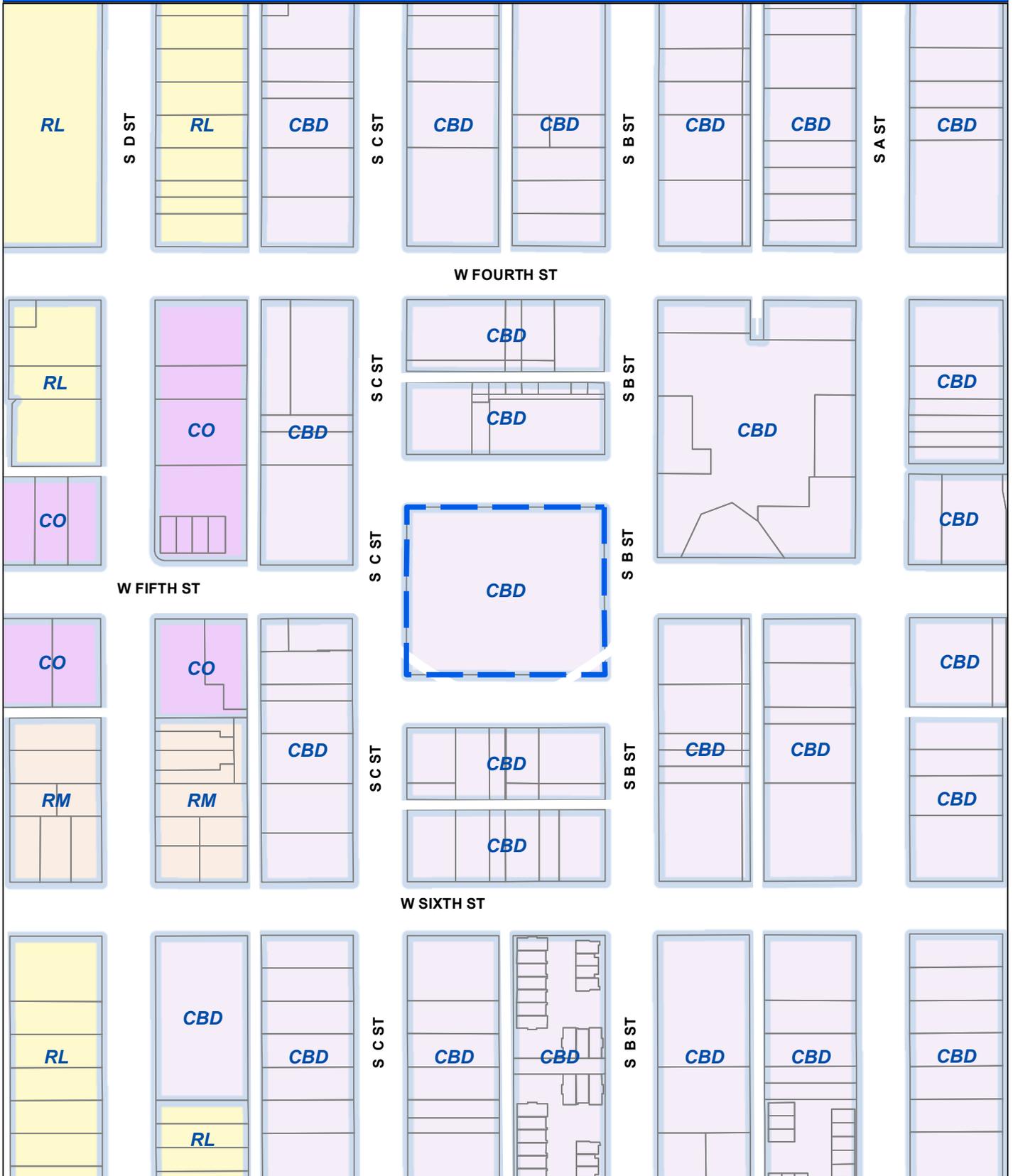
Prepared by: _____ BF
Approved by: _____ SM

## **Attachment A**

Maps (Vicinity, General Plan, Zoning)



# General Plan Map



PZ 10-520-04  
 Location: 500 S C St  
 APN: 202010201  
 Coastal Pacific Certified Markets

0 37.575 150 225 300 Feet

## General Plan Map



1:2,414



PZ 10-520-04  
 Location: 500 S C St  
 APN: 202010201  
 Coastal Pacific Certified Markets

**Zone Map**



## **Attachment B**

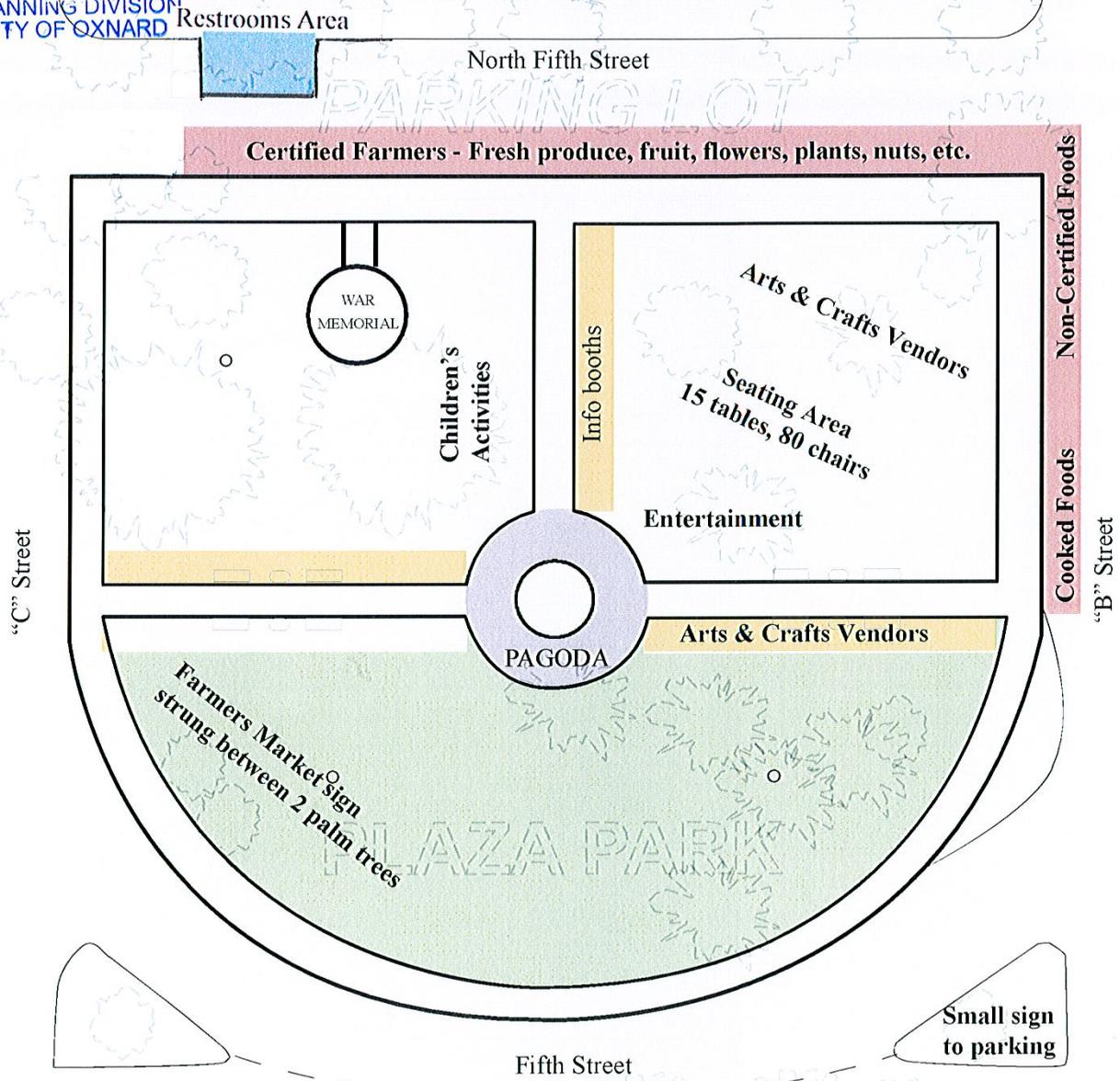
### Project Plans & Project Description

# DOWNTOWN CERTIFIED FARMERS MARKET SITE PLAN

**RECEIVED**

MAR 07 2012

PLANNING DIVISION  
CITY OF OXNARD



## DOWNTOWN CERTIFIED FARMERS MARKET SITE PLAN

- |   |   |   |
|---|---|---|
|  |    |  |
| Food Booth Area   | Jolly Jump Permitted Area   | Restrooms Area  |
|  |  |   |
| Non-Food Booth Area   |   |   |



## Downtown Oxnard Farmers Market Existing/Proposed Operations

	Existing	Proposed
Day(s) of Operation	Thursday	Thursday
Hours of Operation	9:00 am – 1:00 pm	9:00 am – 2:00 pm
Entertainment	DJ	Live Entertainment (various musical genres)
Activities (other)	None	Jolly Jump Face Painting Other Similar Activities (geared towards families)
Signage	None	Directional Identifying Parking (refer to proposed signage diagram)

**RECEIVED**

MAR 07 2012

PLANNING DIVISION  
CITY OF OXNARD

**Attachment C**

CEQA Notice of Exemption

## NOTICE OF EXEMPTION

### ***Project Description:***

Planning & Zoning Permit No. 12-520-06 (Minor Special Use Permit) – A request to expand the existing Thursday morning farmer’s market located in Plaza Park. The proposal includes one additional hour to operate until 2:00 p.m. on Thursday every week, additional activities such as live entertainment, children’s activities, non-food vendors, and temporary banners and signs. The subject property is Plaza Park located at 500 South C Street. Filed by the Oxnard Downtown Management District, on behalf of Coastal Pacific LLC, 444 South A Street, Oxnard CA 93030.

### ***Finding:***

The Planning Division of the Development Services Department of the City of Oxnard has reviewed the above proposed project and found it to be exempt from the provisions of the California Environmental Quality Act (CEQA).

- Ministerial Project
- Categorical Exemption, §15301 and §15311
- Statutory Exemption
- Emergency Project
- Quick Disapproval [CEQA Guidelines §15270]
- No Possibility of Significant Effect [CEQA Guidelines §15061(b)(3)]

***Supporting Reasons:*** In accordance with Section 15301 and 15311 of the *CEQA Guidelines*, projects involving minor alterations to existing facilities, and the permitting of existing facilities and placement of temporary use items in generally the same locations from time to time in publicly owned parks, may be found to be exempt from environmental review. There is no substantial evidence that the project may have a potentially significant effect on the environment. Therefore, staff has determined that the project qualifies for exemption.

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
*Signature on file with Planning Division*

Susan L. Martin, AICP  
Planning Division Manager

**Attachment D**

CEQA Notice of Exemption

RESOLUTION NO. 2012 –

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING PLANNING & ZONING PERMIT NO. 12-520-06 (MINOR SPECIAL USE PERMIT), TO OPERATE A WEEKLY CERTIFIED FARMER’S MARKET IN PLAZA PARK, LOCATED AT 500 SOUTH C STREET. FILED BY THE OXNARD DOWNTOWN MANAGEMENT DISTRICT (ODMD), ON BEHALF OF COASTAL PACIFIC LLC, 444 SOUTH ‘A’ STREET, OXNARD CA 93030.

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for Planning and Zoning Permit No. 12-520-06 (Minor Special Use Permit), filed by Abel Magaña, Executive Director of the Oxnard Downtown Management District (ODMD), on behalf of Coastal Pacific LLC, 444 South A Street, Oxnard CA 93030, in accordance with Sections 16-530 through 16-553 of the Oxnard City Code; and

WHEREAS, on November 15, 2012, the Planning Commission conducted a public hearing and received evidence in favor of and opposed to the application for a special use permit for the property located at 500 South C Street; and

WHEREAS, Sections 15301 and 15311 of Title 14 of the California Code of Regulations exempt the project from the requirement for the preparation of environmental documents imposed by the California Environmental Quality Act; and

WHEREAS, the Planning Commission finds, after due study, deliberation and public hearing, that the following circumstances exist:

1. The proposed use is in conformance with the 2030 General Plan and other adopted policies of the City of Oxnard.
2. The proposed use will not adversely affect or be materially detrimental to the adjacent uses, buildings or structures or to the public health, safety or general welfare.
3. The site for the proposed use is adequate in size and shape to accommodate the setbacks, parking, landscaping, and other City standards except as may be specifically excepted by the special findings and conditions of this resolution.
4. The site for the proposed use will be served by streets and highways adequate in width and structure to carry the kind and quantity of traffic such use will generate.
5. The site for the proposed use will be provided with adequate sewerage, water, fire protection and storm drainage facilities.

WHEREAS, the Planning Commission finds that the applicant agrees with the necessity of and accepts all elements, requirements, and conditions of this resolution as being a reasonable manner of preserving, protecting, providing for, and fostering the health, safety, and welfare of the citizenry in general and the persons who work, visit or live in this development in particular.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard hereby approves this permit subject to the following conditions. The decision of the Planning Commission is final unless appealed in accordance with the provisions of Section 16-545 of the Oxnard City Code.

**STANDARD CONDITIONS OF APPROVAL  
FOR LAND USE PERMITS**

Note: The abbreviations below identify the City department or division responsible for determining compliance with these standard conditions. The first department or division listed has responsibility for compliance at plan check, the second during inspection and the third at final inspection, prior to issuance of a certificate of occupancy, or at a later date, as specified in the condition. If more than one department or division is listed, the first will check the plans or inspect the project before the second confirms compliance with the condition. The italicized code at the end of each condition provides internal information on the source of each condition: Some are standard permit conditions (e.g. *G-1*) while some are taken from environmental documents (e.g. *MND-S2*).

DEPARTMENTS AND DIVISIONS			
CA	City Attorney	PL	Planning Division
DS	Dev Services/Eng Dev/Inspectors	TR	Traffic Division
PD	Police Department	B	Building Plan Checker
SC	Source Control	FD	Fire Department
PK	Public Works, Landscape Design	CE	Code Compliance

**GENERAL PROJECT CONDITIONS**

1. This permit is granted for the property described in the application on file with the Planning Division, and may not be transferred from one property to another. (PL, *G-1*).
2. This permit is granted for the plans dated March 7, 2012 (“the plans”) on file with the Planning Division. The project shall conform to the plans, except as otherwise specified in these conditions, or unless a minor modification to the plans is approved by the Planning and Environmental Services Manager (“Planning Manager”) or a major modification to the plans is approved by the Planning Commission. A minor modification may be granted for minimal changes or increases in the extent of use or size of structures or of the design, materials or colors of structures or masonry walls. A major modification shall be required for substantial changes or increases in such items. (PL, *G-2*)
3. This permit shall automatically become null and void 12 months from the date of its issuance, unless the Applicant and Operator(s) obtain a zone clearance and business tax certificate for the proposed use. (PL, *G-3*)

4. By commencing any activity related to the project or using any structure authorized by this permit, Applicant and Operator(s) accept all of the conditions and obligations imposed by this permit and waive any challenge to the validity of the conditions and obligations stated therein. (CA, G-5)
5. Applicant and Operator(s) agrees, as a condition of adoption of this resolution, at their own expense, to indemnify, defend and hold harmless the City and its agents, officers and employees from and against any claim, action or proceeding to attack, review, set aside, void or annul the approval of the resolution or any condition attached thereto or any proceedings, acts or determinations taken, done or made prior to the approval of such resolution that were part of the approval process. Applicant's and Operator's(s') commencement of construction or operations pursuant to the resolution shall be deemed to be an acceptance of all conditions thereof. (CA, G-6)
6. If Applicant, Operator(s) or tenant(s) fail to comply with any of the conditions of this permit, the Applicant, Operator(s) or tenant(s) shall be subject to a civil fine pursuant to the City Code. (CA, G-14)

#### **PLANNING DIVISION STANDARD CONDITIONS**

7. Any application for a minor modification to the project shall be accompanied by four copies of plans reflecting the requested modification, together with applicable processing fees. (PL, PL-2)
8. The Applicant and Operator(s) may not modify any use approved by this permit unless the Planning Manager determines that the parking required by the City Code for the modified use has been provided. (PL, PL-7)

#### **PLANNING DIVISION SPECIAL CONDITIONS**

9. The Applicant or Operator(s) shall designate one responsible person to be present on the property at all times during the event to act as the on-site manager during operating hours. (PL)
10. The number of vendors/booths offering non-food, non-agricultural, and any other products shall not exceed 25 percent of the number of booths selling farm fresh produce or prepared foods. The Oxnard Downtown Management District, acting as the City's agent, shall be responsible for monitoring the number of vendors/booths, quality control, and regular enforcement of this condition. (PL)
11. All signs shall comply with City Code Chapter 16, Article IX, pertaining to sign regulations. A total of four banners advertising the Farmer's Market may be placed within the project area (one banner per street or parking lot frontage), shall not obstruct public right-of-way, and shall be subject to the discretion of the Planning Manager. Event banners shall not exceed 8'0" wide and 4'0" high, and may be attached only to permanent structures within Plaza Park, temporary booths, metal poles placed in the

ground, and/or tree trunks within Plaza Park. Individual vendors/booths may display one banner that identifies the vendor name and products, shall be mounted only to the booth, shall comply with City Code Chapter 16, Article IX, and shall be subject to the discretion of the Planning Manager. All other types of signs shall not be permitted, including signs attached to motor vehicles, trailers, A-frames, balloons, persons, cyclists, utility poles, traffic signal poles, parkway landscaping or street trees. (PL)

12. The Applicant or Operator(s) shall provide a minimum of one ADA-compliant portable lavatory for use by the general public during operating hours (7:00 a.m. to 2:00 p.m.). A minimum ratio of one accessible lavatory per every eight standard lavatories shall be provided; when only one lavatory is provided, the lavatory shall be ADA-compliant. The portable lavatory shall be located within the parking lot northerly of Plaza Park, shall be placed within one standard parking space immediately adjacent to a handicap parking space, and shall have pedestrian access from a pedestrian path or blue stripe area. Placement shall be subject to the direction of the Planning Manager. The lavatory shall not be placed within a handicap parking space, any blue striping adjacent to a handicap space, or within the drive aisle. Placement of the lavatory on any landscape area, sidewalk, drive aisle, handicap space, or any other surface shall be deemed to be non-compliance with this condition. The Applicant or Operator(s) shall place signs within Plaza Park to direct patrons to the portable lavatory. (PL)
13. The Applicant and Operator(s) shall be responsible for maintaining a minimum clear width of 24 feet for the drive aisle within the north parking lot. (PL)
14. During approved operating hours, parallel (0-degree) parking for vendors shall be permitted on the south side of the north parking lot, provided that the existing drive aisle width of 24 feet clearance is maintained. Vendors shall be entitled to park a licensed vehicle and/or trailer in the space located immediately behind their designated booth area. Double parallel or side-by-side parking shall be prohibited. (PL)
15. During approved operating hours, parallel (0-degree) parking for vendors shall be permitted on the easterly side of B Street, provided that the existing street width (approximately 26 feet for two travel lanes) clearance is maintained. Vendors shall be entitled to park a vehicle and/or trailer in the space located immediately behind their designated booth area. Double parallel or side-by-side parking shall be prohibited. (PL)
16. If Applicant, Operator(s) or tenant(s) fail to comply with any State and/or local regulations applicable to the approved use, this permit shall be subject to review by the Planning Commission and conditions modified/added as may be deemed necessary, after a public hearing has been held with notice given as provided in Section 16-537 of the City Code. (PL)
17. Prior to an approval stamp being placed on the site plan, the Applicant shall remove the reference to off-site signs (including “Small sign to parking”).

#### **FIRE DEPARTMENT SPECIAL CONDITIONS**

18. The Applicant and Operator(s) shall continue to comply with all Street Festival Food Booth Requirements. Compliance will be verified by inspection on an annual basis. (FD)

**FINANCE DEPARTMENT SPECIAL CONDITIONS**

19. All inflatable rides, including but not limited to “jolly jump” and “bounce houses”, shall be required to have a valid permit issued by the Finance Department, and the device shall be obtained from a supplier on the approved vendor list.
20. Any vendor providing inflatable bounce houses and similar activities shall submit evidence of adequate insurance to Risk Management that specifically covers these activities. The vendor's insurance shall also name the farmer's market sponsor and the City of Oxnard as “Additional Insured” on a primary and non-contributory basis.
21. All live entertainment events shall be required to submit evidence of insurance, and must be approved by Risk Management a minimum of two weeks prior to the event. The sponsor shall provide the date(s), time, name of band/entertainer, type of music, and number of people expected to attend. An application shall be submitted on behalf of requestor to the Finance Department, for underwriter approval. If approved, any insurance premium must be paid in full prior to the event. Single-person musical performances are exempt from this requirement.
22. Activities for children may also require prior review and approval by Risk Management. The sponsor or vendor shall be responsible for contacting Risk Management a minimum of two weeks prior to the activity or event to obtain review and approval.

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 15<sup>th</sup> day of November, 2012, by the following vote:

AYES: Commissioners

NOES: Commissioners

ABSENT: Commissioners

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Anthony R. Murguia, Chair

ATTEST: \_\_\_\_\_  
Susan L. Martin, Secretary