



City of Sunnyvale

Agenda Item-No Attachments (PDF)

File #: 16-0801, **Version:** 1

REPORT TO THE ZONING ADMINISTRATOR

File #: 2016-7535

Location: 803 West El Camino Real (APN: 165-01-043)

Applicant / Owner: ABC Tree Farms, LLC (applicant) / Pastoria El Camino Partnership (owner)

Proposed Project:

SPECIAL DEVELOPMENT PERMIT to allow seasonal sales (Pumpkin Patch and Christmas trees) on vacant lot from September 1 to December 31, annually.

Reason for Permit: A Special Development Permit (SDP) is required for the seasonal outdoor sale will be conducted longer and more frequently than the duration allowed in the Sunnyvale Municipal Code Section 19.61.040.

Project Planner: Aastha Vashist, (408) 730-7458, avashist@sunnyvale.ca.gov

Issues: Neighborhood compatibility, parking

Recommendation: Approve with conditions

PROJECT DESCRIPTION

The applicant proposes to operate seasonal outdoor sales of pumpkins from September 1 through November 5, 2016 and sale of Christmas trees from November 6 to December 31, 2016. The proposed hours of operation are 10 a.m. to 9 p.m. Sunday through Thursday and 10 a.m. to 10 p.m. Friday and Saturday.

The applicant also proposes to install a tent, inflatable and chemical toilets on site. A 1,600 square-foot tent is proposed on the rear side of the lot. There will be two to eight employees on site during the proposed duration of the use. The use and operation will be the same as approved by the previous Use Permit (2003-0838) for the last twelve years starting from 2004.

See Attachment 4 for the Site and Architectural plans, Attachment 5 for the Project Description Letter provided by the applicant, and Attachment 6 for the Site Photographs.

Background

Previous Planning Projects related to Subject Application:	Yes
• <u>Special Development Permit and Vesting Tentative Map 2015-7756 approved by City Council on 6/21/2016</u> for a mixed use development on a 2.97 acre site with 49 residential units (40 apartments + 8 attached single family homes + 1 detached single family home), approximately 5,662 square feet of commercial space, and expansion of the adjacent Grand Hotel (51 rooms).	
• <u>Miscellaneous Planning Permit 2007-0963 approved by the Staff on 10/2/2007</u> for Halloween pumpkin sales and Christmas tree lot starting September 24 through December 24th.	
• <u>Special Development Permit 2007-0943 denied by Planning Commission on 4/14/2008</u> to modify a previously approved Special Development Permit to allow year-round use of the site including pumpkin sales and Christmas tree lot.	
• <u>Miscellaneous Planning Permit 2007-0436 approved by the Staff on 5/10/2007</u> to allow a 96-inch high wrought iron fence all around the Christmas tree lot at the corner of El Camino and Pastoria Avenue	
• <u>Special Development Permit 2003-0838 approved by the Zoning Administrator on 11/26/2003</u> to allow seasonal outdoor sales from September 1 to January 31, annually for twelve years.	
• <u>Miscellaneous Planning Permit 2002-0697 and 2002-0696 approved by the Staff on 9/16/2002</u> to allow Pumpkin Patch and Christmas tree lot from September 21, 2002 to December 28, 2002.	
• Miscellaneous Planning Permit 2001-0757 approved by the Staff on 11/19/2001 to allow Christmas tree sales through the month of December.	
• <u>Miscellaneous Planning Permit 2000-0688 and 2000-0687 approved by the Staff on 10/4/2000</u> to allow Pumpkin sales 10/5/00 thru 10/31/00 and Christmas tree sales 11/25/00 thru 12/25.	
Neighborhood Preservation Complaint	No active complaints
Deviations from Standard Zoning Requirements	No

The subject site is located in northwest corner of South Pastoria Avenue and West El Camino Real. Seasonal pumpkin and Christmas tree sales have occurred on the vacant 0.54 acre corner parcel for the past 15 years. The vacant parcel has also been previously used as a temporary storage yard for vehicles for local auto dealers. Prior to the existing development, the site was historically used as agricultural land as well as a gas station.

The approximately half acre site was approved to allow seasonal outdoor sales from September 1 to January 31 annually for twelve years starting from 2004 (Project 2003-0838). The applicant requests the establishment of the same use annually from September 1 to December 31, until the property is no longer available for lease.

A Special Development Permit and Vesting Tentative Map (Project 2015-7756) was recently approved by the City Council on June 21, 2016 to allow construction of a four-story mixed use retail/office and residential building consisting of 40 apartment units and approximately 5,600 square feet of commercial space. The project also consists of constructing nine single family homes and a hotel annex building, which is associated with the existing adjacent Grand Hotel at 865 W. El Camino Real. No related building permits have been submitted at this time.

See Attachment 1 for a Vicinity and Noticing map and Attachment 2 for the Project Data Table.

Site Layout

The site maintains vehicular access on S. Pastoria Avenue with dedicated parking on site. The site is enclosed by an 8-foot high wrought iron fence which was required by the previous Use Permit.

During the pumpkin patch season, the site would include a pumpkin display area, inflatable amusement, Halloween décor, one large tent, and chemical toilets including an ADA handicap toilet. The full attached inflatable consisting of two slides and two bounce houses is proposed to be set back 20 feet from the front property lines along West El Camino Real and South Pastoria Avenue (See Attachment 6 for photos of the inflatable amusement).

During the Christmas tree season, the site would include the Christmas tree display area, one large tent structure, and chemical toilets including an ADA handicap toilet. All the structures are temporary and would be removed from the site at the end of the outdoor sales season.

Parking and Circulation

The site provides 13 parking spaces, including 2 accessible spaces. The required parking is calculated by applying the general retail and service parking rate of a minimum of 4 parking spaces per 1,000 square feet. The temporary tent structure totals approximately 1,600 square feet and the inflatable bounce houses and slides total approximately 1,900 square feet of area. The minimum required parking for 3,500 square feet of retail space would be 14 spaces. Therefore, the site is deficient by one parking space; however, the adjacent retail center property at 505 South Pastoria and 833 West El Camino Real has allowed the use of one parking space for the proposed seasonal use. These properties are owned by the same property owner and have 126 parking spaces, where 88 spaces are minimum required by applying a shopping center rate of 4 parking spaces per 1,000 square feet of space.

Attachment 7 includes a letter from the property owner confirming the shared use of parking of the neighboring property at 505 South Pastoria and 833 West El Camino Real.

Development Standards

The project meets the guidelines and standards outlined in the Sunnyvale Municipal Code.

A separate sign permit shall be required for all new signage at the property. Signage is prohibited from being placed upon the tent surface for compatibility with the adjacent uses and to conform to the restriction of placing signs above the roofline of a building.

Neighborhood Impacts

As conditioned, the proposed temporary use is not anticipated to have significant impacts on the surrounding commercial uses. The use will occupy the site for less than four months a year and sufficient parking is provided on the site. Per the required condition of approval for the previous Use Permit (2003-0838), the site has been paved and fenced.

See Attachment 3 for the recommended Conditions of Approval for the application.

Public Contact: 50 notices were sent to surrounding property owners and residents adjacent to the subject site in addition to standard noticing practices, including advertisement in the Sunnyvale Sun Newspaper and on-site posting. No letters or calls were received from the public by staff.

Environmental Determination: The project being considered is categorically exempt from review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guideline Section 15304 (e) as it is a minor temporary use of land having negligible or no permanent effects on the environment.

FINDINGS

In order to approve the Special Development Permit the following findings must be made:

1. *Attain the objectives and purposes of the general plan, specific plan, precise plan, or other specialized plan of the city of Sunnyvale. **Finding Met.***

Land Use and Transportation Policy LT-4.14. Support the provision of a full spectrum of public and quasi-public services (e.g., parks, day care, group living, recreation centers, religious institutions) that are appropriately located in residential, commercial and industrial neighborhoods and ensure that they have beneficial effects on the surrounding area.

The proposed use, as conditioned, will add to the spectrum of public and quasi-public services available in the City, thus enhancing the overall quality of life.

2. *Ensure that the general appearance of proposed structures, or the uses to be made of the property to which the application refers, will not impair either the orderly development of, or the existing uses being made of, adjacent properties. **Finding Met.***

The proposed use is desirable and will not impair either the orderly development of, or the existing uses within the adjacent properties and within the Zoning District. The use is temporary in nature, but provides a desired and needed diversity of economic activity for the city. The proposed development meets acceptable standards of development within commercial zones.

ALTERNATIVES

1. Approve the Special Development Permit with recommended Conditions in Attachment 2.
2. Approve the Special Development Permit with modifications.
3. Deny the Special Development Permit.

RECOMMENDATION

Alternative 1. Approve the Special Development Permit with recommended Conditions in Attachment 2.

Prepared by: Aastha Vashist, Assistant Planner

Approved by: Ryan Kuchenig, Senior Planner

ATTACHMENTS

1. Vicinity and Noticing Map
2. Project Data Table
3. Recommended Conditions of Approval
4. Site and Architectural Plans
5. Project Description by the Applicant
6. Site Photographs
7. Letter allowing parking at the neighboring property