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Title: Action on a request for a Special Permit to allow seasonal Pumpkin Patch and Christmas Tree sales events at 3590 Benton Street from September 20, 2019 through December 24, 2019. (File No PLN2019-14006)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Planning Application, 2. ABC Tree Farms 3590 Benton Operation Plan, 3. Pumpkin Patch Site Plan, 4. Christmas Tree Site Plan

Date	Ver.	Action By	Action	Result
8/27/2019	1	City Council and Authorities Concurrent	Approved	

REPORT TO CITY COUNCIL

SUBJECT

Action on a request for a Special Permit to allow seasonal Pumpkin Patch and Christmas Tree sales events at 3590 Benton Street from September 20, 2019 through December 24, 2019. (File No PLN2019-14006)

BACKGROUND

The applicant, Holly Prinz of ABC Tree Farms, LLC, is requesting a Special Permit pursuant to Zoning Code Section 18.60.030 for a Seasonal Pumpkin Patch and Christmas tree sales event located on a vacant lot at the southeast corner of Lawrence Expressway and Benton Street (3590 Benton Street). The property is zoned as Single Family Residential. Municipal Code Section 18.60.030 requires issuance of a Special Permit by the City Council in non-industrial Zones for any use not otherwise regulated within the Zoning Code.

The site is adjacent to a church and the Calabazas Creek. Neighboring properties include single-family, multi-family and commercial uses.

The Pumpkin Patch sales event is proposed to begin on September 20, 2019, and end on October 31, 2019, with setup commencing on September 1, 2019. The Christmas Tree sales event will begin on November 10, 2019, and end on December 24, 2019 with setup commencing on November 1, 2019. The hours of operation for both events will be from 10:00 a.m. to 9:00 p.m., Sunday through Thursday, and 9:00 a.m. to 9:00 p.m., Friday and Saturday.

The proposed pumpkin sales event would include temporary tents, children’s inflatable entertainment units, two office trailers, a dumpster area, and a storage container. The Christmas Tree sales event would include similar temporary facilities. Power will be supplied by Silicon Valley Power. The

property is owned by the County of Santa Clara which has provided written authorization for the temporary use.

DISCUSSION

The proposed temporary use, with limited duration and operations proposed, is not anticipated to adversely impact the surrounding land use in that the events will occur over a limited time period and will be subject to conditions which mitigate its potential negative impacts, including a condition of approval that the use be conducted in a manner that does not create a public nuisance or private nuisance. Any possible impacts would also be offset by the benefit to the community from the event. The Special Permit is subject to revocation should a problem arise. Pumpkin Patch and Christmas Tree lots operated at this location in prior years have not resulted in any known negative impacts to the community.

The proposed project will allow the purchase of pumpkins and trees for the surrounding community. The proposed use could increase foot traffic in the nearby residential area. However, given the site context and the limited timeframe of the proposed use, the benefits of providing access to holiday décor outweigh the potential disadvantages, and conditions of approval help protect the surrounding community from adverse impacts.

Draft Permit and Conditions. The proposed permit would be subject to conditions of approval as follows:

1. Special Permit shall be valid from September 10, 2019 through December 24, 2019; with set-up beginning on September 1, 2019, and breakdown/clean-up to be completed by December 31, 2019, with the following sales allowances:
 - a. Pumpkin Patch sales: September 10, 2019 through October 31, 2019;
 - b. Christmas Tree sales: November 20, 2019 through December 24, 2019;
1. Hours of operation: Sunday through Thursday from 10:00 a.m. to 9:00 p.m. and Friday and Saturday from 9:00 a.m. to 9:00 p.m.;
2. The applicant shall obtain and comply with all applicable Santa Clara Building Division and/or Fire Department directives, permits, and requirements, including but not limited to temporary electrical and tent permits;
3. The applicant shall obtain an amplified music permit and shall comply with City Code Section 9.10.040, noise and sound regulation;
4. The applicant shall obtain temporary sign permits for all temporary signs advertising the events;
5. There shall be no “searchlight” beams, streamers, or roof-mounted balloons during the event;
6. The applicant acknowledges that the County of Santa Clara, as the property owner, reserves access rights to the project site;
7. Upon conclusion of the Pumpkin Patch/Christmas Tree sales events, the vacant lot shall be cleaned and returned to its prior condition; and
8. The use shall operate in a manner that does not create a public or private nuisance.

ENVIRONMENTAL REVIEW

The action being considered is categorically exempt from formal environmental review under the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines section 15304(e) (Class 4 - “Minor Alterations to Land”) as it consists of “[m]inor temporary use of land having negligible or no permanent effects on the environment, including carnivals, sales of Christmas trees, etc.”

FISCAL IMPACT

There is no cost to the City other than administrative staff time and expense.

COORDINATION

This report has been coordinated with the City Attorney's Office.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email clerk@santaclaraca.gov <<mailto:clerk@santaclaraca.gov>> or at the public information desk at any City of Santa Clara public library.

RECOMMENDATION

Approve the request of a Special Permit to allow for a seasonal Pumpkin Patch and Christmas Tree sales events at 3590 Benton Street from September 20, 2019 through December 24, 2019, File No PLN2019-14006, subject to conditions.

Reviewed by: Andrew Crabtree, Director of Community Development

Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

1. Planning Application
2. ABC Tree Farms 3590 Benton Operation Plan
3. Pumpkin Patch Site Plan
4. Christmas Tree Site Plan