



Planning Commission Agenda Item

September 5, 2012

TO: Chair Steiner and
Members of the Planning Commission

THRU: Leslie Aranda Roseberry
Planning Manager

FROM: Robert Garcia
Associate Planner

SUBJECT

PUBLIC HEARING: Conditional Use Permit 2866-12 – Farmers and Artisans Market located at 304 N. Cypress Street.

SUMMARY

The applicant proposes to host a permanent yearly Farmers and Artisans Market at the Chapman University Villa Park Orchard (VPO) Parking Lot located at the northwest corner of Cypress Street and Palm Avenue. The proposal includes up to 45 total vendors which will be open to the public between 9:00 am to 1:00 pm. with live entertainment.

RECOMMENDED ACTION

Adopt Planning Commission Resolution No. 34-12 entitled:

**A RESOLUTION OF THE PLANNING COMMISSION
APPROVING CONDITIONAL USE PERMIT 2866-12
ALLOWING A PERMANENT FARMERS AND ARTISANS
MARKET WITH LIVE ENTERTAINMENT AT THE
PARKING LOT LOCATED AT THE NORTHWEST CORNER
OF CYPRESS STREET AND PALM AVENUE ON
SATURDAYS**

AUTHORIZATION/GUIDELINES

Orange Municipal Code (OMC) Sections 17.10.030.C authorizes the Planning Commission to review and take final action on requests to establish a farmers and artisans market with live entertainment.

PUBLIC NOTICE

On August 23, 2012 the City sent a Public Hearing Notice to a total of 25 property owners/tenants within a 300-foot radius of the project site, and persons specifically requesting notice. The project site was also posted in 2 locations with the notification on that same date.

ENVIRONMENTAL REVIEW

Categorical Exemption: The proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per State CEQA Guidelines Section 15304 (Class 4 – Minor Alterations to Land). There is no public review required.

PROJECT BACKGROUND

<i>Applicant:</i>	Orange Home Grown Inc. (Megan Penn)
<i>Property Owner:</i>	Chapman University
<i>Property Location:</i>	304 N. Cypress Street (Parking Lot located at the northwest corner of Cypress Street and Palm Avenue)
<i>Existing General Plan Land Use Element designation:</i>	Public Facility (PF)
<i>Existing Zoning Classification:</i>	Public Institution (PI)
<i>Old Towne:</i>	Yes (Chapman University Villa Park Orchard Parking Lot located at the northwest corner of Cypress Street and Palm Avenue)
<i>Redevelopment Project Area:</i>	No
<i>Specific Plan/PC:</i>	No
<i>Site Size:</i>	1.3 acres
<i>Circulation:</i>	Cypress Street is classified as a Local street with an ultimate right-of-way width of 66 feet. Access to the site is gained on Cypress Street; however, the parking for the market is located on Cypress Street and in the parking lot behind the Packinghouse on Cypress Street (Idaho Lot).
<i>Existing conditions:</i>	Chapman University Villa Park Orchard Parking Lot
<i>Surrounding land uses and Zoning:</i>	North: Public Institution (PI) South: Public Institution (PI) East: Public Institution (PI) & Light Manufacturing (M-1) West: Public Institution (PI) & Light Manufacturing (M-1)
<i>Previous Applications/Entitlements:</i>	Entitlements related to the Farmers Market are: TUP 119-11: Temporary permit to allow the Farmers and Artisans Market for six months. TUP 131-11: Renewal of temporary permit to allow the Farmers and Artisans Market for one year.

PROJECT DESCRIPTION

The applicant, Orange Home Grown Inc., proposes to host a permanent Farmers and Artisans Market at the Chapman University Villa Park Orchard (VPO) Parking Lot located at the northwest corner of Cypress Street and Palm Avenue. The proposal includes up to 45 total vendors which will be open to the public between 9:00 am to 1:00 pm. The vendors would arrive at 8:00 am to set up and the market would be open to the public from 9:00 am to 1:00 pm. The vendors would clean up and leave by 2:00 pm. The live music would be a weekly activity. The majority of the musicians would be we solo artists, however the applicant is requesting up to groups of five artists. Not all musicians would require amplification but some would need minimal amplification.

The applicant is also requesting to be allowed to place 4 banners on the site and chef cooking demonstrations. The banners would be used in order to advertise the Farmers and Artisans Market. Each banner would be 4’X10’ in size and would be hung between two parallel poles or on the exterior of the on-site buildings. Periodic executive chef demonstrations are used to educate the community on how some of the products at the Farmers and Artisan Market can be used in cooking. There would be a maximum of 20 chef demonstrations a year.

The Farmers and Artisans Market has been in operation since May 2011. They were originally approved for six months under a Temporary Use Permit (TUP), and then renewed for an additional year. The permanent Farmers and Artisans Market would remain in the same location and take the same amount of space as it currently occupies.

Development Standards

	Required	Proposed	Code Section
<i>Building Height</i>	N/A	N/A	N/A
<i>Fence height</i>	N/A	N/A	N/A
<i>Floor Area Ratio (FAR)</i>	N/A	N/A	N/A
<i>Landscaping (non-residential)</i>	N/A	N/A	N/A
<i>Loading area (non-residential)</i>	N/A	N/A	N/A
<i>Parking (non-residential)</i>	35 spaces (1 space/1,000 sq. ft. gross outdoor retail area.)	+36 (Parallel to Cypress Street)	N/A
<i>Setback, Front</i>	Existing parking lot. Proposal does not include changes to the lot.	N/A	N/A
<i>Setback, Rear</i>	Existing parking lot. Proposal does not include changes to the lot.	N/A	N/A
<i>Setback, Side</i>	Existing parking lot. Proposal does not include changes to the lot.	N/A	N/A

<i>Setback, Side</i>	Existing parking lot. Proposal does not include changes to the lot.	N/A	N/A
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APPLICATION(S) REQUESTED/ REQUIRED FINDINGS
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Conditional Use Permit: The applicant is requesting a Conditional Use Permit to establish a permanent Farmers and Artisan Market in the Public Institution zone.

Required Findings:

1. A Conditional Use Permit shall be granted upon sound principles of land use and in response to services required by the community.
2. A Conditional Use Permit shall not be granted if it will cause deterioration of bordering land uses or create special problems for the area in which it is located.
3. A Conditional Use Permit must be considered in relationship to its effect on the community or neighborhood plan for the area in which it is located.
4. A Conditional Use Permit, if granted, shall be made subject to those conditions necessary to preserve the general welfare, not the individual welfare of any particular applicant.

ANALYSIS/STATEMENT OF THE ISSUES

Issue 1: Types of Vendors

The Farmers and Artisans Market will consist of farmers, artisans, non-profits, educators and an information booth. Farmers would be considered anyone who grows and sells their produce such as fresh fruits, nuts, vegetables, shell eggs, honey, and flowers. Artisans would be considered anyone who sells baked goods, olive oils, flowers not grown by farmers, tamales and other specialty food items. Farmers and Artisans would be allowed to give samples of their produce to patrons. No food would be allowed to be prepared on-site. All items sold at the market would be prepackaged or prepared off-site. The information booth would provide information to the patrons on the different market areas including the chef demonstrations. The booth would contain a first aid kit, and lost and found.

Issue 3: Cooking Demonstrations

Periodic executive chef demonstrations would be used to educate the community on how some of the products at the Farmers and Artisan Market can be used in cooking. The market would set-up about 20-30 chairs in front of a booth for market patrons to sit and watch the demonstration. The demonstrations include an interview with the chef, preparation of a menu, a cooking demonstration, and a question and answer segment at the end. The applicant is asking for a maximum of 20 chef demonstrations a year.

Issue 3: Live Music

The applicant is requesting a live entertainment permit. The live music would occur during the open market hours of 9:00 am to 1:00 pm on a weekly basis. Musicians would include guitarist, banjo players, etc. The majority of the musicians would be solo artists, however, the applicant is requesting up to groups of five artists. Only some of the musicians would need amplification for their instruments. The live music would serve as background music during open to the public operations. Disc jockeys on the premises would not be permitted.

Issue 4: Conditions

The existing TUP for the Farmers and Artisan Market has existing conditions that will be incorporated in the draft resolution for this request. One condition which currently allows a maximum of 8 chef demonstrations will be modified, to allow a maximum of 20 chef demonstrations a year. A second condition which applies to the time limit a TUP is valid will be eliminated. In addition, new conditions which pertain to the live music and the longevity of the Conditional Use Permit have been added. The conditions will preserve the general welfare of the community by keeping the Farmers and Artisans Market organized, clean and aesthetically pleasing. Conditions (3-8) ensure that the market is kept organized and conditions (9-12) ensure that the market is kept clean.

ADVISORY BOARD RECOMMENDATION

The Staff Review Committee (SRC) reviewed the application during the Temporary Use Permit process. The Farmers and Artisans Market was reviewed on February 23, 2011 for the initial request and October 26, 2011 for the renewal.

ATTACHMENTS/EXHIBITS

Attachments to Report:

1. Planning Commission Resolution No. 34-12
2. Vicinity Map
3. Site Photos

Exhibits provided to the Planning Commission:

- A. Floor Plan

cc: Megan Penn
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Orange, CA 92866