



# SPECIAL PERMIT

*Planning Division*

*Andrew Crabtree, Director of Community Development*

**File:** PLN2019-14168  
**Location:** 3705 El Camino Real, (APN 213 34 010)  
**Applicant:** Thomas M. Fargo  
**Owner:** Pero & Anka Margaretic  
**Request:** Special Permit request for two years to allow for a Christmas Tree Lot at 3705 El Camino Real on November 29, 2019 through December 24, 2019 and November 27, 2020 through December 24, 2020  
**General Plan Designation:** Regional Mixed Use  
**Zoning Designation:** Community Commercial  
**Environmental Determination:** Categorically Exempt per Section 15304(e) CEQA

## FACTS

The Director of Community Development finds that the following are the relevant facts regarding this proposed project:

1. The project site has a Regional Mixed Use General Plan land use designation.
2. The project site is zoned Community Commercial (CC) and is located at 3705 El Camino Real, in the City of Santa Clara.
3. The project proposes to install a 15' x 150' outdoor chain link fence in the parking lot located at 3705 El Camino Real for purposes of selling Christmas trees to the public and requires a Special Permit.
4. The proposed temporary chain link fence would occupy approximately 20 parking spaces, which represents a small fraction of the parking for the Lucky store.
5. The project site is owned by Pero & Anka Margaretic and the applicant is Thomas M. Fargo.
6. The project submittal includes a planning application and site plan that are attached to, and part of, this Special Permit.

## FINDINGS

The Director of Community Development finds that based on an analysis of the facts presented above, that:

*(1) The facility, under the circumstances of the particular case, is essential or desirable to the public convenience or welfare in that:*

- The Special Permit will allow Save Mart Companies to conduct an outdoor Christmas tree lot for the purpose of selling trees to the community.

*(2) The facility will not be detrimental to the health or safety of the persons residing in the neighborhood in that:*

- The proposed outdoor Christmas tree lot is temporary, small in scale, and will occur for a period of four weeks.

*(3) The facility will not be detrimental to the property or improvements in the neighborhood in that:*

- The proposed Christmas tree lot is temporary and does not involve permanent physical changes or improvements to the property or surrounding neighborhood.

*(4) The facility will not impair the integrity or character of the zoning district in that:*

- The proposed Christmas tree parking is open to the public and is subject to conditions to preserve the integrity of the zoning district in which the property is located.

*(5) The facility will not create a significant increase in the traffic to and from the premises or in the on-street parking within five hundred (500) feet in that:*

- The project will not involve any construction resulting in excessive noise nor will the project create an increase in traffic or parking as the proposed use is temporary in nature, and associated surface parking is available on-site.

APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

1. Christmas tree sales events: November 29, 2019 through December 24, 2019 and November 27, 2020 through December 24, 2020;
2. Hours of operation shall be consistent with store hours;
3. The applicant shall comply with all Zoning Ordinance regulations regarding temporary and permanent structures and obtain all necessary Building and/or Fire Department permits;
4. The applicant shall obtain an amplified music permit and shall comply with City Code Section 9.10.040, noise and sound regulation; if applicable
5. No other structures shall be erected in conjunction with this Special Permit;
6. The applicant shall obtain temporary sign permits for all temporary signs advertising the sales event;
7. The applicant shall comply with Fire Department directives and requirements;
8. There shall be no “searchlight” beams, streamers, or roof-mounted balloons during the event;
9. This permit is subject to revocation by the Planning Division for violation of any of its conditions of approval; and
10. Upon conclusion of the Christmas Tree sales event, the parking lot shall be cleaned and returned to its prior condition.

Approved:

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Andrew Crabtree  
Director of Community Development

Dated: November 18, 2019