



## Agenda Report

18-1042

Agenda Date: 8/28/2018

### REPORT TO COUNCIL

#### SUBJECT

Action on a Special Permit request for a seasonal Pumpkin Patch and Christmas Tree sales event at 3590 Benton Street, PLN2018-13416

#### 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 at 3590 Benton Street. The property is currently zoned Single Family Residential. The surrounding area is comprised of properties designated with a residential zoning district with nearby commercial zoning. 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 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.

#### DISCUSSION

The seasonal Pumpkin Patch and Christmas tree event will include temporary tents, a small animal display area, children's inflatable entertainment units, two office trailers, a dumpster area, and a storage container. The Pumpkin Patch sales event will begin on September 21, 2018, and end on November 31, 2018, with setup commencing on September 1, 2018. The Christmas tree sales event will begin on November 6, 2018, and end on December 31, 2018. The Christmas tree sales event would include similar temporary facilities and 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.

Approval of the Special Permit would be subject to the following conditions:

1. Special Permit shall be valid from September 21, 2018 through December 31, 2018; with set-up beginning on September 1, 2018, and breakdown/clean-up to be completed by December 31, 2018, with the following sales allowances:
  - b. Pumpkin Patch sales: September 21, 2018 through November 31, 2018;
  - c. Christmas Tree sales: November 6, 2018 through December 31, 2018;
2. Hours of operation: Sunday through Thursday from 10:00 a.m. to 9:00 p.m. and Friday and Saturday from 10:00 a.m. to 10:00 p.m.;
3. 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;

4. The applicant shall obtain an amplified music permit and shall comply with City Code Section 9.10.040, noise or sound regulation;
5. The applicant shall obtain temporary sign permits for all temporary signs advertising the events;
6. There shall be no “searchlight” beams, streamers, or roof-mounted balloons during the event;
7. The applicant acknowledges that the County of Santa Clara, as the property owner, reserves access rights to the project site;
8. Upon conclusion of the Pumpkin Patch/Christmas Tree sales events, the vacant lot shall be cleaned and returned to its prior condition; and
9. The use shall operate in a manner that does not create a public or private nuisance.

### **ENVIRONMENTAL REVIEW**

The action being considered does not constitute a “project” within the meaning of the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines section 15378(a) as it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

### **FISCAL IMPACT**

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

### **COORDINATION**

This report has been coordinated by 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) <<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 a seasonal Pumpkin Patch and Christmas Tree sales event at 3590 Benton Street (PLN2018-13416), subject to conditions.

Reviewed by: Andrew Crabtree, Director of Community Development

Approved by: Deanna J. Santana, City Manager

### **ATTACHMENTS**

1. Planning Application
2. Site Plan-Pumpkin Patch-Christmas Tree
3. Authorization Letter