



## Agenda Report

19-1263

Agenda Date: 11/19/2019

### REPORT TO COUNCIL

#### SUBJECT

Action on a request for a Special Permit to allow a Christmas Tree sales Lot at 3705 El Camino Real

#### BACKGROUND

The applicant, Thomas M. Fargo on behalf of The Save Mart Companies, is requesting a two-year 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 trees to sell to customers at this location for a period of four weeks. The Christmas tree sales will include the installation of a 15 by 150-foot outdoor chain link fence and displace 20 parking spaces. The Christmas tree lot sales will occur on November 29, 2019 through December 24, 2019 and November 27, 2020 through December 24, 2020. 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 attached permit articulates the required findings that the City Council must make to approve the subject request. The permit also contains a series of permit conditions that address allowable hours of operation, additional permit requirements, cleaning of the lot, nuisance criteria, and various other criteria.

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) <<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 Save Mart Companies to conduct a Christmas tree sales lot on November 29, 2019 through December 24, 2019 and November 27, 2020 through December 24, 2020, at 3705 El Camino Real (PLN2019-14168), 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
3. Special Permit