



Wednesday Dec. 2, 2020

3 p.m.

Per State of California Executive Order N-29-20, and in the interest of public health and safety, we are temporarily taking actions to prevent and mitigate the effects of the COVID-19 pandemic by holding Planning Commission meetings electronically or by teleconferencing.

The Planning Commission meeting will be accessible electronically to all members of the public seeking to observe and address the Planning Commission.

The Planning Commission meeting can be watched via livestream or replayed on the city website at www.carlsbadca.gov

You can participate in the meeting by e-mailing your comments to the Planning Division at planning@carlsbadca.gov prior to commencement of the agenda item. Your comments will be transmitted to the Planning Commission at the start of the agenda item.

If you desire to have your comment read into the record at the Planning Commission Meeting, please indicate so in the first line of your e-mail and limit your e-mail to 500 words or less.

These procedures shall remain in place during the period in which state or local health officials have imposed or recommended social distancing measures.

In the event a quorum of the Planning Commission loses electrical power or suffers an internet connection outage that is not corrected within 15 minutes, the meeting will automatically be adjourned. Any items noticed as public hearings will be continued to the next regularly scheduled meeting of the Planning Commission. Any other agenda items the Planning Commission has not taken action on will be placed on a future agenda.

NOTICE TO THE PUBLIC:

It is the Planning Commission's Policy to adjourn the meeting no later than 7 p.m.
Meetings are divided into categories shown below.

WATCH ONLINE: Watch the livestream and replay past meetings on the city website, www.carlsbadca.gov

PUBLIC COMMENT: If you desire to comment about an item not listed on the agenda, please e-mail your comments to the Planning Division at planning@carlsbadca.gov prior to the commencement of the public comment portion of the agenda. A total of 15 minutes is provided for the Public Comment portion of the Agenda. Commentors are limited to three (3) minutes each, unless the Chair changes the time. In conformance with the Brown Act, no action can occur on items presented during Public Comment. Planning staff will read comments as requested.

PUBLIC HEARING ITEMS: For each item on the agenda, the planning staff will present a report to the Planning Commission. On items for public hearing, the public will be asked for comment. If you desire to comment about a "public hearing" item, please e-mail your comments to the Planning Division at planning@carlsbadca.gov **BEFORE the item is announced.** A time limit of three (3) minutes is allotted to each commentor. You may not give your time to another person. Groups can select a single commentor/representative as long as three (3) other members of your group are identified. Group representatives have ten (10) minutes unless that time is changed by the Chair. After all comments are received, the applicant is allowed a rebuttal.

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WRITTEN MATERIALS: Written materials related to the agenda that are submitted to the Planning Commission after the agenda packet has been published will be available for review prior to the meeting on the city website.

VISUAL MATERIALS: Visual materials should be submitted to the Planning Division at planning@carlsbadca.gov no later than noon on the day of a Regular Planning Commission Meeting. Digital materials will be placed on a computer for display during the meeting. Please label all materials with the agenda item number you are representing. Items submitted for viewing, including presentations/digital materials, will be included in the time limit maximum for commenters/speakers. All materials exhibited to the Planning Commission during the meeting (slides, maps, photos, etc.) are part of the public record and must be kept by the Planning Division for at least 60 days after final action on the matter. Your materials will be returned upon written request. **Video clips cannot be accommodated.**

REASONABLE ACCOMMODATIONS: Persons with a disability may request an agenda packet in appropriate alternative formats as required by the Americans with Disabilities Act of 1990 by contacting the City Manager's office at 760-434-2821 (voice), 711 (free relay service for TTY users), 760-720-9461 (fax) or manager@carlsbadca.gov by noon on the Friday preceding the meeting. All persons requiring reasonable accommodations or auxiliary aids in order to effectively participate in the meeting may contact the City Manager's office by noon on the Friday preceding the meeting to make such arrangements.

FILING AN APPEAL: Certain Planning Commission decisions are final, but may be appealed to the City Council. An appeal may be filed with the City Clerk at City Hall within 10 calendar days of the decision. The cost of filing an appeal is \$876 for all matters. If anyone wishes to question a Planning Commission decision, they may contact the Planning Division at 760-602-4600 or at planning@carlsbadca.gov, between the hours of 7:30 a.m. and 5:30 p.m., Monday through Thursday, and 8 a.m. to 5 p.m. on Friday.

CALL TO ORDER:

ROLL CALL:

APPROVAL OF MINUTES:

Nov. 4, 2020

PUBLIC COMMENT: *In conformance with the Brown Act, no Planning Commission action can occur on items presented during Public Comment. A total of fifteen (15) minutes is provided so members of the public can address the Commission on items that are not listed on the Agenda. Speakers are limited to three (3) minutes each.*

CONTINUED ITEMS:

1. **AMEND 2017-0012/CT 2017-0003/PUD 2017-0004/SDP 2018-0018 (DEV2017-0178) – LA COSTA TOWN SQUARE PARCEL 3 RESIDENTIAL** – A recommendation for approval of a Master Plan Amendment, Tentative Tract Map, Planned Development Permit and Site Development Plan to allow for the subdivision of a 7.2 acre parcel into two lots, one with 76 townhomes and one with 19 affordable condominiums, including development standards modifications, on property generally located north of the intersection of Calle Timiteo and La Costa Avenue, within the La Costa Master Plan, Neighborhood SE-13B, in the Southeast Quadrant of the city and Local Facilities Management Zone 11. The City Planner has determined that the potential environmental effects of the project were adequately analyzed by the previously certified Environmental Impact Report (EIR) and

Mitigation Monitoring and Reporting Program (MMRP) for the construction of La Costa Town Square (EIR 01-02).

ACTION TYPE: Legislative & Quasi – judicial

RESOLUTION NO. 7390 and 7391

STAFF RECOMMENDATION: Recommend Approval

PLANNER: Jason Goff

ENGINEER: Tecla Levy

PUBLIC HEARINGS:

2. **CUP 2020-0006/CDP 2020-0031 – FUTURES ACADEMY AT CARLSBAD** – Request for a Conditional Use Permit and Coastal Development Permit to operate an approximately 2,850-square-foot private school which involves one-to-one or small group instruction for students between sixth and 12th grade. The school proposes to have a maximum of 35 students and 14 staff members onsite at a time. The private school is located at 705 Palomar Airport Road, Suite 340, an existing office suite within a three-story office building, generally located south of Palomar Airport Road and east of Avenida Encinas. The project is in the Industrial (M) zone and Local Facilities Management Zone 3. The project site is not located within the appealable area of the California Coastal Commission. The City Planner has determined that the project site belongs to a class of projects that the State Secretary of Resources has found do not have significant impact on the environment, and it is therefore categorically exempt pursuant to Section 15301 – Existing Facilities – of the state California Environmental Quality Act (CEQA) and the City of Carlsbad Municipal Code Section 19.04.070(A)(1)(b).

ACTION TYPE: Quasi – judicial

RESOLUTION NO. 7392

STAFF RECOMMENDATION: Continue to January 6, 2021

PLANNER: Jessica Bui

ENGINEER: David Rick

3. **CUP 2020-0005 (DEV13005) – CARLSBAD FARMERS’ MARKET** – Request for the approval of a five-year extension retroactively for a Conditional Use Permit for the existing farmers’ market located within the 2900 block of State Street, between Grand Avenue to the north and Carlsbad Village Drive to the south, every Wednesday from 1:30 p.m. to 8:00 p.m. in the summer and 1:30 p.m. to 7:00 p.m. in the winter, in the Village Center District of the Village and Barrio Master Plan.

ACTION TYPE: Quasi – judicial

RESOLUTION NO. 7393

STAFF RECOMMENDATION: Approval

PLANNER: Shannon Harker

ENGINEER: Tecla Levy

4. **LCPA 15-07/ZC 2020-0002/AMEND 2020-0016 (DEV15061)/AMEND 2020-0014 (DEV08014) – Local Coastal Program Update** – A request for a Planning Commission recommendation of approval of a comprehensive Local Coastal Program Land Use Plan update, including associated amendments to other components of the Local Coastal Program – Zoning Map, Poinsettia Shores Master Plan and Village and Barrio Master Plan. The preparation and adoption of a local coastal program by a local government is statutorily exempt from the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15265.

ACTION TYPE: Legislative

RESOLUTION NO. 7389

STAFF RECOMMENDATION: Recommend Approval

PLANNER: Jennifer Jesser

ENGINEER: N/A

PLANNING COMMISSION MEMBER REPORTS:

CITY PLANNER REPORT:

CITY ATTORNEY REPORT:

ADJOURNMENT:

PLANNING COMMISSION PROCEDURE

For those in the audience who are not familiar with the operation of a Planning Commission, the following is a summary of the procedure:

For each item on the agenda, the planning staff will present a report to the Planning Commission. On items for public hearing, the audience will be asked for comment. Those wishing to comment are asked to e-mail written comments to the Planning Division at planning@carlsbadca.gov prior to commencement of the agenda item. Comments are transmitted to the Planning Commission for review and discussion. After public comments are considered, the applicant is allowed a rebuttal.

Certain Planning Commission decisions are final, but may be appealed to the City Council. An appeal may be filed with the City Clerk at City Hall within 10 calendar days of the decision. The cost of filing an appeal is \$876 for all matters. If anyone wishes to question a Planning Commission decision, they may contact the Planning Division at 760-602-4600 or at planning@carlsbadca.gov, between the hours of 7:30 a.m. and 5:30 p.m., Monday through Thursday, and 8 a.m. to 5 p.m. on Friday.



P.C. AGENDA OF: December 2, 2020

Application complete date: NA
Project Planner: Jason Goff
Project Engineer: Tecla Levy

SUBJECT: **AMEND 2017-0012/CT 2017-0003/PUD 2017-0004/SDP 2018-0018 (DEV2017-0178) – LA COSTA TOWN SQUARE PARCEL 3 RESIDENTIAL** – A recommendation for approval of a Master Plan Amendment, Tentative Tract Map, Planned Development Permit and Site Development Plan to allow for the subdivision of a 7.2 acre parcel into two lots, one with 76 townhomes and one with 19 affordable condominiums, including development standards modifications, on property generally located north of the intersection of Calle Timiteo and La Costa Avenue, within the La Costa Master Plan, Neighborhood SE-13B, in the Southeast Quadrant of the city and Local Facilities Management Zone 11. The City Planner has determined that the potential environmental effects of the project were adequately analyzed by the previously certified Environmental Impact Report (EIR) and Mitigation Monitoring and Reporting Program (MMRP) for the construction of La Costa Town Square (EIR 01-02).

I. RECOMMENDATION

That the Planning Commission **ADOPT** Planning Commission Resolution No. 7390 **RECOMMENDING APPROVAL** of Master Plan Amendment AMEND 2017-0012, and **ADOPT** Planning Commission Resolution No. 7391 **RECOMMENDING APPROVAL** of Tentative Tract Map CT 2017-0003, Planned Development Permit PUD 2017-0004 and Site Development Plan SDP 2018-0018, based on the findings and subject to the conditions contained therein.

II. PROJECT BACKGROUND

On November 18, 2020 the Planning Commission considered the project. The commission vote on the staff recommendation ended in a tie 3-3 vote with Commissioner Merz absent. Pursuant to Carlsbad Municipal Code Section 1.20.130 H. tie votes constitute “no action” and the item shall be placed on the next regular meeting of the Planning Commission for further consideration. Commissioner Merz has reviewed the video of the November 18, 2020 Planning Commission Hearing and the staff report prepared for the project so that he is able to participate and vote on the project.

No new information is being provided by staff. The staff report for the project dated November 18, 2020 was previously distributed.



AMEND 2017-0012/CT 2017-0003/PUD 2017-0004/SDP 2018-0018 (DEV2017-0178)

LA COSTA TOWN SQUARE PARCEL 3 RESIDENTIAL

December 2, 2020

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ATTACHMENTS:

1. Planning Commission Staff Report dated November 18, 2020 with attachments (previously distributed)



P.C. AGENDA OF: December 2, 2020

Application complete date: August 31, 2020
 Project Planner: Shannon Harker
 Project Engineer: Tecla Levy

SUBJECT: **CUP 2020-0005 (DEV13005) – CARLSBAD FARMERS’ MARKET** – Request for the approval of a five-year extension retroactively for a Conditional Use Permit for the existing farmers’ market located within the 2900 block of State Street, between Grand Avenue to the north and Carlsbad Village Drive to the south, every Wednesday from 1:30 p.m. to 8:00 p.m. in the summer and 1:30 p.m. to 7:00 p.m. in the winter, in the Village Center District of the Village and Barrio Master Plan.

I. RECOMMENDATION

That the Planning Commission **ADOPT** Planning Commission Resolution No. 7393 **APPROVING** a five-year extension retroactively of Conditional Use Permit 2020-0005 based upon the findings and subject to the conditions contained therein.

II. PROJECT DESCRIPTION AND BACKGROUND

The applicant, Christine Davis, on behalf of the Carlsbad Village Association, is requesting a five-year extension of the Conditional Use Permit to operate the farmers’ market within the 2900 block of State Street, between Grand Avenue to the north and Carlsbad Village Drive to the south. The day and operating hours of the market, every Wednesday from 1:30 p.m. to 8:00 p.m. in the summer and 1:30 p.m. to 7:00 p.m. in the winter, will remain unchanged.

On May 15, 2013, the Planning Commission recommended approval of the farmers’ market, Major Review Permit RP 13-03. On June 18, 2013, the City Council approved the project. Condition No. 22 of Planning Commission Resolution No. 6976 (see Attachment 4), allowed for the operation of the farmers’ market for an initial timeframe of two years, with extensions by the Planning Commission for a reasonable period not to exceed five years (per extension). On September 16, 2015, pursuant to Planning Commission Resolution No. 7123, the Planning Commission retroactively approved a five-year extension to Major Review Permit, RP 13-03X1 (see Attachment 5). The application for the subject second, five-year extension was timely filed prior to the expiration date of June 18, 2020.

Since the project was last considered by the Planning Commission in 2015, the Village Master Plan and Design Manual has been replaced with the Village and Barrio Master Plan (VBMP). The following changes to the original plan which relate to the Carlsbad Farmers’ Market are as follows:

- The General Plan Land Use designation has changed from Village (V) to Village-Barrio (V-B);
- The Zoning designation has changed from Village (V) to Village-Barrio (V-B);
- The land use district has changed from District 1, Carlsbad Village Center, to Village Center (VC) District; and



- The farmers' market has changed from a provisional to conditional use, thus requiring a Conditional Use Permit instead of a Major Review Permit.

While no changes to the farmers' market are proposed and there are no standards or policies related to the farmers' market use in the VBMP, a new set of findings are proposed for the CUP to replace the Major Review Permit findings. The findings are included in the attached Planning Commission Resolution No. 7393.

III. ANALYSIS

- A. The Conditional Use Permit for the farmers' market is consistent with all applicable plans, policies and regulations listed below:
1. Village Barrio (V-B) General Plan Land Use designation; and
 2. Village Center (VC) District, Village and Barrio Master Plan.
- B. The findings for CUP 2020-0005 are included in the attached Planning Commission Resolution No. 7393.
- C. The adopted project conditions for RP 13-03 and RP 13-03X1, contained in Planning Commission Resolution Nos. 6976 and 7123, respectively, still apply to CUP 2020-0005, with the exception of Condition No. 4 of Planning Commission Resolution No. 7123. Condition No. 4 of Planning Commission Resolution No. 7123 is proposed to be replaced by Condition No. 7 of the attached Planning Commission Resolution No 7393. The replacement condition proposes the following:
1. Extend CUP 2020-0005 for five (5) years from June 18, 2020 to June 18, 2025; and
 2. Grant the City Planner the authority to approve future requests to extend the operation of the farmers' market. The proposal to change the decision-making authority from the Planning Commission to the City Planner complies with Section 6.3.5 of the VBMP, which defers to Carlsbad Municipal Code (CMC) Section 21.58.040 for time extension requests. The City Planner has the authority to grant time extensions pursuant to CMC Section 21.58.040. If any enforcement issues arise or if the applicant requests to amend the Conditional Use Permit, the project will be referred to the Planning Commission for consideration.
- D. Any Early Public Notice to the surrounding occupants (100' radius) and property owners (600' radius) was mailed out by the applicant on July 28, 2020. Several letters of support were received for the request to extend the operation of the farmers' market. Please see Attachment 7 for reference.

IV. ENVIRONMENTAL REVIEW

The City Planner has determined that this project is exempt from the requirements of the California Environmental Quality Act (CEQA) per Section 15301, Existing Facilities, of the State CEQA Guidelines and will not have any adverse significant impact on the environment.

ATTACHMENTS:

1. Planning Commission Resolution No. 7393
2. Location Map
3. Disclosure Statement
4. Planning Commission Resolution No. 6976, dated May 15, 2013
5. Planning Commission Resolution No. 7123, dated September 16, 2015
6. Farmers' Market Site Plan
7. Correspondence received in support of the Carlsbad Farmers' Market

PLANNING COMMISSION RESOLUTION NO. 7393

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARLSBAD, CALIFORNIA, APPROVING A FIVE (5)-YEAR EXTENSION RETROACTIVELY FOR A CONDITIONAL USE PERMIT FOR THE EXISTING FARMERS' MARKET LOCATED WITHIN THE 2900 BLOCK OF STATE STREET, BETWEEN GRAND AVENUE TO THE NORTH AND CARLSBAD VILLAGE DRIVE TO THE SOUTH, EVERY WEDNESDAY FROM 1:30 P.M. TO 8:00 P.M. IN THE SUMMER AND 1:30 P.M. TO 7:00 P.M. IN THE WINTER, IN THE VILLAGE CENTER DISTRICT OF THE VILLAGE AND BARRIO MASTER PLAN.
CASE NAME: CARLSBAD FARMERS' MARKET
CASE NO.: CUP 2020-0005 (DEV13005)

WHEREAS, the **Carlsbad Village Association**, "Applicant," has filed a verified application with the City of Carlsbad regarding property owned by the **City**, "Owner," described as

All that portion of State Street lying northwesterly of the prolongation of the northwesterly right of way line of Carlsbad Village Drive and lying southeasterly of the prolongation of the southeasterly right of way line of Grand Avenue, shown as First Street lying between Elm Avenue and Grand Avenue per the Amended Map of the Town of Carlsbad Map 775 recorded March 17, 1915 in the office of the Recorder of San Diego County, California.

("the Property"); and

WHEREAS, pursuant to City Council Resolution No. 2013-156 and Planning Commission Resolution No. 6976, CARLSBAD FARMERS' MARKET RP 13-03 was originally approved by the City Council as a Major Review Permit on May 15, 2013 for an initial timeframe of two (2) years; and

WHEREAS, pursuant to Planning Commission Resolution No. 7123, CARLSBAD FARMERS' MARKET RP 13-03X1 was extended retroactively for five (5) years by the Planning Commission on September 16, 2015; and

WHEREAS, since the project received approval from the Planning Commission to extend the Major Review Permit for the Carlsbad Farmers' Market for five (5) years in 2015, the Village and Barrio Master Plan replaced the Village Master Plan and Design Manual; and

WHEREAS the permit type for a farmers' market changed from a Major Use Permit (RP) to a Conditional Use Permit (CUP); and

WHEREAS said verified application was filed in a timely manner prior to the expiration date and constitutes a request for a **Conditional Use Permit Extension** to allow for a five-year extension to the existing farmers' market as shown on Exhibit(s) "A" dated **December 2, 2020**, on file in the Planning Division **CARLSBAD FARMERS' MARKET CUP 2020-0005**, as provided by the conditions of approval of RP 13-03 and RP 13-03X1, Section 6.3.5 of the Village and Barrio Master Plan and Section of 21.58.040 of the Carlsbad Municipal Code; and

WHEREAS, the Planning Commission did, on **December 2, 2020**, hold a duly noticed public hearing as prescribed by law to consider said request; and

WHEREAS, at said public hearing, upon hearing and considering all testimony and arguments, if any, of all persons desiring to be heard, said Commission considered all factors relating to the **Conditional Use Permit Extension**.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Planning Commission of the City of Carlsbad as follows:

- A) That the foregoing recitations are true and correct.
- B) That based on the evidence presented at the public hearing, the Commission **APPROVES Conditional Use Permit Extension CUP 2020-0005 for CARLSBAD FARMERS' MARKET**, based on the following findings and subject to the following conditions:

Findings:

1. That the requested use is necessary or desirable for the development of the community, and is in harmony with the various elements and objectives of the general plan, including, if applicable, the certified local coastal program, specific plan or master plan, in that **the existing Carlsbad Farmers' Market continues to foster a sense of community, enhance walkability in the Village, provide a central gathering place, and attract visitors and residents from across the community by creating a lively, interesting social environment. In addition, the Carlsbad Farmers' Market continues to support sustainability by increasing access to locally grown fruits and vegetables, increasing community-wide knowledge of healthy food choices, and supporting local, small-scale urban farms.**
2. That the requested use is not detrimental to existing uses or to uses specifically permitted in the zone in which the proposed use is to be located in that **the existing Carlsbad Farmers' Market is located within the 2900 block of State Street and provides weekly visibility to the surrounding retail and restaurant tenants. The temporary loss of parking along the 2900 block of State Street**

is offset by the exposure the Carlsbad Farmers' Market provides to the businesses. Further, adequate parking can be provided by the surrounding public parking lots.

3. That the site for the proposed conditional use is adequate in size and shape to accommodate the yards, setbacks, walls, fences, parking, loading facilities, buffer areas, landscaping and other development features prescribed in this code and required by the City Planner, planning commission or City Council, in order to integrate the use with other uses in the neighborhood, in that **the Carlsbad Farmers' Market is located within the 2900 block of State Street, a public right-of-way and there are no standards for a farmers' market pursuant to the Village and Barrio Master Plan (VBMP). A 20-foot-wide fire access lane continues to be provided to the satisfaction of the Fire Department and temporary signs are posted alerting patrons about the times for the farmers' market.**
4. That the street system serving the proposed use is adequate to properly handle all traffic generated by the proposed use, in that **the 2900 block of State Street is closed for the duration of the farmers' market on Wednesday afternoons and patrons and operators are required to park offsite in one of the city's public parking lots. A signage and traffic control plan has been approved by the Traffic Engineer and City Planner, pursuant to RP 13-03 (Planning Commission Resolution No. 6976).**

Conditions:

1. If any of the following conditions fail to occur, or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained according to their terms, the city shall have the right to revoke or modify all approvals herein granted; deny or further condition issuance of all future building permits; deny, revoke, or further condition all certificates of occupancy issued under the authority of approvals herein granted; record a notice of violation on the property title; institute and prosecute litigation to compel their compliance with said conditions or seek damages for their violation. No vested rights are gained by Developer or a successor in interest by the city's approval of this **Conditional Use Permit Extension**.
2. Staff is authorized and directed to make, or require the Developer to make, all corrections and modifications to the **Conditional Use Permit Extension** documents, as necessary to make them internally consistent and in conformity with the final action on the project. Development shall occur substantially as shown on the approved Exhibits. Any proposed development, different from this approval, shall require an amendment to this approval.
3. Developer shall comply with all applicable provisions of federal, state, and local laws and regulations in effect at the time of building permit issuance.
4. If any condition for construction of any public improvements or facilities, or the payment of any fees in-lieu thereof, imposed by this approval or imposed by law on this Project are challenged, this approval shall be suspended as provided in Government Code Section 66020. If any such condition is determined to be invalid, this approval shall be invalid unless the City Council determines that the project without the condition complies with all requirements of law.

5. Developer/Operator shall and does hereby agree to indemnify, protect, defend, and hold harmless the City of Carlsbad, its Council members, officers, employees, agents, and representatives, from and against any and all liabilities, losses, damages, demands, claims and costs, including court costs and attorney's fees incurred by the city arising, directly or indirectly, from (a) city's approval and issuance of this **Conditional Use Permit Extension**, (b) city's approval or issuance of any permit or action, whether discretionary or nondiscretionary, in connection with the use contemplated herein, and (c) Developer/Operator's installation and operation of the facility permitted hereby, including without limitation, any and all liabilities arising from the emission by the facility of electromagnetic fields or other energy waves or emissions. This obligation survives until all legal proceedings have been concluded and continues even if the city's approval is not validated.
6. This approval is granted subject to the approval of RP 13-03 and RP 13-03X1 and is subject to all conditions contained in Planning Commission Resolutions Nos. 6976 and 7123 for those other approvals incorporated herein by reference **except for Condition No. 4 of Planning Commission Resolution No. 7123 which is replaced by Condition No. 7 below.**
7. This **Conditional Use Permit Extension** is retroactively approved for a period of **five (5) years** from **June 18, 2020** through **June 18, 2025**. This permit may be revoked at any time after a public hearing, if it is found that the use has a substantial detrimental effect on surrounding land uses and the public's health and welfare, or the conditions imposed herein have not been met. **Additional extensions for a reasonable period not to exceed five (5) years may be granted by the City Planner pursuant to Section 6.3.5 of the Village and Barrio Master Plan and Section 21.58.040 of the Carlsbad Municipal Code.** The written application for the extension shall be filed no less than 90 days prior to the expiration date. The **City Planner** may not grant such extension, unless it finds that there are no substantial negative effects on surrounding land uses or the public's health and welfare. If a substantial negative effect on surrounding land uses or the public's health and welfare is found, the extension shall be denied or granted with conditions which will eliminate or substantially reduce such effects. There is no limit to the number of extensions the City Planner may grant.

NOTICE TO APPLICANT

An appeal of this decision to the City Council must be filed with the City Clerk at 1200 Carlsbad Village Drive, Carlsbad, California, 92008, within ten (10) calendar days of the date of the Planning Commission's decision. Pursuant to Carlsbad Municipal Code Chapter 21.54, section 21.54.150, the appeal must be in writing and state the reason(s) for the appeal. The City Council must make a determination on the appeal prior to any judicial review.

NOTICE

Please take **NOTICE** that approval of your project includes the "imposition" of fees, dedications, reservations, or other exactions hereafter collectively referred to for convenience as "fees/exactions."

You have 90 days from date of final approval to protest imposition of these fees/exactions. If you protest them, you must follow the protest procedure set forth in Government Code Section 66020(a), and file the protest and any other required information with the City Manager for processing in accordance with

Carlsbad Municipal Code Section 3.32.030. Failure to timely follow that procedure will bar any subsequent legal action to attack, review, set aside, void, or annul their imposition.

You are hereby FURTHER NOTIFIED that your right to protest the specified fees/exactions DOES NOT APPLY to water and sewer connection fees and capacity charges, nor planning, zoning, grading, or other similar application processing or service fees in connection with this project; NOR DOES IT APPLY to any fees/exactions of which you have previously been given a NOTICE similar to this, or as to which the statute of limitations has previously otherwise expired.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the Planning Commission of the City of Carlsbad, California, held on **December 2, 2020** by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

VELYN ANDERSON, Chairperson
CARLSBAD PLANNING COMMISSION

ATTEST:

DON NEU
City Planner



SITE MAP



NOT TO SCALE

Carlsbad Farmers' Market CUP 2020-0005



**DISCLOSURE STATEMENT
P- 1(A)**

Development Services
Planning Division
 1635 Faraday Avenue
 (760) 602-4610
 www.carlsbadca.gov

Applicant's statement or disclosure of certain ownership interests on all applications which will require discretionary action on the part of the City Council or any appointed Board, Commission or Committee.

The following information **MUST** be disclosed at the time of application submittal. Your project cannot be reviewed until this information is completed. Please print.

Note:

Person is defined as "Any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver, syndicate, in this and any other county, city and county, city municipality, district or other political subdivision or any other group or combination acting as a unit."

Agents may sign this document; however, the legal name and entity of the applicant and property owner must be provided below.

1. **APPLICANT** (Not the applicant's agent)

Provide the **COMPLETE, LEGAL** names and addresses of **ALL** persons having a financial interest in the application. If the applicant includes a corporation or partnership, include the names, titles, addresses of all individuals owning more than 10% of the shares. **IF NO INDIVIDUALS OWN MORE THAN 10% OF THE SHARES, PLEASE INDICATE NON-APPLICABLE (N/A) IN THE SPACE BELOW.** If a publicly-owned corporation, include the names, titles, and addresses of the corporate officers. (A separate page may be attached if necessary.)

Person Christine Davis Corp/Part CARLSBAD VILLAGE ASSOCIATION
 Title EXECUTIVE DIRECTOR Title _____
 Address 400 CARLSBAD VILLAGE Address N/A
Carlsbad, CA 92008

2. **OWNER** (Not the owner's agent)

Provide the **COMPLETE, LEGAL** names and addresses of **ALL** persons having any ownership interest in the property involved. Also, provide the nature of the legal ownership (i.e., partnership, tenants in common, non-profit, corporation, etc.). If the ownership includes a corporation or partnership, include the names, titles, addresses of all individuals owning more than 10% of the shares. **IF NO INDIVIDUALS OWN MORE THAN 10% OF THE SHARES, PLEASE INDICATE NON-APPLICABLE (N/A) IN THE SPACE BELOW.** If a publicly-owned corporation, include the names, titles, and addresses of the corporate officers. (A separate page may be attached if necessary.)

Person _____ Corp/Part _____
 Title _____ Title _____
 Address _____ Address _____

3. NON-PROFIT ORGANIZATION OR TRUST

If any person identified pursuant to (1) or (2) above is a nonprofit organization or a trust, list the names and addresses of ANY person serving as an officer or director of the non-profit organization or as trustee or beneficiary of the.

Non Profit/Trust Christine DAVIS Non Profit/Trust CARISBAD VILLAGE ASSOCIATION
Title EXECUTIVE DIRECTOR Title _____
Address 400 CARISBAD VILLAGE DR. Address _____
CARISBAD, CA 92008

4. Have you had more than \$500 worth of business transacted with any member of City staff, Boards, Commissions, Committees and/or Council within the past twelve (12) months?

Yes No If yes, please indicate person(s): _____

NOTE: Attach additional sheets if necessary.

I certify that all the above information is true and correct to the best of my knowledge.

Signature of owner/date

Christine Davis 6/25/20
Signature of applicant/date

Print or type name of owner

Christine DAVIS
Print or type name of applicant

Signature of owner/applicant's agent if applicable/date

Print or type name of owner/applicant's agent

PLANNING COMMISSION RESOLUTION NO. 6976

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARLSBAD, CALIFORNIA, RECOMMENDING APPROVAL OF MAJOR REVIEW PERMIT RP 13-03 TO RELOCATE THE EXISTING WEDNESDAY CERTIFIED FARMERS MARKET FROM A PUBLIC PARKING LOT OFF OF ROOSEVELT STREET TO THE 2900 BLOCK OF STATE STREET, BETWEEN GRAND AVENUE TO THE NORTH AND CARLSBAD VILLAGE DRIVE TO THE SOUTH, FOR AN INITIAL TIMEFRAME OF TWO (2) YEARS, EVERY WEDNESDAY FROM 1:30 P.M. TO 8:00 P.M. IN THE SUMMER AND 1:30 P.M. TO 7:00 P.M. IN THE WINTER, IN LAND USE DISTRICT 1 OF THE VILLAGE REVIEW ZONE.

CASE NAME: CARLSBAD FARMERS MARKET

CASE NO.: RP 13-03

WHEREAS, **Urban Place Consulting Group, Inc.**, “Applicant,” has filed a verified application with the City of Carlsbad regarding property owned by the **City**, “Owner,” described as

All that portion of State Street lying northwesterly of the prolongation of the northwesterly right of way line of Carlsbad Village Drive and lying southeasterly of the prolongation of the southeasterly right of way line of Grand Avenue, shown as First Street lying between Elm Avenue and Grand Avenue per the Amended Map of the Town of Carlsbad Map 775 recorded March 17, 1915 in the office of the Recorder of San Diego County, California

(“the Property”); and

WHEREAS, said verified application constitutes a request for a Major Review Permit as shown on Exhibit “A” dated **May 15, 2013**, on file in the Planning Division, **CARLSBAD FARMERS MARKET – RP 13-03** as provided by Chapter 21.35.080 of the Carlsbad Municipal Code; and

WHEREAS, the Planning Commission did, on **May 15, 2013**, hold a duly noticed public hearing as prescribed by law to consider said request; and

...

1 WHEREAS, at said public hearing, upon hearing and considering all testimony
2 and arguments, if any, of all persons desiring to be heard, said Commission considered all factors
3 relating to the Major Review Permit.
4

5 NOW, THEREFORE, BE IT HEREBY RESOLVED by the Planning
6 Commission of the City of Carlsbad as follows:

- 7 A) That the foregoing recitations are true and correct.
- 8 B) That based on the evidence presented at the public hearing, the Planning
9 Commission **RECOMMENDS APPROVAL** of **CARLSBAD FARMERS**
10 **MARKET – RP 13-03**, based on the following findings and subject to the
11 following conditions:

11 **Findings:**

- 12 1. That the project is consistent with the Village Review Zone and the Village Master Plan
13 and Design Manual in that **a farmers market is a provisional use within Land Use**
14 **District 1 of the Village Review Zone. Furthermore, the project is consistent with the**
15 **Village Master Plan and Design Manual as it assists in satisfying the goals and**
16 **objectives set forth for the Village through providing a pedestrian focal point in the**
17 **Village on Wednesday afternoons as well as bringing more visibility to the retail and**
18 **restaurant tenants in the core of the Village.**
- 19 2. The **City Planner** has determined that the project belongs to a class of projects that the
20 State Secretary for Resources has found do not have a significant impact on the
21 environment, and it is therefore categorically exempt from the requirement for
22 preparation of environmental documents pursuant to **Section 15304(e), Minor**
23 **Alterations to Land**, of the State CEQA Guidelines. In making this determination, the
24 **City Planner** has found that the exceptions listed in Section 15300.2 of the State CEQA
25 Guidelines do not apply to this project.
- 26 3. The **Planning Commission** finds that the project, as conditioned herein, is in
27 conformance with the Elements of the City’s General Plan, based on the facts set forth in
28 the staff report dated **May 15, 2013** including, but not limited to the following:
- a. **The proposed project is consistent with the goals for the Village, as outlined**
within the General Plan, in that it will provide a pedestrian focal point in the
Village on Wednesday afternoons, will foster a community concept in the heart
of the Village, and will bring more visibility to the retail and restaurants tenants
in the core of the Village. The proposed location will attract pedestrian traffic
from surrounding office and residential areas, time share units and hotels, as
well as from the Commuter Rail Station. Furthermore, the Market will provide
an opportunity for residents and tourists to shop for locally grown produce and
flowers.

1 4. The Planning Commission finds that the project, as conditioned herein and with the
2 findings noted below to grant the standards modification for the temporary intensification
3 of use and a loss of parking is consistent with the goals and objectives set forth within the
4 Village Master Plan and Design Manual based on the facts set forth in the staff report
dated May 15, 2013 including, but not limited to, the following:

5 a. **Several public parking lots are located within close proximity to the 2900 block**
6 **of State Street. In addition to a number of on-street parking spaces, a total of**
7 **209 off-street public parking spaces in public parking lots are located within 300**
8 **feet of the 2900 block of State Street. Since the proposed use is temporary, will**
9 **be operated on public property by a non-profit organization, and will not**
10 **intensify the use in such a manner as to have a permanent significant impact on**
11 **the public parking lots located in the vicinity of the proposed Farmers Market,**
12 **the existing public parking within the area is adequate;**

13 b. **The proposed re-location of the Farmers Market to the 2900 block of State**
14 **Street furthers the goals of City Council in that it will provide a pedestrian focal**
15 **point in the Village on Wednesday afternoons, will foster a community concept**
16 **in the heart of the Village, and will bring more visibility to the retail and**
17 **restaurant tenants in the core of the Village;**

18 c. **The proposed location will attract pedestrian traffic from surrounding office**
19 **and residential areas, time share units and hotels, as well as from the Commuter**
20 **Rail Station; and**

21 d. **The Market will provide an opportunity for residents and tourists to shop for**
22 **locally grown produce and flowers.**

23 5. The **Planning Commission** has reviewed each of the exactions imposed on the developer
24 contained in this resolution, and hereby finds, in this case, that the exactions are imposed
25 to mitigate impacts caused by or reasonably related to the project, and the extent and the
26 degree of the exaction is in rough proportionality to the impact caused by the project.

27 **Conditions:**

28 Note: Unless otherwise specified herein, all conditions shall be satisfied prior to **at least two (2)**
weeks prior to the commencement of the first Farmers Market.

1. If any of the following conditions fail to occur, or if they are, by their terms, to be
implemented and maintained over time, if any of such conditions fail to be so
implemented and maintained according to their terms, the City shall have the right to
revoke or modify all approvals herein granted; deny or further condition issuance of all
future building permits; deny, revoke, or further condition all certificates of occupancy
issued under the authority of approvals herein granted; record a notice of violation on the
property title; institute and prosecute litigation to compel their compliance with said
conditions or seek damages for their violation. No vested rights are gained by Developer
or a successor in interest by the City's approval of this **Major Review Permit.**

- 1 2. Staff is authorized and directed to make, or require the Developer to make, all corrections
2 and modifications to the **Major Review Permit** documents, as necessary to make them
3 internally consistent and in conformity with the final action on the project. Development
4 shall occur substantially as shown on the approved Exhibits. Any proposed development,
5 different from this approval, shall require an amendment to this approval.
- 6 3. Developer shall comply with all applicable provisions of federal, state, and local laws and
7 regulations in effect at the time of commencement of the first Farmers Market.
- 8 4. If any condition for construction of any public improvements or facilities, or the payment
9 of any fees in-lieu thereof, imposed by this approval or imposed by law on this Project are
10 challenged, this approval shall be suspended as provided in Government Code Section
11 66020. If any such condition is determined to be invalid, this approval shall be invalid
12 unless the City Council determines that the project without the condition complies with
13 all requirements of law.
- 14 5. Developer/Operator shall and does hereby agree to indemnify, protect, defend, and hold
15 harmless the City of Carlsbad, its Council members, officers, employees, agents, and
16 representatives, from and against any and all liabilities, losses, damages, demands, claims
17 and costs, including court costs and attorney's fees incurred by the City arising, directly
18 or indirectly, from (a) City's approval and issuance of this **Major Review Permit RP 13-**
19 **03**, (b) City's approval or issuance of any permit or action, whether discretionary or
20 nondiscretionary, in connection with the use contemplated herein, and
21 (c) Developer/Operator's installation and operation of the facility permitted hereby,
22 including without limitation, any and all liabilities arising from the emission by the
23 facility of electromagnetic fields or other energy waves or emissions. This obligation
24 survives until all legal proceedings have been concluded and continues even if the City's
25 approval is not validated.
- 26 6. **The boundaries of the Farmers Market every Wednesday shall be limited to the**
27 **2900 block of State Street, between Grand Avenue to the north and Carlsbad**
28 **Village Drive to the south. The permitted hours for the Farmers Market shall be as**
follows:
- Summer Farmers Market**
1:30 p.m. - 8:00 p.m. (closure of State Street)
Set-up: 1:30 p.m. – 2:30 p.m.
Market hours: 2:30 p.m. - 7:00 p.m.
Shut-down/clean-up: 7:00 p.m. – 8:00 p.m.
- Winter Farmers Market**
1:30 p.m. - 7:00 p.m. (closure of State Street)
Set-up: 1:30 p.m. – 2:30 p.m.
Market hours: 2:30 p.m. - 6:00 p.m.
Shut-down/clean-up: 6:00 p.m. – 7:00 p.m.
7. **Any modification to the approved hours of the Farmers Market shall require the**
approval of an Administrative Review Permit by the City Planner.

- 1 8. The Farmers Market shall be certified by the California Department of Agriculture
2 as a “certified farmers market.” The certification shall be submitted to the City
3 Planner prior to the operation of the first Farmers Market and, thereafter, on an
4 annual basis. The applicant and its vendors may sell agricultural products
5 including, but not limited to, fruits, vegetables, herbs, nuts, cut flowers, and nursery
6 stock. Non-produce items such as dried fruit, juice, dried beans, and meat and dairy
7 products may be sold if the producer has proof that he/she grew, raised, collected or
8 caught the product.
- 9 9. The applicant and its vendors may sell specialty food items at the Farmers Market,
10 including but not limited to, soda, water, baked goods, salsas, olives, jams, olive
11 oil/balsamic vinegar, cheese, smoked food items, sausages, and tamales or other
12 similar items as approved by the City Planner. The applicant and its vendors may
13 also sell food for on-site consumption such as popcorn, donuts and crepes and
14 similar food items in accordance with all applicable laws, rules and regulations of
15 the San Diego County Department of Environmental Health (DEH). Prior to the
16 first Farmers Market, the Applicant shall provide the City Planner with the list of
17 non-agricultural food vendors from the application approved by the San Diego
18 DEH. Only food vendors (non-agricultural) who meet the criteria described above
19 and who are approved by the San Diego DEH shall be allowed to sell specialty food
20 items at the Farmers Market.
- 21 10. The applicant and its vendors may sell a limited (i.e., 25% or less of the vendors at
22 any given time) number of handcrafted items, health items or services, and nutrition
23 items at the Farmers Market and other products that relate to the theme of the
24 Farmers Market. Only vendors (non-agricultural/non-food) who meet the following
25 guidelines shall be permitted as vendors in the Farmers Market:
- 26 a. “Handcrafted items” means those products that are made or constructed in a
27 manner suggesting special care or skill. Handcrafted items shall be made
28 exclusively by the local vendor renting the booth or his/her personal assistant.
Items purchased for the purpose of resale are not considered to be “handcrafted
items” and shall not be sold by the vendor. Examples of hand-crafted items
include hand-knitted clothing, hand-made jewelry, wood-working, hand-carved
items and other similar handcrafted items. Embellishing of existing products
shall not be considered “handcrafted”;
 - b. Non-handcrafted products that fall within the theme of the Farmers Market may
be sold if such products relate to farming, gardening, or a combination thereof.
Examples of such items include gardening apparel, gardening implements, and
similar items;
 - c. Examples of items that are not handcrafted or within the theme of the Farmers
Market as described above are retail or wholesale toys, baseball hats, t-shirts,
sports team apparel and accessories, sunglasses or any other retail or wholesale
items not handcrafted or within the theme of the Farmers Market; and
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d. If more than 25% of handcrafted items, health items or services, and nutrition items at the Farmers Market and other products that relate to the theme of the Farmers Market are requested, the approval of an Administrative Review Permit shall be required by the City Planner.

11. Periodic executive chef demonstrations at the designated cooking area on the site plan of RP 13-03 are permitted to highlight a local restaurant or educate the community on how some of the products at the Farmers Market can be used in cooking. If chairs are set-up for the demonstration, the chairs shall not encroach within the required 20-foot-wide fire clearance.

12. Musicians and entertainers providing background music are permitted only during the hours of the Farmers Market. Concerts and disc jockeys shall not be permitted.

13. The sale of alcohol is prohibited at the Farmers Market.

14. An informational booth for merchants in the Village will be allowed for the distribution of advertisements, promotional items, brochures, maps, etc.

15. The applicant shall provide a minimum of one (1) vendor space at the Farmers Market for local non-profit groups doing fundraising. If there is not a non-profit group seeking a booth for fundraising, the applicant may rent the unused booth to other vendors. Local non-profit groups shall be those non-profit groups providing social, athletic or recreational services or activities for residents in the City of Carlsbad.

16. In order to maintain the required 20-foot-wide fire access clearance, vendor vehicles shall be prohibited from parking on State Street during the operation of the Farmers Market. The vendors will be required to park offsite at Parking Lots C and D pursuant to Exhibit 6, "Village Public Parking Lots," of the staff report dated May 15, 2013.

17. At least two (2) weeks prior to the first Farmers Market, a "Farmers Market Rules and Producer Agreement" shall be submitted to the City Planner for review and approval. The rules shall include details on the procedures for set-up and clean-up, vendor parking locations, signage, and disposal of waste.

18. The Carlsbad Village Association shall be solely responsible for the set-up and clean-up of the event. These responsibilities include posting of signs as well as trash collection and disposal. Any damage to State Street or the adjoining sidewalks, lights, trash receptacles, benches, and landscaping or irrigation shall be repaired by the City but must be paid for by the Association (as a sponsor of the event).

19. At least two (2) weeks prior to the first Farmers Market, a sign plan addressing the location and details of the temporary signage shall be prepared, to the satisfaction of the City Planner.

1 20. **Permanent or temporary “No Parking TOW AWAY” signs which include the date**
2 **and time of the restriction shall be posted. If the signage is temporary, it shall be**
3 **posted 72 hours in advance of the beginning of the parking restriction. The signs**
4 **shall be posted in such a way that the restriction is clearly visible from all public on-**
5 **street parking stalls on the east and west sides of the 2900 block of State Street. If**
6 **the signage is temporary, the Carlsbad Village Association shall be responsible for**
7 **posting the signs and ensuring that they remain in place during the entire 72 hour**
8 **period; missing or vandalized signs shall be replaced in a timely manner by the**
9 **Association. The Association shall also be responsible for notifying the Police**
10 **Department each week when the temporary signs are installed. Any temporary**
11 **signs must be removed each Wednesday at the end of the market.**

12 21. **Each vendor at the Farmers Market shall obtain a business license at the City prior**
13 **to selling products at the Farmers Market. The business license shall be renewed on**
14 **an annual basis.**

15 22. **This Major Review permit is granted for an initial period of two (2) years from City**
16 **Council approval. This permit may be revoked at any time after a public hearing, if it is**
17 **found that the use has a substantial detrimental effect on surrounding land uses and the**
18 **public’s health and welfare, or the conditions imposed herein have not been met. This**
19 **permit may be extended by the Planning Commission for a reasonable period of time**
20 **not to exceed 5 years (per extension) upon written application of the permittee made no**
21 **less than 90 days prior to the expiration date. The Planning Commission may not grant**
22 **such extension, unless it finds that there are no substantial negative effects on**
23 **surrounding land uses or the public’s health and welfare. If a substantial negative effect**
24 **on surrounding land uses or the public’s health and welfare is found, the extension shall**
25 **be denied or granted with conditions which will eliminate or substantially reduce such**
26 **effects. There is no limit to the number of extensions the Planning Commission may**
27 **grant.**

28 **Engineering:**

29 23. **Applicant shall comply with the city's Stormwater Regulations, latest version, and shall**
30 **implement best management practices at all times. Best management practices include**
31 **but are not limited to pollution control practices or devices, general housekeeping**
32 **practices, pollution prevention and educational practices, maintenance procedures, and**
33 **other management practices or devices to prevent or reduce the discharge of pollutants to**
34 **stormwater or stormwater conveyance system to the maximum extent practicable.**

35 24. **Applicant shall cause the legal business owner to execute an indemnification and**
36 **insurance certificate requirement per page 3 of 6 of Land Use Review Application P-**
37 **1. Prior to use and reliance of the permit herein granted, the legal business owner**
38 **shall provide to the City Engineer a certificate of insurance in the amount of two**
39 **million dollars listing the city as an additional insured and providing primary**
40 **coverage to the city. Insurance company shall have a rating as outlined on page 3 of**
41 **6 of Land Use Review Application P-1.**

1 **Traffic Engineering:**

2 25. **A signage and traffic control plan (TCP) shall be approved by the City Traffic**
3 **Engineer and the City Planner at least fourteen (14) days prior to the first Farmers**
4 **Market. The signage plan shall include the dimension of the signs, total number of**
5 **signs and an exhibit shall be provided which indicates the locations of the signs.**
6 **Modifications to the TCP can be made if unforeseen issues arise with the**
7 **implementation, to the satisfaction of the City Traffic Engineer.**

8 **Fire:**

9 26. **A Fire Use Permit will be required prior to operation of the first Farmers Market,**
10 **to the satisfaction of the Fire Department.**

11 27. **A minimum 20-foot-wide access clearance shall be provided along State Street for**
12 **fire department emergency response. Vehicles necessary to the operation of the tent**
13 **or canopy shall be parked at least twenty (20) feet from any tent. All other vehicles**
14 **shall be parked one (100) hundred feet away at a minimum. [California Code of**
15 **Regulations, Title 19, Division 1, §312.] *Section 13116, Health and Safety Code.***

16 28. **The open cooking areas/booths shall be separated from the retail booths by a**
17 **minimum of 20 feet. Open cooking shall comply with California Fire Code (CFC),**
18 **2010, ed., Title 19.**

19 29. **A permit is required for tents and temporary membrane structures and canopies in**
20 **excess of 400 square feet. Tents and/or canopies less than twenty (20) feet apart will**
21 **be considered as one. Section 2403.2, CFC, 2010 ed. Regardless of the permit**
22 **threshold, all temporary tents and membrane structures shall comply with Chapter**
23 **24 of the California Fire Code, 2010 ed. Title 19 and Health and Safety Code.**
24 **Inspections will be required.**

25 30. **Tents and canopies shall be made from flame resistant material of nonflammable**
26 **materials. Please see California Code of Regulations, Title 19, Division 1, 315.(a) and**
27 **332.(a) for specifics and Section 2404.3 of the California Fire Code, 2010 ed. for**
28 **labeling requirements.**

 31. **Open and or exposed flame (cooking) is not allowed under a tent or canopy while**
 open to the public. Combustible materials and cooking which produce grease-laden
 vapors are not permitted inside the tents or canopies.

Building:

 32. **Disabled access/path of travel (minimum 36” clearance from any obstructions) shall**
 be maintained at all times, including to any sanitary facilities.

 33. **An ADA accessible restroom is required. If the restroom is portable, it shall be**
 dropped off and removed each Wednesday before and after the Farmers Market,

1 accordingly. If a permanent ADA accessible restroom is provided, a letter shall be
2 submitted to the City Planner indicating the location of the restroom.

3 **Parks and Recreation:**

- 4 34. The applicant/operator of the farmers market will be responsible for the following:
- 5 a. Removing all litter and debris from the public hardscape as needed during each
6 market session;
 - 7 b. Servicing all public trash/recycling receptacles as needed during and at the
8 conclusion of each market session, including the removal/haul away of plastic
9 liners and contents, and replacement of like plastic liners);
 - 10 c. Implementing storm water pollution prevention best management practices
11 (BMPs) - e.g., placement of fabric rolls/silt sheeting/gravel bags, etc. around all
12 storm drain inlet during each market session;
 - 13 d. Cleaning any spills or leakage of liquid or solid materials on the public
14 hardscape during each market session; and
 - 15 e. Repairing/replacing any public landscape or irrigation damaged/destroyed
16 during each market session.

17 **NOTICE**

18 Please take **NOTICE** that approval of your project includes the “imposition” of fees, dedications,
19 reservations, or other exactions hereafter collectively referred to for convenience as
20 “fees/exactions.”

21 You have 90 days from date of final approval to protest imposition of these fees/exactions. If
22 you protest them, you must follow the protest procedure set forth in Government Code Section
23 66020(a), and file the protest and any other required information with the City Manager for
24 processing in accordance with Carlsbad Municipal Code Section 3.32.030. Failure to timely
25 follow that procedure will bar any subsequent legal action to attack, review, set aside, void, or
26 annul their imposition.

27 You are hereby FURTHER NOTIFIED that your right to protest the specified fees/exactions
28 DOES NOT APPLY to water and sewer connection fees and capacity charges, nor planning,
zoning, grading, or other similar application processing or service fees in connection with this
project; NOR DOES IT APPLY to any fees/exactions of which you have previously been given a
NOTICE similar to this, or as to which the statute of limitations has previously otherwise
expired.

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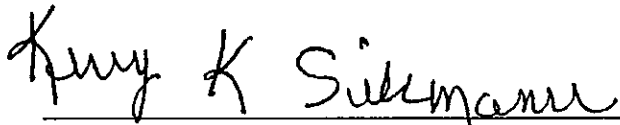
1 PASSED, APPROVED, AND ADOPTED at a regular meeting of the planning
2 Commission of the City of Carlsbad, California, held on **May 15, 2013**, by the following vote, to
3 wit:

4
5 AYES: Chairperson Siekmann, Commissioners Black, L'Heureux,
6 Schumacher, Scully and Segall

7 NOES:

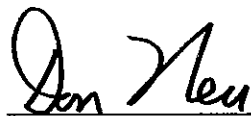
8 ABSENT: Commissioner Anderson

9 ABSTAIN:

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12 KERRY SIEKMANN, Chairperson
13 CARLSBAD PLANNING COMMISSION

14
15 ATTEST:

16 

17 DON NEU
18 City Planner

PLANNING COMMISSION RESOLUTION NO. 7123

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARLSBAD, CALIFORNIA, APPROVING A FIVE (5)-YEAR EXTENSION RETROACTIVELY FOR A MAJOR REVIEW PERMIT FOR THE EXISTING FARMERS' MARKET LOCATED ON THE 2900 BLOCK OF STATE STREET, BETWEEN GRAND AVENUE TO THE NORTH AND CARLSBAD VILLAGE DRIVE TO THE SOUTH, EVERY WEDNESDAY FROM 1:30 P.M. TO 8:00 P.M. IN THE SUMMER AND 1:30 P.M. TO 7:00 P.M. IN THE WINTER, IN LAND USE DISTRICT 1 OF THE VILLAGE REVIEW ZONE.

CASE NAME: CARLSBAD FARMERS' MARKET

CASE NO.: RP 13-03x1

WHEREAS, the **Carlsbad Village Association**, "Applicant," has filed a verified application with the City of Carlsbad regarding property owned by the **City**, "Owner," described as

All that portion of State Street lying northwesterly of the prolongation of the northwesterly right of way line of Carlsbad Village Drive and lying southeasterly of the prolongation of the southeasterly right of way line of Grand Avenue, shown as First Street lying between Elm Avenue and Grand Avenue per the Amended Map of the Town of Carlsbad Map 775 recorded March 17, 1915 in the office of the Recorder of San Diego County, California

("the Property"); and

WHEREAS, said verified application constitutes a request for a Major Review Permit Extension as shown on Exhibit "A" dated **May 15, 2013**, on file in the Planning Division **RP 13-03x1 - CARLSBAD FARMERS' MARKET**, as provided by the conditions of approval of RP 13-03 and Chapter 21.35.080 of the Carlsbad Municipal Code; and

WHEREAS, on May 15, 2013, the Planning Commission recommended approval of RP 13-03 pursuant to Planning Commission Resolution No.6976; and

WHEREAS, on June 18, 2013, the City Council approved RP 13-03 pursuant to Planning City Council Resolution No. 2013-156; and

WHEREAS, Condition No. 22 of Planning Commission Resolution No. 6976 indicates that the Planning Commission has the ability to grant future time extensions in increments of up to five (5) years per extension request; and

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WHEREAS, the Planning Commission did, on **September 16, 2015**, hold a duly noticed public hearing as prescribed by law to consider said request; and

WHEREAS, at said public hearing, upon hearing and considering all testimony and arguments, if any, of all persons desiring to be heard, said Commission considered all factors relating to the Major Review Permit Extension.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Planning Commission of the City of Carlsbad as follows:

- A) That the foregoing recitations are true and correct.
- B) That based on the evidence presented at the public hearing, the Planning Commission **APPROVES RP 13-03x1 – CARLSBAD FARMERS’ MARKET**, based on the following findings and subject to the following conditions:

Findings:

- 1. The adopted findings for **RP 13-03**, which are contained in Planning Commission Resolution No. **6976**, apply to this extension and are incorporated by this reference.

Conditions:

- 1. If any of the following conditions fail to occur, or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained according to their terms, the City shall have the right to revoke or modify all approvals herein granted; deny or further condition issuance of all future building permits; deny, revoke, or further condition all certificates of occupancy issued under the authority of approvals herein granted; record a notice of violation on the property title; institute and prosecute litigation to compel their compliance with said conditions or seek damages for their violation. No vested rights are gained by Developer or a successor in interest by the City’s approval of this **Major Review Permit Extension**.
- 2. All conditions of approval imposed upon Major Review Permit RP 13-03 as stated in Planning Commission Resolution No. **6976** shall apply as conditions of approval for RP 13-03x1 and are incorporated by this reference, except Condition No. **22**. All conditions have been satisfied and Condition No. **22** is replaced by Condition No. **4** below.
- 3. **RP 13-03x1** shall be reviewed by the City Planner annually to determine if all conditions of this permit have been met and that the use does not have a substantial negative effect on surrounding properties or the public health, safety and general welfare. If the City Planner determines that: 1) the Conditional Use Permit was obtained by fraud or misrepresentation; or 2) the use for which such approval was granted is not being exercised; or 3) the Conditional Use Permit is being or recently has been exercised contrary to any of the terms or conditions of approval or the conditions of approval have not been met; or 4) the use for which such approval was granted has ceased to exist or has been suspended for one year or more; or 5) the use is in

1 violation of any statute, ordinance, law or regulation; or 6) the use permitted by the Conditional
2 Use Permit is being or has been so exercised as to be detrimental to the public health, safety or
3 welfare or so as to constitute a nuisance, the City Planner shall recommend that the Planning
4 Commission hold a public hearing and after providing the permittee the opportunity to be
5 heard, the Planning Commission may revoke and terminate the Conditional Use Permit in whole
6 or in part, reaffirm the Conditional Use Permit, modify the conditions or impose new
7 conditions.

- 8 4. This Conditional Use Permit is granted for a period of **five (5)** years from **June 19, 2015** through
9 **June 18, 2020**. This permit may be revoked at any time after a public hearing, if it is found that
10 the use has a substantial detrimental effect on surrounding land uses and the public's health
11 and welfare, or the conditions imposed herein have not been met. This permit may be
12 extended for a reasonable period of time not to exceed **five (5)** years upon written application
13 of the permittee made no less than 90 days prior to the expiration date. The Planning
14 Commission may not grant such extension, unless it finds that there are no substantial negative
15 effects on surrounding land uses or the public's health and welfare. If a substantial negative
16 effect on surrounding land uses or the public's health and welfare is found, the extension shall
17 be denied or granted with conditions which will eliminate or substantially reduce such effects.
18 There is no limit to the number of extensions the Planning Commission may grant.

12 NOTICE TO APPLICANT

13 An appeal of this decision to the City Council must be filed with the City Clerk at 1200 Carlsbad Village
14 Drive, Carlsbad, California, 92008, within ten (10) calendar days of the date of the Planning
15 Commission's decision. Pursuant to Carlsbad Municipal Code Chapter 21.54, section 21.54.150, the
16 appeal must be in writing and state the reason(s) for the appeal. The City Council must make a
17 determination on the appeal prior to any judicial review.

17 NOTICE

18 Please take **NOTICE** that approval of your project includes the "imposition" of fees, dedications,
19 reservations, or other exactions hereafter collectively referred to for convenience as "fees/exactions."

20 You have 90 days from date of final approval to protest imposition of these fees/exactions. If you
21 protest them, you must follow the protest procedure set forth in Government Code Section 66020(a),
22 and file the protest and any other required information with the City Manager for processing in
23 accordance with Carlsbad Municipal Code Section 3.32.030. Failure to timely follow that procedure will
24 bar any subsequent legal action to attack, review, set aside, void, or annul their imposition.

25 You are hereby FURTHER NOTIFIED that your right to protest the specified fees/exactions DOES NOT
26 APPLY to water and sewer connection fees and capacity charges, nor planning, zoning, grading, or other
27 similar application processing or service fees in connection with this project; NOR DOES IT APPLY to any
28 fees/exactions of which you have previously been given a NOTICE similar to this, or as to which the
statute of limitations has previously otherwise expired.

26 ...

27 ...

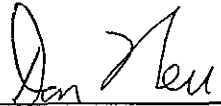
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PASSED, APPROVED, AND ADOPTED at a regular meeting of the Planning Commission of
the City of Carlsbad, California, held on **September 16, 2015** by the following vote, to wit:

- AYES: Chairperson Anderson, Commissioners Black, Montgomery, Segall and Siekmann
- NOES:
- ABSENT: Commissioner L'Heureux
- ABSTAIN:



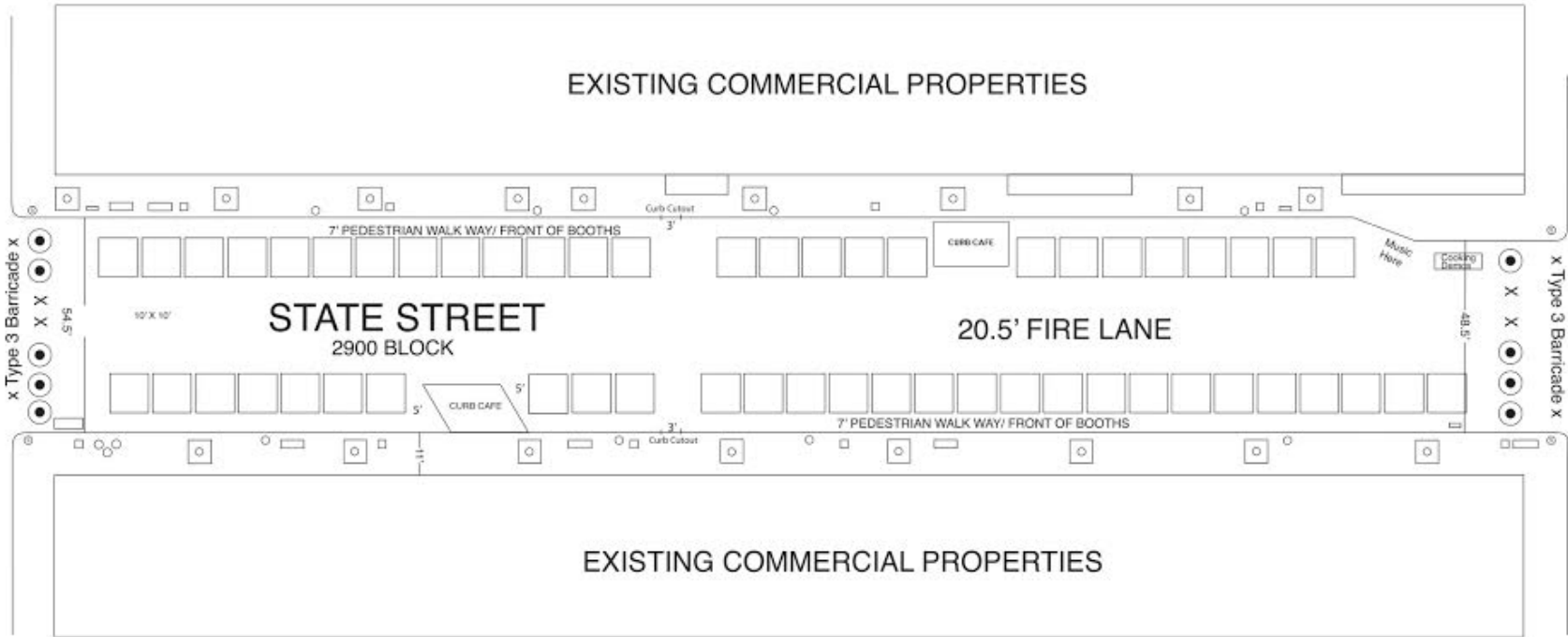
Velyn Anderson, Chairperson
CARLSBAD PLANNING COMMISSION

ATTEST:










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City Planner

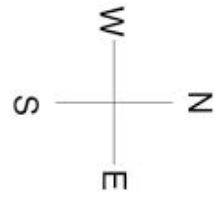
CARLSBAD VILLAGE DRIVE

GRAND AVENUE



CARLSBAD VILLAGE FARMERS' MARKET
 CARLSBAD VILLAGE ASSOCIATION
 300 CARLSBAD VILLAGE DRIVE, STE 108A, #135
 CARLSBAD CA, 92008
 (760) 644-2121
 6/15/2020
 VILLAGE LAND USE REVIEW APPLICATION

-  Outdoor Dining
-  Tree Well
-  Bike Rack
-  Bench
-  Trash Can
-  Light Pole
-  Signal
-  Type 3 Barricade
-  Bollard



On Thu, Oct 22, 2020 at 9:53 AM Christie Kirby <cgnr97@yahoo.com> wrote:

To whom it may concern,

We have lived in the Village for 6 and a half years. Each week I look forward to visiting the Farmer's Market and almost always walk there. My husband and I often go together.

The Farmers' Market has been a staple for my fresh produce. There are new offerings weekly, directly from the source. I also enjoy the fresh flowers and all of the different hot food and drink vendors they have on site. It's definitely a great Wednesday activity and a way to keep connected to my local community.

Several years ago both my husband and I became volunteers with the Carlsbad Village Association that runs the Farmers' Market. I have volunteered at several of their events including Art in the Village, Taste of Carlsbad Village, and most recently at the Farmers' Market when they reopened after a 7-week shutdown because of the pandemic. I helped monitor an exit and also helped educate the public on the necessity of wearing a mask and handed them out as needed. It was gratifying to hear the positive comments by the market attendees that it had reopened safely.

The Farmers' Market is an important part of our community and I hope it will continue for many more years downtown.

Sincerely,

Christina Maiz

The
C O M P A S S

300 Carlsbad Village Drive Carlsbad, California 92008 • (760) 434-1900

October 23, 2020

City of Carlsbad, Planning Commission
1635 Faraday Avenue
Carlsbad, CA 92008

RE: Farmers Market

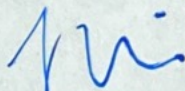
Dear Sir or Madame,

I am an owner of The Compass, and have been walking the market weekly for many many years with our Chef. The market is an integral component to both the dishes we offer as well as our craft libations. We buy an array of items from the market, and enjoy supporting the local farmers who in turn provide the freshest products. Chef and I look forward to our weekly walks downtown, saying hello to the purveyors and staff as we make our purchases. It's a staple to downtown Carlsbad and is enjoyed by so many!

As the executive Chef of The Compass here in the heart of Carlsbad I would like to tell you how important the Farmers market is to us as a restaurant and myself as a Chef. We have been going there for over 7 years on a weekly basis to menu plan and create new and exciting specials for the people of our great community. We have worked hand in hand with the CVA to produce an exciting experience for customers to be involved in the Shop with the Chef Dinners. An intimate dining experience where I as the Chef design the menu and walk the market with the guests to teach them about what the market has to offer. After, we go back to a beautiful table scape where guests get to enjoy the ingredients purchased for the dinner. This has been met with rave reviews, helps us create new menu items for the upcoming seasons, as well as generated new clientele!

Without the market, we would not be able to support local business and farmers, and not be able to bring these amazing quality ingredients to the community. We support these farmers, as they support us and look forward to years to come. They have helped shape The Compass into what it is today and couldn't do it without them. Thank you for your consideration on this staple of the community.

Sincerely,



Jess Van Driessche, Owner



Executive Chef Brad Thomas

From: <shah@froglanders.com>
Date: Wed, Oct 21, 2020 at 3:06 PM
Subject: Letter of Support
To: Christine Davis <chris@carlsbad-village.com>

Hi Christine,

I would like to start off by stating that the Carlsbad Farmers market has been very beneficial to Froglanders' business. We started our operations in the middle of the pandemic, opening our doors as a new business on June 3rd of 2020. Every farmers market has helped gain us exposure with our various product offerings. A lot of the farmers markets clients eventually become loyal customers of ours as well, so the market has a sustained positive impact on the business. In addition, the Wednesday of every Farmers market is one of our best performing sales day of a weekday as well as being a consistent sales day. Many people including our customers plan on attending the farmers market on Wednesday and hence also plan on visiting us for a sweet treat.

I hope this letter shows how much we appreciate having the market facing our store every week and that it shows that Carlsbad should continue the tradition of holding the market for many ongoing years.

Kind Regards,

Shah Khosraviani
Froglanders
President
Cell: 858-798-6184
Email: Shah@froglanders.com

From: [Christine Davis](#)
To: [Shannon Harker](#)
Subject: Fwd: Farmers Market CUP Support
Date: Friday, October 23, 2020 10:25:56 AM

From: **Zac Markham** <zac@humbleoliveoils.com>
Date: Fri, Oct 23, 2020 at 10:18 AM
Subject: Farmers Market CUP Support
To: Christine Davis

Before I opened Humble Olive Oils and was looking at different storefront options in both Oceanside and Carlsbad, during that process, I was shown my current space at 2922 State Street on a Wednesday afternoon during the Farmers Market. The Market brought a great atmosphere and life to the Village in the middle of the week, and I knew it would be a great place to open my business. Six years later, we are still going strong, and Wednesdays have continued to be one of my best sales days due to the volume of customers the Market brings to the Village. I believe the Farmers Market to be a great asset for our Village and not only provides access to high-quality farm-fresh foods for our residents and tourists but is a great community event that brings life and atmosphere to our Village.

I would like to ask the Planning Commission to approve the Carlsbad Farmers Market CUP.

Thank you,

Zac Markham
Owner
Humble Olive Oils

--

CHRISTINE DAVIS | Executive Director
[Carlsbad Village Association](#)
p: 760.644.2121
[Subscribe to our eNewsletter](#) | [Become a Member!](#)

CAUTION: Do not open attachments or click on links unless you recognize the sender and know the content is safe.

grammysgranola@cox.net

to me

Dear Christine,

Since I have been a vendor at the market for the past 17 years, I thank you for asking my opinion concerning the Carlsbad Farmer's Market on Wednesday afternoon.

In that sentence alone are two important reasons to keep the market operational as it is. The first is that it is the "Carlsbad" market (aka State Street Market.) It is in the community and it brings business to the community. The benefits far exceed what shoppers may purchase from the vendors at the market. Our customers walk the market, visit local merchants' shops, and pursue the community.

The second important reason in that sentence is that it is on a Wednesday afternoon. Most farmers markets are weekend events, often competing. Our Wednesday market does not compete with others. Instead, it's in addition to the others. It's a mid-week opportunity to buy fresh, local foods to supplement weekend shopping. For me personally, while my Saturday and Sunday markets are good, I need that third market to maintain an income that pays my bills!

However, for many customers Carlsbad is their only market. Again, I've been a vendor for 17 years, and know my customers well having built a loyal following and I know they value this market. For some, the advantage of it taking place during the week is perfect, since like me, some folks do work on the weekends, and our market gives them that shopping opportunity. Also, the proximity to local shops, makes it a shopping "twofer" for them, as well as for the community.

Our location is wonderful, and I hope to be a part of this market for many years to come!

Warm Regards,

Janet Braver

Grammy's Granola

www.grammysgranola.com

760-809-8892