



Agenda Report

22-1421

Agenda Date: 12/6/2022

REPORT TO COUNCIL

SUBJECT

Action on a Request for a Special Permit to Allow a Christmas Tree Sales Lot at 3705 El Camino Real from December 6, 2022 through December 24, 2022

COUNCIL PILLAR

Promote and Enhance Economic, Housing and Transportation Development

BACKGROUND

The applicant, Maranda Jantz on behalf of The Save Mart Companies, is requesting a Special Permit pursuant to Zoning Code Section 18.60.030 to allow for a Christmas tree sale in the parking lot of the Lucky Supermarket located at 3705 El Camino Real. The property is currently zoned CC - Community Commercial, which allows for retail activity as a permitted use, but does not specifically allow outdoor sales uses such as a Christmas tree sales lot. Zoning 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 shopping center property is on the north side of El Camino Real and adjacent to Lawrence Expressway along its eastern edge. Surrounding land uses include commercial uses to the east, west and south along El Camino Real and an apartment complex to the north.

DISCUSSION

The Save Mart Companies owns and operates Lucky stores in Northern California and has ordered 205 trees to sell to customers at this location for a period of four weeks. The Christmas tree sales will include the installation of an outdoor chain link fence and will displace 16 parking spaces. The Christmas tree lot sales will occur on December 6, 2022 through December 24, 2022. Hours of operations shall be consistent with store hours from 6:00 a.m. to 1:00 a.m. The Christmas tree lot will not have additional lighting or generators on-site. The proposed Permit findings of consistency with the Zoning Code and conditions of operation are listed below. The draft permit conditions address allowable hours of operation, additional permit requirements, cleaning of the lot, and nuisance avoidance:

1. Christmas tree lot sales shall be from December 6, 2022 through December 24, 2022;
2. Christmas tree lot sales are restricted to the store's hours from 6:00 a.m. to 1:00 a.m.;
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. The applicant shall comply with Fire Department directives and requirements;
6. There shall be no "searchlight" beams, streamers, or roof-mounted balloons during the term of this Special Permit;

7. This permit is subject to revocation by the Planning Division for violation of any of its conditions of approval, and;
8. At the conclusion of the event, the parking lot shall be cleaned and returned to its prior condition. The proposed temporary use, with limited duration is not anticipated to adversely impact the surrounding land uses in that the event will occur for a period of four weeks and will be subject to conditions which mitigate any potential negative impact. The Special Permit is subject to revocation should problems arise.

ENVIRONMENTAL REVIEW

The action being considered is exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15304(e) (Class 4 - Minor Alterations to Land) as it consists of the minor temporary use of land having negligible or no permanent effects on the environment; the sale of Christmas trees is specifically listed as a permissible temporary use under the Class 4 CEQA exemption.

FISCAL IMPACT

There is no cost to the City other than administrative staff time and expense. The applicant paid for the necessary permit fees.

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 a Christmas Tree Sales Lot from December 6, 2022 through December 24, 2022 at 3705 El Camino Real, subject to conditions.

Reviewed by: Andrew Crabtree, Director of Community Development

Approved by: Rajeev Batra, City Manager

ATTACHMENTS

1. Site Plan