



Supplemental Council Agenda Report

City Council Meeting
02-12-24

**Item
6.E.**

To: Mayor Uhring and the Honorable Members of the City Council

Prepared by: Alexis Brown, Deputy City Manager

Approved by: Steve McClary, City Manager

Date prepared: February 8, 2024 Meeting date: February 12, 2024

Subject: Malibu Farmer's Market

RECOMMENDED ACTION: Review the proposed options for the return/relocation of the Malibu Farmer's Market and provide staff direction on next steps.

FISCAL IMPACT: Funding for these services was not included in the Adopted Budget for FY 2023-24. Appropriation recommendation may be applicable dependent on Council direction.

STRATEGIC PRIORITY: This item was not included in the Adopted FY 2023-24 Strategic Priority Project List. At the Council's direction, this project can be brought back at a future Strategic Planning meeting for prioritization.

DISCUSSION: During the November 26, 2023, Regular Meeting of the City Council, direction was given to staff to evaluate alternative site plans for the return and/or relocation of the Malibu Farmer's market. On January 8, 2024, staff presented three options for the City Council's consideration. Following the presentation, Council continued the item until February 12, 2024, and directed staff to work with the County of Los Angeles to support the return of the Farmer's Market to County property as soon as possible.

Since January 8, staff have been actively engaged in discussions with County Officials and members of the Cornucopia Foundation about returning the Malibu Farmer's Market to the County parking lot. Cornucopia has since discussed with the County returning the Malibu farmers' market to the Parking Lot and the County is initiating the evaluation period to assess Cornucopia's operations prior to issuing a gratis license agreement, as was previously approved by the Board on September 26, 2023.

On September 26, 2023, the Board of Supervisors (Board) approved the granting of gratis day use permits to Cornucopia until January 31, 2024. The Board also approved the issuance of a gratis license agreement to Cornucopia if they met the County's requirements for operating a farmers' market and provided the County with specific financial documentation and certifications regarding their organization. Cornucopia opted to remain at Legacy Park until the expiration of their TUP and the license was never issued.

On February 6, 2024, Supervisor Horvath introduced a motion to grant a fee waiver permit period to the Cornucopia Foundation for the Malibu Farmer's Market. The County can issue gratis day use permits to Cornucopia for use of the Parking Lot on Sundays through April 30, 2024 (Permit Period) and waive its day use permit fees of \$175/day for said Permit Period. The granting of the fee waiver comes after the County having received all outstanding documentation from Cornucopia, including a revised site map.

This revised map (Attachment 3) reflects a new proposed configuration without vendor spaces in front of the library. The updated map has been approved by the County Real Estate Office, Fire Department and Library. City staff is concurrently reviewing the updated map, and it has been identified that the changes will require an amendment to the conditional use permit (CUP).

Staff recommends the City enter into a compliance agreement and have both the Cornucopia Foundation and the County execute the agreement while a CUP Amendment is processed. The intent of the agreement is to ensure Cornucopia complies with all Malibu regulatory standards while the City completes the CUP amendment process.

This recommendation is aligned with the City's commitment to supporting local businesses and maintaining the vibrancy of the Malibu community. We recognize that the Malibu Farmer's Market plays a pivotal role in promoting economic growth, fostering community connections, and upholding the values that make Malibu unique.

ATTACHMENTS:

1. December 1, 2014 Item No. 3.B5. Planning Commission Agenda Report with attachments
2. Malibu Municipal Code 17.02.061
3. Revised Site Plan
4. Malibu Farmer's Market Vendor List
5. Motion by Supervisor Lindsey P. Horvath – February 6, 2024



Commission Agenda Report

Planning Commission
Meeting
12-01-14
**Item
3.B.5**

To: Chair Brotman and Members of the Planning Commission

Prepared by: Amanda Chiancola, Associate Planner *ac*

Reviewed by: Bonnie Blue, AICP, Planning Manager *BB*

Approved by: Joyce Parker-Bozylinski, AICP, Planning Director *JPB*

Date prepared: November 20, 2014 Meeting Date: December 1, 2014

Subject: Cornucopia Foundation Farmers' Market Annual Review Report

Inspection Date: October 26, 2014
Applicant: Debra Bianco, Cornucopia Foundation
Location: 23525 Civic Center Way
APN: 4458-022-904
Zoning: Institutional (I)

RECOMMENDED ACTION: Receive and file.

DISCUSSION: On September 15, 2009, the Planning Commission held a duly noticed public hearing and adopted Planning Commission Resolution No. 09-58 (Attachment 1), approving a conditional use permit (CUP) to allow the Cornucopia Foundation to operate a farmers' market at 23525 Civic Center Way. The Cornucopia Farmers' Market is open year round on Sundays between 10:00 a.m. and 3:00 p.m. Planning Commission Resolution No. 09-58 included 44 conditions of approval, including a condition which required a quarterly review of the farmers' market for the first year of operation and annually thereafter in order to ensure that all conditions of approval were adequately addressed.

Quarterly reviews were conducted on August 8, 2010, November 21, 2010 and March 13, 2011. The first annual review was conducted on September 11, 2011, and the second annual review was conducted on September 16, 2012. On October 26, 2014, staff conducted the third annual review of the farmers' market to verify compliance with the conditions of approval.

The project site is owned by County of Los Angeles and operated by the Los Angeles County Real Estate Division. The site consists of the Los Angeles County Library, the

vacant Los Angeles County Courthouse, a building previously occupied by the Los Angeles County Sheriff's Department, the Malibu Labor Exchange and several parking lots that serve these structures. The northwest portion of the parking lot includes six parking spaces that comply with the Americans with Disabilities Act (ADA) for patrons of the Library.

The farmers' market site plan was initially proposed with the vendor booths in the two rows closer to the street and with parking in the rear (north portion) of the parking lot, in front of the court house. In 2009, due to safety concerns, the Planning Commission recommended reversing the site plan so that parking is closer to the street and the vendor booths are located in the rear of the parking lot (Attachment 2).

The existing layout of the site restricts access to the six required ADA parking spaces for the library. The farmers' market was operating with three temporary sandwich board signs that note the location of three temporary dedicated ADA spaces. However, the three spaces do not take into consideration the path of travel or minimum width required for ADA parking. The Deputy Building Official has determined that the temporary ADA spaces are not permitted. However, there are three existing ADA compliant parking spaces on Civic Center Drive. The Deputy Building Official has determined that the signs on Civic Center Drive are able to provide the required ADA parking for the library, provided that the ADA parking signs in the parking lot will be covered by the applicant during the market hours.

Pursuant to Condition No. 15, the applicant submitted current certification by the Los Angeles County Agricultural Commission/Weights and Measures Department, on file with the Planning Department. On October 26, 2014, staff conducted a site visit to document the existing conditions and to ensure that all conditions of approval were adequately addressed.

During the inspection, staff observed the following:

- No use of Styrofoam;
- No live or amplified entertainment onsite;
- Recyclable containers located throughout the market; and
- Proper signage directing the one way traffic circulation posted at both the entrance and exit to the parking lot.

As shown in Table 1 below, prepared food vendors and arts and crafts (non-agricultural vendors) occupied 135 linear feet, while certified farmers and agricultural vendors, not subject to certification, occupied 700 linear feet. Based on the ratio of agricultural booths to the total number of booths, excluding nonprofit organizations, the project is in conformance with Condition No. 12¹.

¹ Pursuant to Condition No. 12, the farmers' market shall maintain a minimum of 65 percent of the total linear footage as certified farmers or flowers or food that does not require certification even if the farmers' market is not operating in its full potential. Pursuant to M.M.C. Section 17.020.60 (Definitions), which defines a farmers' market, when calculating the total linear footage of vendor booths within the market, the linear footage of those booths occupied by nonprofit organizations that provide educational information and/or sell products shall be excluded.

Table 1: Percentage of Agricultural Uses				
	Vendor	Linear Feet	Total Linear Feet	Total Percentage
Non-Agricultural	Arts and Crafts	65	135	16%
	Prepared Food	70		
Agricultural	Certified Farmers	320	700	84%
	Agriculture not subject to certification	380		

Staff observed that there was a bounce house and a petting zoo with a donkey in a fenced off area on the southeast corner of the farmers' market. The Cornucopia Farmers' Market use was approved as a temporary outdoor public or commercial gathering where fresh produce sold by certified farmers as the primary product, as well as prepared foods, crafts, and the like, are offered for viewing or sale. A bounce house and a petting zoo are inconsistent with the operation of a farmers' market approved by Planning Commission Resolution No. 09-58, and would require an amendment to the conditional use permit. The applicant has informed staff that the petting zoo and bounce house will be removed to ensure compliance with the approved use, until such time as a conditional use permit amendment is approved by the Planning Commission.

CORRESPONDENCE: Three members of the public submitted correspondence informing staff they are in favor of having the farm animals at the farmers' market. Another member of the public contacted staff with a concern that the Cornucopia Foundation is in violation of Condition No. 132 of Resolution No. 09-58. In response to this concern, the applicant has submitted letters from four vendors, including three non-profit vendors that have had their rents waived. The applicant also informed staff that the Cornucopia Foundation promotes local growers by waiving the monthly rental fees, and instead requesting a ten percent donation of their earnings, on the honor to system. In addition, the Cornucopia Foundation provides a preset booth each Sunday for one local grower. As such, the local grower will not have to invest in supplies to participate. The local growers program limits participation to more than four times per six months with a maximum of eight appearances per calendar year. A full description of the local growers program is included as Attachment 3.

CONCLUSION: Based on staff's observations the farmers' market will be in conformance with the conditions of approval set forth in Planning Commission Resolution No. 09-58, if the following occurs: 1) the petting zoo and bounce house are removed, until such time a condition use permit amendment is approved by the Planning Commission; and 2) the ADA parking signs in the library parking lot are covered during the farmers' market hours. If the applicant does not comply with the above mentioned items, staff will report back to the Planning Commission with a recommendation of revocation of the CUP.

² Pursuant to Condition No. 13, the farmers' market operator shall waive or reduce fees for smaller local growers to promote local participation.

ATTACHMENTS:

- 1. Planning Commission Resolution No. 09-58**
- 2. Site Plan**
- 3. Cornucopia Foundation Local Growers Program**

**CITY OF MALIBU PLANNING COMMISSION
RESOLUTION NO. 09-58**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
MALIBU APPROVING CONDITIONAL USE PERMIT NO. 09-003 TO
PERMIT A FARMERS' MARKET OPERATED BY CORNUCOPIA
NONPROFIT FOUNDATION IN A PARKING LOT LOCATED AT 23525
CIVIC CENTER WAY (LOS ANGELES COUNTY)**

THE PLANNING COMMISSION OF THE CITY OF MALIBU DOES HEREBY FIND, ORDER
AND RESOLVE AS FOLLOWS:

Section 1. Recitals.

- A. On February 13, 2006, the City Council passed and adopted Ordinance No. 290 which amended various sections of the Malibu Municipal Code (M.M.C.) to include open air markets operated by a non-profit charitable organization as a conditionally permitted use in the Institutional (I) zoning district.
- B. On March 19, 2009, the applicant submitted Conditional Use Permit (CUP) No. 09-003 for the operation of a farmers' market in the parking lot of 23525 Civic Center Way. An email from Susan Nissman, Los Angeles County Board of Supervisors, was included with the submittal package and states "As regards (to) a Farmers' market operating on the parking lot, the County was advised that they should not issue use permits unless the applicant has a cup allowing them to operate a farmers market in the City of Malibu."
- C. On March 31, 2009, a Courtesy Notice was mailed to occupants and owners of properties within 500 feet of the project site.
- D. On May 11, 2009, the application was deemed complete for processing.
- E. On May 21, 2009, a Notice of Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 500 foot radius of the subject property.
- F. At its June 16, 2009 Regular meeting, the Planning Commission continued the public hearing to the August 4, 2009 Regular meeting to allow both farmers' market applications (CUP No. 09-004) to be heard at the same meeting.
- G. At its August 4, 2009 Regular meeting, the Planning Commission continued the public hearing to the September 15, 2009 Regular meeting at the applicant's request due to scheduling conflicts.
- H. On August 20, 2009, a Notice of Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 500 foot radius of the subject property.

- I. On September 15, 2009, the Planning Commission held a duly noticed public hearing on the subject applications, reviewed and considered the staff report, reviewed and considered written reports, public testimony and other information in the record.

Section 2. Environmental Review.

Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Planning Commission has analyzed the project as described above, and has found that the project is listed among the classes of projects that have been determined to have a less than significant adverse effect on the environment and therefore, is exempt from the provisions of CEQA. Accordingly, a CATEGORICAL EXEMPTION (Class 4) will be prepared pursuant to CEQA Guidelines Section 15304(e) – Minor temporary use of land having negligible or no permanent effects on the environment, including carnivals, sales of Christmas trees, etc”. The Planning Commission has further determined that none of the six exceptions to the use of a categorical exemption applies to this project (CEQA Guidelines Section 15300.2).

Section 3. Conditional Use Permit.

Pursuant to M.M.C. Section 17.66.080, the Planning Commission may approve, deny and/or modify an application for a CUP in whole or in part, with or without conditions, provided that it makes all of the following findings of fact. Having heard all oral testimony and reviewed all written testimony and considered all relevant evidence and argument, the Planning Commission, in accordance with M.M.C. Section 17.66.080, finds that adequate public input was provided; that the proposed development does not impair the integrity of the surrounding neighborhood; and reasonable and necessary conditions have been imposed to assure compatibility with the surrounding uses. Additionally, pursuant to M.M.C. Section 17.02.061, a farmers’ market shall comply with three criteria.

The CUP can be supported based on the findings below.

CUP Findings – M.M.C. Section 17.66.080

Pursuant to M.M.C. Section 17.66.080, the Planning Commission may approve, deny and/or modify an application for a CUP in whole or in part, with or without conditions, provided that it makes all of the following findings of fact. The CUP can be supported based on the findings below.

Finding 1. The proposed use is one that is conditionally permitted within the subject zone and complies with the intent of all of the applicable provisions of Title 17 of the Malibu Municipal Code.

Pursuant to Ordinance No. 290, the proposed open air farmers’ market is a conditionally permitted use in the Institutional zoning district. As conditioned herein, the project complies with all applicable provisions of the M.M.C.

Finding 2. The proposed use would not impair the integrity and character of the zoning district in which it is located.

The proposed project is the operation of an open air farmers’ market on an institutionally zoned property. The proposed project would operate on Sundays when other uses at 23525 Civic Center

Way are closed and have no need for use of the parking lot. As discussed in the project background, the proposed use was in operation for approximately five years on the same parcel. Although there have been concerns regarding noise resulting from the previous operation, the proposed farmers' market does not include any amplified sound or live entertainment and will be conditioned to comply with the M.M.C. Noise Ordinance (Chapter 8.24). The proposed use would not impair the integrity and character of the zoning district in which it is located.

Finding 3. The subject site is physically suitable for the type of land use being proposed.

As discussed previously, the operation of a farmers' market has occurred in this location for approximately five years. The proposed project does not include any development or addition of plumbing fixtures. The entire operation will occur outdoors on a paved parking lot. No other changes to the site are proposed. Two portable restrooms and one hand sink will be provided. The Los Angeles County Sheriff's Department and Los Angeles County Fire Department (LACFD) have reviewed the parking lot circulation plan and the project site has been conditioned to include a vehicle turnaround at the end of the parking aisles. As conditioned, the project site can accommodate adequate ingress, egress and public parking for customers; therefore, the site is physically suitable for proposed use.

Finding 4. The proposed use is compatible with the land uses presently on the subject property and in the surrounding neighborhood.

The subject site is currently on a developed parcel and is surrounded by institutional and government facilities, commercial, retail, office uses and Malibu Knolls residences which are situated on the hillside upslope from the proposed project site. The proposed site also provides adequate parking for patrons of the market and will not interfere with the use of the Los Angeles County Courthouse or Malibu Library as the project will operate only on Sundays when these facilities are closed. No amplified sound or live entertainment is proposed. The proposed use is compatible with the land uses presently on the subject property and in the surrounding neighborhood.

Finding 5. The proposed use would be compatible with existing and future land uses within the zoning district and the general area in which the proposed use is to be located.

The proposed project is compatible with the existing institutional land uses within the zoning district and in the general vicinity because the farmers' market proposes to operate on Sundays only when the existing onsite facilities are closed. The proposed project does not include permanent structures; and therefore, does not impact existing or future land uses within the zone on a daily basis. The project will also be compatible with the future Legacy Park project and the recently approved La Paz commercial project located adjacent to the project site because of its neighborhood and visitor serving quality. Furthermore, conditions of approval have been included to prohibit live entertainment and amplified sound to minimize any nuisance on neighbors within the vicinity.

Finding 6. There would be adequate provisions for water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety and the project does not affect solar access or adversely impact existing public and private views, as defined by the staff.

G.I. Rubbish, a waste management company, will provide weekly service to the dumpster. Fence Factory Rentals will provide weekly service to dispose of waste from the two portable restrooms within a day after each event. Additionally, the project has been conditioned to provide seven recycle bins, one next to every proposed trash bin, for refuse collection. A crew employed by Cornucopia will clean the site and make sure all recyclables are recycled after each event. No significant impacts on City services are anticipated. No new development or changes to the existing onsite structures are permitted in this application; therefore, the proposed project will not affect solar access or impact existing public and private views.

Finding 7. There would be adequate provisions for public access to serve the subject proposal.

The site has adequate public access for both vehicles and pedestrians. Parking is provided within two aisles of the parking lot. The Los Angeles County Sheriff's Department has conditioned the project to provide a turnaround at the western end of the two parking aisles for cars. The vehicular turnaround will be clearly delineated by traffic cones and proper signage to facilitate traffic circulation. As conditioned, there is adequate provision for public access to serve the proposed project.

Finding 8. The proposed use is consistent with the goals, objectives, policies, and general land uses of the General Plan.

The proposed use is a conditionally permitted commercial use in the Institutional zoning district. The Land Use Element of the General Plan provides several goals and objectives for the City. Land Use Policy 4.4.1 states that "The City shall encourage establishment and continued operation of small neighborhood and community serving businesses." The proposed project provides local agricultural producers and small business owners a venue to sell their products. Additionally, the proposed project operates on Sundays only when the institutional uses on the property are closed; therefore, the project is consistent with the goals, objectives, policies, and general uses of the General Plan.

Finding 9. The proposed project complies with all applicable requirements of state and local law.

The proposed project will comply with all applicable requirements of state and local law, and is conditioned to comply with any relevant approvals, permits and licenses from the City of Malibu and the County of Los Angeles. The project has been conditioned to obtain a leasing agreement with the County of Los Angeles providing permission to use County property prior to the start of operations.

Finding 10. The proposed use would not be detrimental to the public interest, health, safety, convenience or welfare.

The proposed project will not be detrimental to public interest, health, safety, convenience or welfare. The proposed project has been reviewed and conditioned by the Los Angeles County Sheriff's Department, Los Angeles County Health Department, LACFD, as well as the City Public Works Department and the Environmental Health Administrator. LACFD has conditioned the project to prohibit smoking, open flames, or propane equipment in or within 20 feet of the booths. Also, if the booths are larger than 20 feet by 20 feet or enclosed with walls, a separate permit must be approved by the LACFD. As conditioned, the proposed use will not be detrimental to public interest, health, safety, convenience or welfare.

Finding 11. If the project is located in an area determined by the City to be at risk from earth movement, flooding or liquefaction, there is clear and compelling evidence that the proposed development is not at risk from these hazards.

According to the City's Geographic Information System, the project site is located in a seismic liquefaction hazard zone but not located in a seismic landslide hazard or fault zone hazard. The proposed project will not increase the risk of earth movement, flooding or liquefaction since the application does not include development or modifications to the existing structures; therefore, there is no new risk from hazards.

Farmers' Market Criteria – M.M.C. Section 17.02.061

Criterion 1. The farmers' market shall maintain current certification by the Los Angeles County Agricultural Commissioner/Weights and Measures Department.

The applicant has provided evidence of current certification by the Los Angeles Agricultural Commissioner / Weights and Measures Department. As a condition of approval, evidence of current certification shall be provided to Planning staff annually.

Criterion 2. A minimum of sixty-five (65) percent of the total linear frontage of vendor booths shall contain produce sold by certified farmers or those food or flower products not subject to certification such as flowers, jams, honey, nuts, fish, dried fruit, olives, pickles and juices. When calculating the total linear footage of vendor booths within the market, the linear footage of those booths occupied by nonprofit organizations that provide educational information and/or sell products shall be excluded.

Inspectors from the Los Angeles County Department of Agriculture, Weights and Measures inspect farms and other properties to verify what is raised or grown. After satisfactorily meeting the requirements of the inspection, the farmer is considered a certified farmer for specific products. Criterion 2 requires a minimum of 65 percent of the total linear frontage of vendor booths to contain certified farmers' produce or produce not required to be certified.

The project proposes 1,164 total linear feet at its maximum potential. Six hundred linear feet are proposed to be certified farmers or products not subject to certification, 320 linear feet are proposed to be arts and crafts, 110 linear feet are proposed to be community nonprofit, and 134 feet are proposed to be Cornucopia nonprofit. When calculating the total linear footage, the linear footage of booths occupied by nonprofit organizations that provide education information and / or sell products shall be excluded; therefore, the total linear footage is 920 linear feet. Sixty-five percent, as required by the M.M.C., of 920 linear feet is 598 linear feet; therefore, the project is required to provide a minimum of 598 linear feet of certified farmers or products not subject to certification. Since 600 linear feet are proposed to be certified farmers or products not subject to certification, there is more than 65 percent of the total linear frontage provided. Additionally, the project has been conditioned to maintain the 65 percent minimum ratio even if the farmers' market is not operating in its full potential.

Criterion 3. No entertainment shall be allowed at the farmers' market which is audible from outside the property.

The project has been conditioned to comply with the Malibu Noise Ordinance in M.M.C. Chapter 8.24. In addition, the applicant has confirmed that no amplified sound is proposed. Conditions of approval prohibiting amplified sound and live entertainment have been included as Condition Nos. 37, 38, 39, and 40.

Section 4. Conditions of Approval.

On the basis of the foregoing findings and substantial evidence in the record, the Planning Commission hereby approves Conditional Use Permit No. 09-003 subject to the following conditions:

1. The applicant, property owner, business operator, and their respective successors in interest, agree to indemnify, defend, and hold harmless city and its officers, officials, employees and volunteers from and against any and all claims, demands, damages, costs, and expenses of liability (including without limitation attorney's fees and costs of litigation) of every nature arising out of or in any way connected with the issuance of the conditional use permit and the operation of the use authorized thereby. The applicant, property owner, business operator, and their respective successors in interest shall be jointly and severally obligated for purposes of this subsection. The City shall have the sole right to choose its counsel and property owners shall reimburse the City's expenses incurred in its defense of any lawsuit challenging the City's actions concerning this project.
2. The conditional use permit shall not be effective until the property owner and applicant execute the Affidavit of Acceptance of Conditions and the Applicant has provided a valid and current leasing agreement with the County of Los Angeles Real Estate Division for use of the subject property. Applicant shall comply with all conditions set forth in that license agreement. Said documents shall be recorded with the Los Angeles County Recorder and a certified copy of said recordation shall be filed with the Planning Division.
3. Violation of any of the conditions of approval shall be cause for revocation of the conditional use permit and termination of all rights contained therein.
4. The Planning Manager is authorized to make minor changes to the approved CUP if such modifications shall achieve substantially the same results, as would strict compliance with said plans and conditions.
5. Malibu code enforcement officers, sheriff's deputies or other agents or employees of the City and County requesting admission for the purpose of determining compliance with these standards shall be given unrestricted access.
6. The project shall comply with all conditions set forth by Los Angeles County Fire Department, Los Angeles County Health Department, Los Angeles County Sheriffs' Department, City Public Works and City Environmental Health Administrator.

7. Prior to the operation of the first market event, the applicant shall provide proof of insurance to the City Planning Department and name the City as an additionally insured.

Site Specific

8. This approval is to permit a farmers' market operated by a nonprofit organization at a 480 feet by 150 feet parking lot located at 23525 Civic Center Way. The parking lot consists of four rows of parking spaces. The first two rows shall be reserved for customer parking and the remaining two rows of parking are proposed for vendor booths and the majority of the farmers' market operation. No new development is proposed or permitted.
9. Operation hours are 10 a.m. to 3 p.m. with set up time beginning at 7 a.m. and clean up to be completed by 5 p.m. on Sundays except when Christmas and New Year's Day fall on a Sunday or when there are special events approved onsite.
10. This permit does not afford the permittee an exclusive right to use the parking lot on the subject property each Sunday, nor does it give permittee priority over any other person or entity that may also be authorized to use the subject property on any given Sunday.
11. The conditional use permit shall be reviewed quarterly by the Planning Commission for the first year and annually thereafter. The Planning Commission shall verify compliance with the provisions of the Malibu Municipal Code and the conditions of approval contained herein. At least two weeks prior to the review date, the applicant shall pay a Planning staff site inspection fee in effect at the time of request for site inspection. A staff planner will conduct a site visit to verify compliance with the provisions set forth in this resolution and report back to the Planning Commission.
12. The farmers' market shall maintain a minimum of 65 percent of the total linear footage as certified farmers or flowers or food that does not require certification even if the farmers' market is not operating in its full potential.
13. The farmers' market operator shall waive or reduce fees for smaller local growers to promote local participation.
14. There shall be no sale of alcohol, either for consumption on site or packaged.
15. The farmers' market shall maintain current certification by the Los Angeles County Agricultural Commission/Weights and Measures Department. Evidence of current certification shall be provided to Planning staff annually by the anniversary date of CUP approval.
16. There shall be no lane closures, obstruction of public streets, parking restrictions or other encroachments into the public right of way without required prior approval and permits from the City of Malibu Public Works Department.
17. This permit and all permits obtained in conjunction with this event shall be kept on site during the event and shall be produced on request to any agent or employee of the City of Malibu

and County agencies. Applicant shall not digress from the approved plan without prior approval.

18. If any required conditions are violated or if any law, statute, or ordinance is violated, this permit may be suspended and the privileges granted shall lapse.

City Public Works Department

19. The California Integrated Waste Management Board has established recommendations for recycling plans for farmers' markets. The applicant shall provide a recycling plan consistent with the requirements of the California Integrated Waste Management Board. Said document shall be submitted to the City Environmental Programs Coordinator prior to the operation of the first market.
20. The Regional Water Quality Control Board has issued a permit to the City of Malibu that requires that special events be provided with screens or other equivalent methods to limit the deposit of trash in the City storm drains. Provide a Waste Management Plan that shows the proposed screens, including size, connection methods and proposed locations.
21. The applicant shall include a sweeping plan as part of the Waste Management Plan. Submit a report of the volume of trash collected and swept on a monthly basis to the City Public Works Department.

Los Angeles County Fire Department

22. The applicant shall obtain a separate permit issued by the Los Angeles County Fire Department prior to each event that includes smoking, open flames, cooking or propane equipment.
23. No smoking, open flames, cooking, or propane equipment shall be located in or within 20 feet on the booths/tents.
24. The applicant shall obtain a separate permit issued by the Los Angeles County Fire Department prior to each event that would require booths larger than 20 feet by 20 feet or booths enclosed with walls.
25. The minimum spacing between each booth shall be 20 feet unless a separate permit has been issued by the Los Angeles County Fire Department.

Los Angeles County Sheriff Department

26. The project shall include a vehicular turnaround at the western end of the two parking aisles.
27. The vehicular turnaround will be clearly delineated by traffic cones and proper signage to facilitate traffic circulation.

Los Angeles County Health Department

28. The project has been conditionally approved by the Los Angeles County Public Health Department. A field inspection shall be conducted prior to final Los Angeles County Health approval. The project must comply with all conditions placed on the project.
29. The event may include vendors of foods prepared on site if the food vendor has a current permit from the Los Angeles County Public Health Department. All potentially hazardous food items shall be maintained at proper temperatures. Adequate hand washing facilities shall be provided and food handlers shall frequently wash hands with hot water and soap.

Waste Control

30. The project shall comply with Ordinance No. 286, which prohibits the use or distribution of expanded polystyrene food packaging. The applicant shall be responsible for informing vendors of this ban.
31. The project shall comply with Ordinance No. 323, which prohibits the distribution of plastic shopping bags in the City of Malibu. Small produce bags are permitted. The applicant shall be responsible for informing vendors of this ban.
32. One recycle bin must be placed next to each trash bin. A note must be affixed to the recycle bin stating "Recycling is Mandatory". Applicant shall provide clearly marked containers for recycling cans, glass, and plastic during the event and require that all recyclable materials are deposited with an authorized recycling facility or an authorized collector of recyclables upon the close of each event.
33. All trash, rubbish, garbage and recyclables shall be kept in containers with tight fitting covers. An adequate number of such containers shall be provided and the contents shall be placed for regular pickup by an authorized solid waste hauler.
34. Temporary restroom facilities shall be provided to accommodate all event guests. A minimum of two portable bathrooms shall be installed and properly maintained for use by vendors and market customers. At least one of the bathrooms shall be a unisex American with Disabilities Act (ADA) accessible restroom. Handwashing facilities shall be provided. Temporary bathroom facilities shall be properly maintained in a sanitary condition and shall be serviced within a day after each event.
35. Waste from the dumpster shall be disposed at least once a week after each event, or more if needed.
36. The premises and parking areas shall be left clean and free of trash and debris by 5 p.m. after every event.

Noise Control

37. No amplified sounds are permitted under this approval.

38. No live entertainment is permitted under this approval.
39. The project shall comply with the Malibu Noise Ordinance (M.M.C. Chapter 8.24).
40. The applicant shall assure that no unnecessary noise is generated during the event, including during set up and clean up hours.

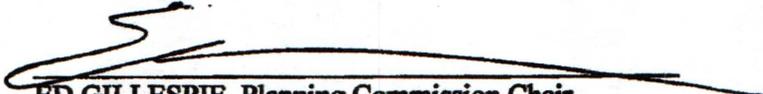
Signs

41. Subject to all other conditions herein, applicant may place 24" x 24" signs, on A-frames not more than 36" in height, at the following locations:
 - a. northwest corner of Pacific Coast Highway and Cross Creek Road,
 - b. northeast corner of Malibu Road and Webb Way;
 - c. southwest corner of Pacific Coast Highway and Malibu Canyon Road,
 - d. southwest corner of Heathercliff Road and Pacific Coast Highway, and
 - e. southeast corner of Pacific Coast Highway and Zumirez Drive.
42. No sign may be placed in the Caltrans right of way without written permission from Caltrans.
43. Signs may not be set up prior to 5:00 p.m. on the Saturday prior to each market date. Signs must be removed by 5:00 p.m. on each market date.
44. A sign may be placed at the northwest corner of Pacific Coast Highway and Webb Way, but only with the permission of the Chamber of Commerce and only in the established sign board at that location.

Section 5. Certification.

The Planning Commission shall certify the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 6th day of October 2009.


ED GILLESPIE, Planning Commission Chair

ATTEST:


JESSICA BLAIR, Recording Secretary

LOCAL APPEAL - Pursuant to Malibu Municipal Code Section 17.04.220, a decision of the Planning Commission may be appealed to the City Council by an aggrieved person by written statement setting forth the grounds for appeal. An appeal shall be filed with the City Clerk within 10 days and shall be accompanied by an appeal form and proper appeal fee. The appellant shall pay fees as specified in the Council adopted fee resolution in effect at the time of the appeal. Appeal forms

may be found online at www.ci.malibu.ca.us, in person at City Hall or by calling (310) 456-2489 extension 374.

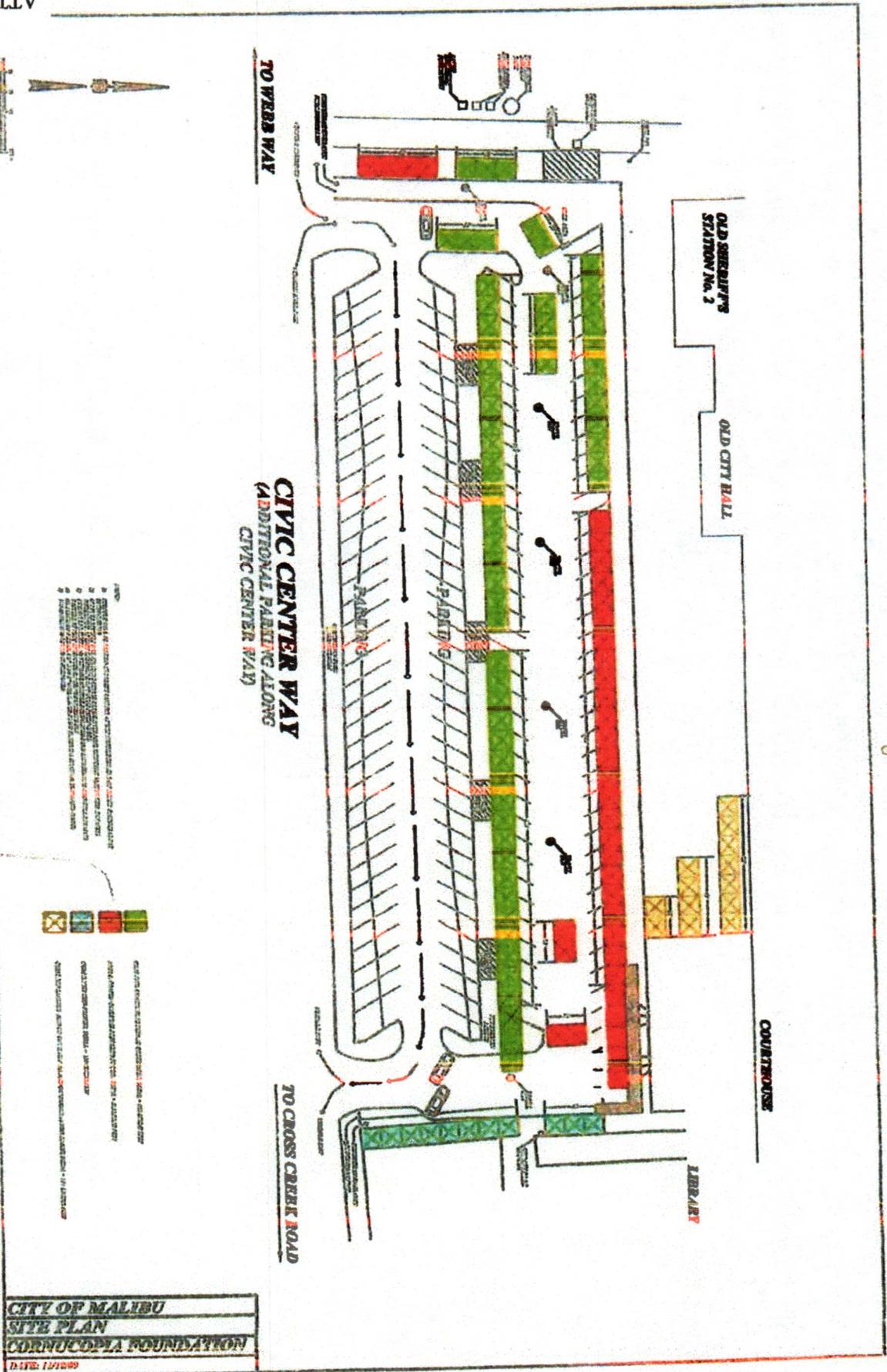
I CERTIFY THAT THE FOREGOING RESOLUTION NO. 09-58 was passed and adopted by the Planning Commission of the City of Malibu at the regular meeting thereof held on the 6th day of October, by the following vote:

AYES: COMMISSIONERS: HOUSE, JENNINGS, SCHAAR, MAZZA AND GILLESPIE
NOES:
ABSTAIN:
ABSENT:



JESSICA BLAIR, Recording Secretary

THE CORNUCOPIA FOUNDATION



CITY OF MALIBU
SITE PLAN
CORNUCOPIA FOUNDATION
 DATE: 1/1/09

Non-profit since 1998

Cornucopia Foundation

**The future of our planet is not by chance...
but by choice.**

Local Growers

Our Purpose for the Local Growers Booth

The purpose of having Local Growers at the Malibu Farmers Market is to give our local resident growers the opportunity to sample what it would be like to run their own booth at the market. Local growers will be limited to participating no more than four times per six months, with a maximum of eight appearances per calendar year. The market will highlight only one local grower per week. To be considered, potential local growers must complete the online application for "Local Growers".

Benefits of being a "Local Grower" at The Malibu Farmers Market:

- Local Growers need not invest in a tent, tablecloth, weights, or a back drop.
- Local Growers do not pay for the set up or breakdown of tables, chairs, or tents.
- Agricultural Department fees for a certified producer are waived to Local Growers.
- Local Growers are not required to pay monthly rent for their space at the market.
- Local Growers do not have to commit to 4 consecutive Sundays at the market.
- Local Growers do not have to arrive at the market at a designated time or stay for the entire duration of the market, unlike certified farmers, who must arrive at 8:15 AM to set-up and stay until 3 PM. Local growers are to arrive by 9:45 AM and depart by 2:00 PM.
- Local Growers do not pay to launder their tablecloths each week.
- Growers will have access to one half (1/2) of Cornucopia's market table.

In return for these advantages, Local Growers are requested to donate 10% of their earnings on the honor system to The Cornucopia Foundation and to abide by the policies and rules set forth by the Cornucopia Foundation Board of Directors.

How To Become A Local Grower

To participate, please fill out an application and provide two proofs of address, as well as the additional items listed:

- Driver's license (1st proof of address)
- Utility bill (2nd proof of address)
- Insurance covering The Cornucopia Foundation as additional insured
- Los Angeles Agricultural Department Certificates/Papers

Please email these materials to cornucopiabookkeeping@gmail.com.

Rules and Regulations

From time to time, the Rules and Regulations will change, due to the needs of a growing market, and the policies and regulations placed on Cornucopia by the multiple permitting agencies for the farmers market, such as the Public Health Dept, Agriculture Dept., City of Malibu, and County of Los Angeles. In those cases, we will notify you of any changes that apply to you.

Local growers may not give out samples. The non-usage of plastic bags and styrofoams apply to local growers, and there is a \$50 penalty on the first offense or may be asked to leave the market. Produce can only be sold by local growers, nothing processed, canned, etc. Local growers may not sell any dairy products which includes eggs.

Local growers must mind their booth if needed to leave and they must close up their table if no one is there to mind it for them.

Local growers are not allowed to bring their dogs to the Malibu Farmer's Market.

If a customer comes to the local grower with a dog, the local grower must inform the customer that dogs are not allowed at the farmers market. If caught selling to a customer with a dog, a \$50 penalty fee and/or asked to close up and leave for the day.

Local growers must park in the Malibu Library parking lot adjacent to the farmers market. If a local grower does not abide by this, they can be asked to close up and leave the market.

In order to have one's own tent, a local grower must apply as a farmer. A representative of the Cornucopia Foundation may visit the address on the application to ensure that the produce does indeed grow there.

Local growers are asked to give a 10% donation of their earnings to the Cornucopia Foundation at the end of the day.

Note: On rainy days, local growers' booth will be closed.

Agreement *

I agree to these rules and regulations.

Name *

Applying As *

Email Address *

Phone Number *

Address *

Products *

Submit

***By selecting "Submit" you are acknowledging and agreeing to the Malibu Farmers Market Rules and Regulations for Local Growers.**

For all questions and inquiries related to billing, fees, invoices and financial services please email cornucopiabookkeeping@gmail.com

©2012 Malibu Farmers Market. All Rights Reserved.

“Farmers’ markets” means temporary outdoor public or commercial gathering where fresh produce sold by certified farmers as the primary product, as well as prepared foods, crafts, and the like, are offered for viewing or sale. Part or all of the farmers’ market is conducted outside of an enclosed structure; sidewalk sales are not included under this definition. Each vending location shall have access via an internal walkway, courtyard, path, or common area and all structures shall consist of the placement of non-permanent structures. A farmers’ market shall comply with the following criteria:

1. The farmers’ market shall maintain current certification by the Los Angeles County Agricultural Commissioner/Weights and Measures Department;
2. A minimum of sixty-five (65) percent of the total linear frontage of vendor booths shall contain produce sold by certified farmers or those food or flower products not subject to certification such as flowers, jams, honey, nuts, fish, dried fruit, olives, pickles and juices. When calculating the total linear footage of vendor booths within the market, the linear footage of those booths occupied by nonprofit organizations that provide educational information and/or sell products shall be excluded;
3. No entertainment shall be allowed at the farmers’ market which is audible from outside the property.

“Fences, walls and hedges” means artificially constructed barriers of any material or combination of materials erected to enclose or screen an area of land. See also “Open fencing.”

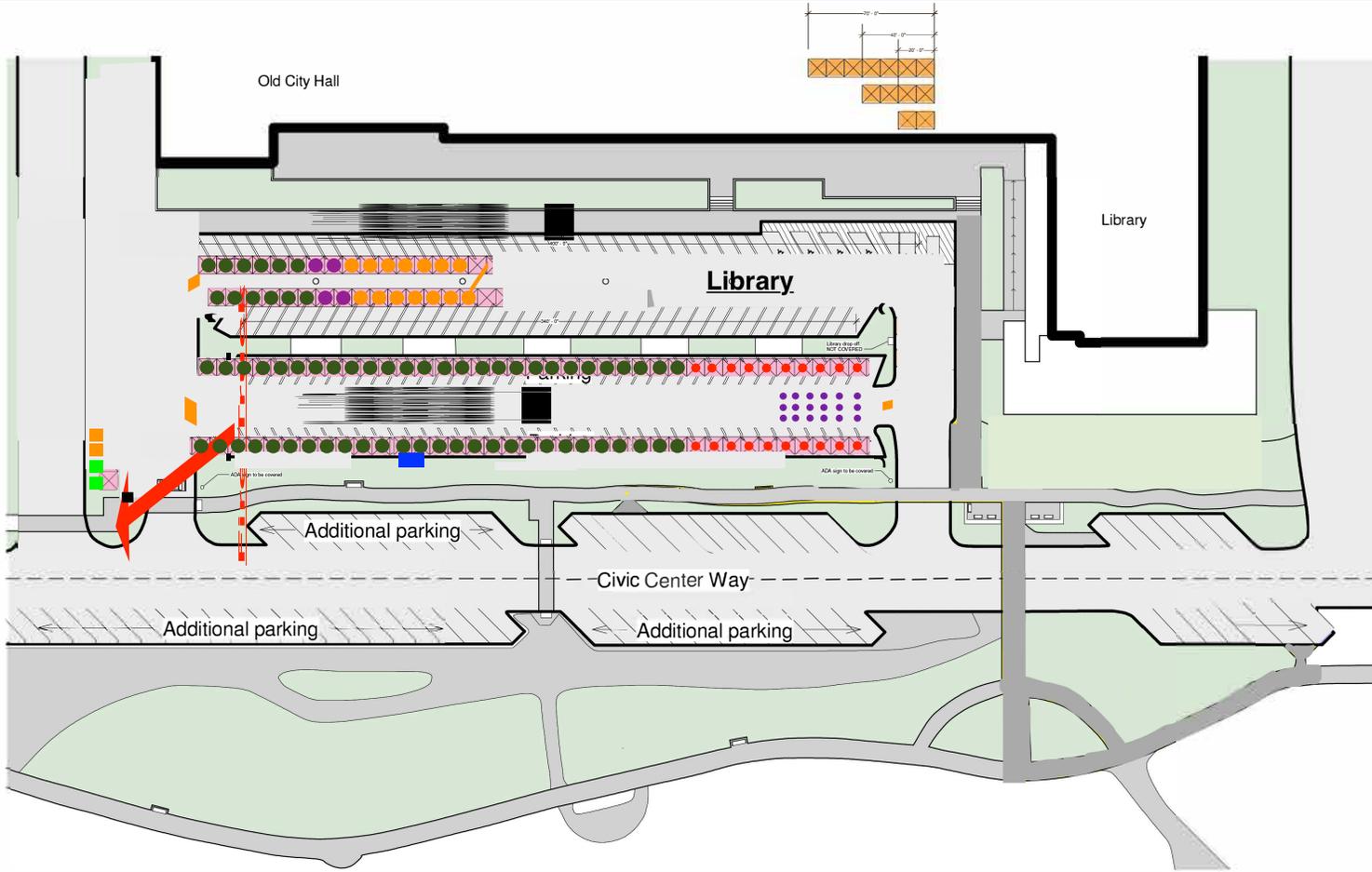
Flag, Official. “Official flag” means an official flag of the United States of America and other nations, states, countries, or municipalities.

Floor Area, Gross. “Gross floor area” means the sum of the gross horizontal areas of the several floors of a building measured from the interior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for motor vehicles, vehicular maneuvering areas, or any space where the floor-to-ceiling height is less than six feet.

“Floor area ratio” means the formula for determining permitted building area as a percentage of lot area; obtained by dividing the above-ground gross floor area of a building or buildings located on a lot or parcel of land by the total area of such lot or parcel of land.

“Formula retail” means any type of retail sales activity and/or retail service activity conducted within a retail establishment which, along with ten (10) or more other existing, operational retail establishments in the world, maintains two or more of the following features: (1) standardized array of merchandise or menu; (2) standardized color scheme; (3) standardized décor; (4) standardized façade; (5) standardized layout; (6) standardized signage, a servicemark, or a trademark; (7) uniform apparel.

Frontage, Building. “Building frontage” means the exterior building wall of a ground floor business establishment on the side or sides of the building fronting and/or oriented toward a public street or highway. Building frontage shall be measured continuously along the building wall for the entire length of the building establishment, including any portion thereof which is other than parallel to the remainder of the wall.



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100' SCALE ONLY THIS IS NOT A MAP

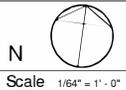
- Certified Farmers
- NON Certified - Pre Packaged
- NON Certified - Crafted / Premade
- ADA stalls
- ADA stalls

EDWARD A D'ANDREA AIA
 ARCHITECTURE LANDPLANNING PERMITTING
 MALIBU HANA BOULDER

POB 2322 MALIBU CA 90265
 310.457.7677
 themalibuarchitect@yahoo.com

Cornucopia Malibu Farmers Market

Site Address 23519 Civic Center Way, Malibu, CA 90265
 Date: 09/09/2015
 Drawn by: JL



Non-Ag 21 - 210ft

1. 10ft - JV Espresso
2. 10ft - Le Saint Pastries
3. 10ft - Bao Bao House (Dumplings)
4. 10ft - Me Gusta Tamales
5. 10ft - AJJ Crepes
6. 10ft - Roaming Thai Kitchen
7. 10ft - Market Pizza (Rene)
8. 10ft - Nantli Tamales
9. 10ft - The Grill (Sausage)
10. 10ft - BROTHERS
11. 10ft - Honey+Moon Coffee
12. 10ft - Aliko Olive Oil
13. 10ft - IN A PICKLE
14. 10ft - BONJOUR YOGURT
15. 10ft - Apotheculture
16. 10ft - VEGAN STOPS
17. 10ft - Yallatisers (Yogurt)
18. 10ft - Viva Mexico
19. 10ft - Kokoa Kingdom (Cookies)
20. 10ft - Trillion Candle
21. 10ft - Alexa Handbags

Ag 18 - 370ft

1. 50ft - THE ANGELO RANCH
2. 50ft - HB Farms
3. 10ft - Topanga Grain
4. 20ft - Canyon Creek Mushrooms
5. 10ft - French Cheese
6. 10ft - Hoyt Family Farms
7. 50ft - Alcantar
8. 20ft - Jacy Farms
9. 20ft - Davids Flowers
10. 20ft - Black Leaf
11. 10ft - Aquarian Alchemy
12. 20ft - Etheridge
13. 10ft - Vision Sprouts
14. 20ft - Coachella Farms
15. 20ft - Kaliko Farms

16. **10ft - Fresh natural Seafood**
17. **10ft - Push LA Seamoss**
18. **10ft - Vita Juice**

MOTION BY SUPERVISOR LINDSEY P. HORVATH

February 6, 2024

Fee Waiver Permit Period for the Cornucopia Foundation's Malibu Farmers' Market held on Sundays at the Malibu Civic Center

The Cornucopia Foundation (Cornucopia) is a non-profit organization that provides locally grown organic home-farmed fruits and vegetables and associated farmers' market items to the residents of Malibu and the surrounding County areas. Cornucopia had previously operated a farmers' market held on Sundays at the County-owned Malibu Civic Center parking lot (Parking Lot) located at 23525-23555 Civic Center Way, Malibu, CA 90265.

Due to construction within the Malibu Civic Center, Cornucopia relocated their farmers' market to the City of Malibu-owned Legacy Park, adjacent to the County Parking Lot, under a Temporary Use Permit (TUP) issued by the City of Malibu. In anticipation of the City's TUP expiring during the fall 2023, and Cornucopia's proposed plan to return to the Parking Lot for the Malibu farmers' market, on September 26, 2023, the Board of Supervisors (Board) approved the granting of gratis day use permits to Cornucopia until January 31, 2024. The Board also approved the issuance of a gratis license agreement to Cornucopia if they met the County's requirements for operating a farmers' market and provided the County with specific financial documentation and certifications regarding their organization. Cornucopia opted to remain at Legacy Park until the expiration of their TUP and the license was never issued.

Cornucopia has since discussed with the County returning the Malibu farmers' market to the Parking Lot and the County is proposing to initiate the evaluation period to assess Cornucopia's operations prior to issuing a gratis license agreement, as was previously approved by the Board. The County can issue gratis day use permits to Cornucopia for use of the Parking Lot on Sundays through April 30, 2024 (Permit Period) and waive its day use permit fees of \$175/day for said Permit Period. During the Permit Period, the County will evaluate if Cornucopia

MOTION

SOLIS	_____
MITCHELL	_____
HAHN	_____
BARGER	_____
HORVATH	_____

has been operating the farmers' market in accordance with the requirements placed on them by the County, and if their prolonged operation of a farmers' market on County property is negatively impacting the County's and the public's use of the Malibu Civic Center. At the end of each month during the Permit Period, the County will evaluate Cornucopia's operations. If the County determines, at its sole and absolute discretion, that Cornucopia's operations are not negatively impacting the County and public's use of the Malibu Civic Center, including but not limited to the use of the County's Malibu public library, then the County shall issue to Cornucopia a new day use permit for the following month, with the intent to issue a gratis license agreement for farmers' market for an approximate term of two (2) years, if Cornucopia's operation is to the County's satisfaction. The issuance of gratis day use permits shall not exceed the Permit Period and the County's review of Cornucopia's operations will determine if the County issues said license agreement.

I THEREFORE MOVE THAT THE BOARD OF SUPERVISORS:

1. Find that the proposed issuing of day use permits and license agreement to the Cornucopia Foundation for a farmers' market on County-owned property is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15304(e) - Minor Alterations to Land and Class Four (4) of the County's Environmental Document Reporting Procedures and Guidelines. Upon the Board's approval of the recommended actions, the Chief Executive Officer, or her designee, will file a Notice of Exemption for the project with the Registrar-Recorder/County Clerk in accordance with Section 21152 of the Public Resources Code.
2. Find pursuant to Government Code section 26227, that the portion of the County's Malibu Civic Center Parking Lot proposed for the farmers' market is not currently needed for exclusive County purposes during those certain Sundays and the hours of operation of the Malibu Farmers' Market, to be defined in the day use permits and the license agreement.
3. Find that the services to be provided by the Cornucopia Foundation are necessary to meet the social needs of the County and serve public purposes that benefit the County.
4. Delegate and authorize the Chief Executive Officer, or her designee, to provide monthly non-exclusive, gratis day use permits to the Cornucopia Foundation provided the Cornucopia Foundation is cooperating and furnishing the information the County needs to issue a license agreement; including complying with the City Of Malibu's Regulatory Standard. Also that the Cornucopia Foundation is not negatively impacting the County and public use of the Malibu Civic Center, including, without limitation, the County public

library; and such day permits do not extend past April 30, 2024.

5. Waive the \$175 per-day event fee and the \$250 cleaning deposit fee, excluding the cost of security and liability insurance, for the day permits issued pursuant to directive four (4) above.
6. Delegate and authorize the Chief Executive Officer, or her designee, to negotiate, execute and issue a gratis license agreement to the Cornucopia Foundation for a two-year term, for the operation of a farmers' market at the County-owned Malibu Civic Center Parking Lot, upon review of the operations of a farmer's market on County property, and upon review and approval of the license agreement by County Counsel.
7. Authorize the Chief Executive Officer, or her designee, to execute other ancillary documentation approved as to form by County Counsel necessary to effectuate the day use permits and the gratis license agreement, and to take any other actions necessary and appropriate to implement and effectuate the day use permits and the gratis license agreement.

Contacts:

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The Cornucopia Foundation
(562) 940-8594

Michael G. Rodriguez
CEO Real Estate
(213) 974-4200

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