



Agenda Report

19-1274

Agenda Date: 11/19/2019

REPORT TO COUNCIL

SUBJECT

Action on a request for a Special Permit to allow for a Christmas Tree Lot at 234 Saratoga Avenue

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 sales lot of the Lucky Supermarket located in the shopping center at 234 Saratoga Avenue. 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 occupies a triangular site bounded by Saratoga Avenue, San Tomas Expressway and Pruneridge Avenue. Surrounding land uses include single-family residential to the east, west and south and the Pruneridge Golf Course 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 five weeks. The Christmas tree sales area will include the installation of a 30 by 30-foot outdoor chain link fence and will occupy eight parking spaces. The Christmas tree sales will occur on November 21, 2019 through December 24, 2019 and November 20, 2020 through December 24, 2020. Hours of operations shall be consistent with store hours from 6:00 a.m. to 12:00 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 use in that the event will occur for a period of five weeks and will be subject to conditions which address potential impacts. 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 Save Mart Companies to conduct a Christmas tree parking lot on November 21, 2019 through December 24, 2019 and November 20, 2020 through December 24, 2020, located at 234 Saratoga Avenue (File No. PLN2019-14175), 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