



STAFF REPORT TO THE PLANNING COMMISSION

DATE: May 7, 2018 Regular Planning Commission Meeting of

TO: Chair Bailey and Members of the Planning Commission

SUBMITTED BY: Holly Smyth, Director of Planning

SUBJECT: Conditional Use Permit #CUP 18-23 for ABC Tree Farms, LLC, to operate a Kid's Summer Fun Zone, Halloween/Pumpkin Patch, and a Christmas Tree Lot sales Seasonal Outdoor Sales Events at Markethall at the northeast corner of San Pablo and Sycamore Avenues

1. RECOMMENDATION

Receive report, hold a public hearing, discuss potential changes, and consider adopting draft resolution #18-10 to approve Conditional Use Permit - #CUP 18-2 based on findings with facts and conditions of approval included therein.

2. PROJECT DESCRIPTION

Similar to past years, the applicant ABC Tree Farms, LLC, represented by Jerome R. Klima, Jr., and Holly Prinz, propose to use approximately 40,000 sq. ft. (roughly one acre) of the eastern portion of the Market Hall site adjacent the northeast corner of Sycamore and San Pablo Avenues as a temporary seasonal event/sales venue for 3 outdoor events including:

1. Kid's Summer Fun Zone scheduled from June 1, 2018 through September 9, 2018. Hours of operation are proposed to be limited to 3 days a week Friday, Saturday and Sunday from 10:00 am to 8:00 pm. The applicant requests that the Summer Fun Zone be permitted to operate mid-week for special group reservations as requested. The Conditions of Approval, #1a reflects Mr. Klima's request)
2. Halloween pumpkin patch is proposed to run from September 18 through October 31, 2018, and operate 7 days a week, Sunday through Thursday 10:00 am to 9:00 pm and Friday and Saturday from 10:00 am to 10:00p m
3. Christmas Tree sales lot from November 20 through December 24, 2018. Hours of operation is proposed to be 7 days a week Sunday through Thursday 10:00 am to 9:00 pm, and Friday and Saturdays from 9:00 am to 9:00 pm.

The applicant proposes to use the site, which is under private ownership, (Trestle Hercules LLC, Palo Alto, CA) from June 1 through December 24, 2018, pending approval by the City Planning Commission. ABC Tree Farms has operated similar events in past years at the "Market Hall" site. The street frontages of the Market Hall site is presently overgrown with weeds and should be cleaned-up; the project has been conditioned to maintain the property.

Description of Summer Fun Zone: The applicant requests that the Summer Fun Zone be permitted to setup **May 20, 2018**, and tear-down their setup by September 19, 2018. The Fun Zone consists of 12 inflatable amusements including bounce houses, obstacle courses, and slides for children ages 2-12, small jumpers (20 ft x 20 ft), medium jumpers and 40 ft x 60 ft slide, and a “pirate ship” tent. Power is supplied by PG&E power poles currently on site. The property is currently improved with 65+ striped parking spaces, vehicles enter the site from San Pablo Avenue at the traffic signal. A manager will be on-site for security purposes, and 2 to 8 employees will be on-site throughout the summer fun season. Other improvements for all events include chemical toilets for restroom facilities, garbage receptacles and utility services. Items for sale include inflatable ride passes, packaged snacks and beverages.

Description of Pumpkin Patch: The proposed days for the Halloween pumpkin patch (including set up and take down) are from September 18 through October 31, 2018. In addition to pumpkins, the Halloween pumpkin patch will offer for sale gourds, squash, corn, Halloween items and décor, and fresh farm produce. Goods will be set up for display in one 60-ft. x 60-ft. tent and two 20-ft. x 20-ft tents. The event will also have up to 12 inflatable amusement features, including bounce houses, obstacle courses, and slides for children ages 2–12. Children ages 4–7 will be able to race “Gators”—small (child-size) battery-powered plastic vehicles that do not exceed a speed of 5 mph—on a small, hay bale encircled track. Based on its past local experience, the applicant anticipates approximately 2,500 people will attend the event over the course of 30 days. The Pumpkin Patch site improvements are similar to the Summer Fun Zone site improvements. And similar to the Summer Fun Zone, a manager will be on-site for security purposes, and 2 to 8 employees will be on-site throughout the Halloween Pumpkin Patch season.

Description of Christmas Tree Lot: The Christmas tree lot will feature the sale of Christmas trees, wreaths, garlands, and assorted Christmas holiday items set up for display in a 60-ft. x 60-ft. tent. The proposed Christmas tree lot hours of operation are 10:00 a.m.–9:00 p.m., Sundays through Thursdays, and 9:00 a.m.–9:30 p.m. on Fridays and Saturdays. Based on prior local experience, the applicant anticipates that approximately 1,500 families will visit the Christmas tree lot over the course of the 30 day period. Lot set up and tear down is proposed to take place 10 days prior and 10 days after sales period. No inflatables are proposed to be developed on the site, and in its place Christmas trees are proposed be displayed for purchase. A manager will be staying on-site for security with 2-10 employees for the Christmas tree season.

Circulation, Access, and Parking: Vehicular and pedestrian access to the site is from San Pablo Avenue, a fully improved, four-lane, signalized street with curbs, gutters, sidewalks, and landscaped medians.

Food & Drinks: The applicant intends to sell pre-packaged chips, soda, juice, and water, The County Health Department does not require food permits for selling pre-packaged food and beverages. Customers may bring food for on-site consumption (e.g., for birthday parties).

Signage: The applicant proposes to hang an 8-ft. x 8-ft. “Pick of the Pumpkin Patch” banner; and a 4-ft. x 8-ft. “ABC Tree Farms” to promote the Christmas tree sales.

Security: During the Halloween pumpkin patch sales, security during operating hours will be provided by the on-site manager and employees. During non-business hours, the sales area will be secured around its perimeter with a 6-ft.-high chain-link fence hung on poles spaced 10 feet apart. Within the chain-link fence area, valuable items and equipment will be secured overnight within a locked storage container. In addition to these security provisions, the applicant plans for the Christmas sales season to provide on-site living quarters for the manager and around-the-clock security.

Lighting: For evening hours of operation, the site will be lit with a combination of the following:

- Festoon lighting to illuminate the perimeter of the site and spaced on lines thirty feet apart within the interior of the sales area to illuminate the area for pedestrian traffic.
- Halogen 300-watt spotlights mounted on light poles adjacent to the inflatable games and adjusted so as to not shine outside the immediate game area and to not be viewable from adjacent roads.
- Halide lights on mobile light towers outside the sales area to illuminate the parking lot and entry areas for vehicular and pedestrian traffic. The mobile light towers are adjustable up to a height of 20 ft. but would be lowered during non-business hours and during periods of high winds.

Utilities & Miscellaneous Logistics: Chemical toilets and waste receptacles will be provided on site. Applicant will bag all waste and garbage and remove from the site every other day, and more often if needed. During the Christmas event, the applicant intends to remove via a container all tree waste to a disposal facility in Martinez.

Power will be supplied using existing power poles and through a “whisper soft” generator, which during operation will be grounded to a grounding rod. The generator will be located at least 25 feet from all tents and canopies and enclosed within a 4-foot-tall fence to prevent any customer or animal access. The generator shall be clearly marked with “Caution” signs, and all leads into the generator will be enclosed in conduit.

Payments and transactions will be facilitated by mobile credit card terminals; no on-site automated teller machines (ATMs) will be provided.

3. ENVIRONMENTAL DETERMINATION

No determination or action is needed from the Planning Commission. The proposed project is Categorically Exempt¹ according to the California Environmental Quality Act (CEQA), Section 15304(e), “Minor Alterations to Land,” Class 4 “consists of *minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes. Examples include, but are not limited to:*

(e) Minor temporary use of land having negligible or no permanent effects on the environment, including carnivals, sales of Christmas trees, etc.”

¹

4. GENERAL PLAN DESIGNATION AND CONFORMANCE

The City of Hercules Land Use and Zoning Map, as last revised and adopted by the City Council designates the property in question as “General Commercial”. The project site is also subject to develop uses and regulations approved from the Market Hall specific plan.

Per Chapter 50 of the Hercules Zoning Ordinance, staff can administratively issue temporary use permits for seasonal events lasting up to 30 days. However, because the summer fun zone, pumpkin patch and the Christmas tree lot each last longer than 30 days, each requires a conditional use permit approved by the Planning Commission. Because the three events occur in close succession (within two weeks of each other), staff accepted a single application and recommends a single conditional use permit (CUP 18-2) to apply to all 3 events.

Chapter 50 of the Hercules Zoning Ordinance also permits the Planning Commission to issue conditional uses within a district, usually with conditions of approval, mandatory review periods, and expiration periods as required at the discretion of the Planning Commission. The Planning Commission may impose requirements and conditions with respect to location, siting, construction, maintenance, operation, duration and overall development as deemed reasonable and for the protection of adjacent properties and the public interest as necessary

5. SURROUNDING LAND USE AND ZONING

	<u>Zone</u>	<u>Land Use</u>
North	Planned Commercial-Residential	Vacant
South	General Commercial	ORB shopping center (Shell gas station, Jack in the Box, Starbucks, Extreme Pizza, Kinders Deli, Chase Bank, etc.)
East	General Commercial	Vacant; undeveloped
West	General Commercial	Vacant; undeveloped

6. PLANNING COMMISSION’S CONSIDERATION

The Planning Commission should consider if the proposed operation of a Kid’s Fun Zone, temporary pumpkin patch and Christmas tree lot for the requested period is appropriate for the site and in keeping with the existing surrounding uses. Staff has reviewed the proposed temporary fun zone, pumpkin patch and Christmas tree lot and recommends approval of Conditional Use Permit No. 18-2, with the conditions of approval contained in the attached Draft Resolution #18-10 based on the facts and findings contained therein.

7. ATTACHMENTS:

Attachment 1 – Resolution #18-10 with Conditions of Approval for CUP 18-2

Exhibit A– Findings with Facts for CUP 18-2

Exhibit B – Site Plan for Summer Fun Zone, Halloween pumpkin patch, and Christmas Tree Lot