

**Findings with Facts for Conditional Use Permit #CUP 18-2
ABC Tree Farms Seasonal Outdoor Fun Zone, Pumpkin Sales and
Christmas Tree Sales at Market Hall Site**

Section 50.300 of the Zoning Ordinance requires the following findings be affirmed with facts prior to approval of any conditional use permit request.

FINDING NO. 1: *That the proposed use is consistent with the General Plan.*

FACT: The operation of a temporary outdoor Fun Zone, pumpkin patch and Christmas tree lot on a vacant parcel in a General Commercial zone is consistent with the General Plan. As noted below, this project is consistent with several General Plan objectives and policies:

- a. "...reduce the need for residents to leave the community by providing a variety of shopping and service opportunities." Land Use Element Policy 2B, page II-12.
- b. "[Enable] activities that would provide services, shopping opportunities which would attract employees, clients and patrons from a regional area, while not disturbing existing residential and community oriented areas." Land Use Element Policy 3D, page II-14.
- c. "Develop sufficient employment and commercial tax generating uses to maintain a positive City government fiscal condition." Land Use Element Objective 4, page II-15.
- d. "Encourage uses that bring additional revenues (retail sales, property taxes) either directly or indirectly to the City." Land Use Element Policy 4B, page II-15.

FINDING NO. 2: That the proposed location of the use conforms with the purposes of the zoning ordinance and the purposes of the district in which the site is located, and will comply with the applicable provisions of the Zoning Ordinance.

FACT: The temporary outdoor Summer Fun Zone, pumpkin patch and Christmas tree sales lot uses are consistent with specific zoning purposes of Chapter 8, Commercial Districts and the following on page 23 of the adopted Zoning Ordinance: Specific Purpose of Commercial Districts No. 5, "encourage local and regional commercial uses that can benefit from substantial regional traffic on I-80, SR-4, and San Pablo Avenue." And Specific Purpose No. 6, "promote development of a regional commercial recreation center or complex." And No. 7, "expand the range of recreational activities and opportunities available in the community and allow for a mix of private

commercial and public/semi-public recreation and support uses that contribute to a full service recreational facility within a property or project.

FINDING NO. 3: That the location, size, design, and operating characteristics of the proposed use will be compatible in design, scale, coverage, and density with existing and anticipated adjacent uses.

FACT: The temporary outdoor Fun Zone, pumpkin patch and Christmas tree lot meets the performance standards for General Commercial-use zones, including allowed uses, floor-to-area ratio, setbacks, site coverage, landscaping, height, parking, and signage requirements.

FINDING NO. 4: That there is adequate access, traffic, public utility, and public service capacity for the proposed use and surrounding existing and anticipated uses.

FACT: The proposed site for the temporary outdoor Fun Zone, pumpkin patch and Christmas tree lot is served by an existing, fully-improved, five-lane road with curbs, gutters, and sidewalks. Vehicle access to the site is provided via an existing two-lane curb cut. No water or sewer services currently exist on the site; however, the site has limited electrical service with existing limited power service, and the applicant will provide independent power for on-site lighting and operations via a secured, portable “whisper soft” diesel generator. Portable restrooms and waste receptacles will also be furnished on-site.

FINDING NO. 5: That there are no potential, significant adverse environmental impacts that could not be mitigated and monitored.

FACT: The use of an approximately 1-acre portion of a vacant 6.6-acre parcel for a temporary outdoor Kid’s Summer Fun Zone, Halloween pumpkin patch and Christmas tree lot is Categorical Exempt from the California Environmental Quality Act (CEQA), per Section 15304(e) of the *CEQA Guidelines*, “Existing Facilities”; all potential adverse environmental impacts have been mitigated and/or are being monitored. Striped parking for 65 cars is provided within the event site. Parking on San Pablo and Sycamore Avenues are not permitted. Residents in nearby homes can walk to the outdoor events using existing sidewalks.