

Planning Commission –March 11, 2020
CONDITIONS OF APPROVAL

16769 Farley Road
Conditional Use Permit Application U-20-001

Requesting approval of a modification to an existing Conditional Use Permit for expanded hours of operation in an institution for religious observance (West Valley Muslim Association) on property zoned R-1:8. APN 424-21-062.

PROPERTY OWNER: West Valley Muslim Association

APPLICANT: Javed Khan

TO THE SATISFACTION OF THE DIRECTOR OF COMMUNITY DEVELOPMENT:

Planning Division

1. APPROVAL: This application shall be completed in accordance with all of the conditions of approval and in substantial compliance with the approved plans. Any changes or modifications to the approved plans shall be approved by the Community Development Director, DRC or the Planning Commission depending on the scope of the changes.
2. EXPIRATION: The approval will expire two years from the approval date pursuant to Section 29.20.320 of the Town Code, unless the approval has been vested.
3. LAPSE FOR DISCONTINUANCE: If the activity for which the Conditional Use Permit has been granted is discontinued for a period of one (1) year, the approval lapses pursuant to Section 29.20.340 of the Zoning Ordinance.
4. CERTIFICATE OF USE AND OCCUPANCY: A Certificate of Use and Occupancy must be obtained prior to commencement of use.
5. TOWN INDEMNITY: Applicants are notified that Town Code Section 1.10.115 requires that any applicant who receives a permit or entitlement from the Town shall defend, indemnify, and hold harmless the Town and its officials in any action brought by a third party to overturn, set aside, or void the permit or entitlement. This requirement is a condition of approval of all such permits and entitlements whether or not expressly set forth in the approval, and may be secured to the satisfaction of the Town Attorney.
6. COMPLIANCE MEMEMORANDUM: A memorandum, in compliance with standard Town practice, shall be prepared and submitted with the building permit detailing how the conditions of approval will be addressed.
7. USE: Maintain an existing Church facility
8. The leaders' quarters shall not be allowed for any use other than living quarters for leaders associated with the institution.
9. HOURS: Maximum hours of operation shall not extend past 10:00 p.m. except for 30 days during religious service for the month of Ramadan which hours of operation shall not extend past 11:00 p.m.
10. Windows on the west elevation shall remain closed.

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**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 03/11/2020

ITEM NO: 2

DATE: March 6, 2020
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: Requesting approval of a modification to an existing Conditional Use Permit for expanded hours of operation in an institution for religious observance (West Valley Muslim Association), located at **16769 Farley Road** (APN 424-21-062). Conditional Use Permit Application U-20-001. Property Owner: West Valley Muslim Association. Applicant: Javed Khan.

RECOMMENDATION:

Approval, subject to the recommended Conditions of Approval.

PROJECT DATA:

General Plan Designation: Low Density Residential
Zoning Designation: Single-Family Residential, R-1:8
Applicable Plans & Standards: General Plan
Parcel Size: 0.21 acres
Surrounding Area:

	Existing Land Use	General Plan	Zoning
North	Residential	Low Density Residential	R-1:8
South	Residential	Low Density Residential	R-1:8
East	Residential	Low Density Residential	R-1:8
East	Residential	Low Density Residential	R-1:8

PREPARED BY: Diego Mora
Assistant Planner

Reviewed by: Planning Manager and Community Development Director

PAGE 2 OF 5

SUBJECT: 16769 Farley Road/U-20-001

DATE: March 6, 2020

CEQA:

The project is Categorical Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15301: Existing Facilities. No significant effect on the environment will occur since the project uses an existing structure with no increase in floor area.

FINDINGS:

- The project is Categorical Exempt pursuant to the adopted Guidelines for the Implementation of California Environmental Quality Act, Section 15301: Existing Facilities. No significant effect on the environment will occur since the project uses an existing structure with no increase in floor area.
- As required by Section 29.20.190 of the Town Code for granting approval of a Conditional Use Permit application.

ACTION:

The decision of the Planning Commission is final unless appealed within ten days.

BACKGROUND:

On January 10, 1990, the Planning Commission approved a Conditional Use Permit (U-89-11) to allow the improvement and expansion of an existing institution for religious observance facility (Exhibit 4).

PROJECT DESCRIPTION:

A. Location and Surrounding Neighborhood

The subject site, located at 16769 Farley Road approximately 700 feet west of Los Gatos Boulevard, is currently used for religious observance. The adjacent properties on all sides are zoned R-1:8 (Exhibit 1).

B. Project Summary

The applicant is requesting approval of a Conditional Use Permit (CUP) modification for expanded hours of operation from 10:00 p.m. to 11:00 p.m., for 30 days annually during the religious service month of Ramadan.

When reviewing a CUP, the deciding body should consider the information in the applicant's Written Description (Exhibit 5); however, the key consideration should be the proposed use

PROJECT DESCRIPTION (continued):

since the CUP runs with the land and the operational details can change from owner to owner.

C. Zoning Compliance

Pursuant to Town Code, the proposed use is an institution for religious observance, which is allowed in the R-1:8 zone, subject to the approval of a CUP. Section 29.20.750(8) of the Town Code (Zoning Regulations) requires Planning Commission consideration of CUPs not assigned to the Development Review Committee or Town Council.

DISCUSSION:

A. Conditional Use Permit Application

The applicant proposes to expand the hours of operation from 10:00 p.m. to 11:00 p.m., for 30 days annually during the religious service month of Ramadan. The applicant has provided a Written Description (Exhibit 5) describing operational details for the proposed use.

The applicant indicates that the service month of Ramadan changes based on the lunar calendar. For the year 2020, Ramadan will be from April 23, 2020 to May 23, 2020. Ramadan prayer services begin at 8:30 p.m., with an anticipated 10 to 25 members using the facility. The applicant is requesting expanded hours of operation from 10:00 p.m. to 11:00 p.m., to allow participants and West Valley Muslim Association members to attend the prayer service.

B. Traffic and Parking

The site is currently used for religious observance and there would be no increase in traffic impacts or required parking.

C. Conditional Use Permit Findings

In order to grant approval of a CUP, the deciding body must make the following findings:

1. The proposed use of the property is essential or desirable to the public convenience or welfare; and
2. The proposed use would not impair the integrity and character of the zone; and
3. The proposed use would not be detrimental to public health, safety, or general welfare; and

DISCUSSION (continued):

4. The proposed use of the property is in harmony with the various elements or objectives of the General Plan and the purposes of the Town Code.

With regards to the first finding, the use will continue providing a facility for religious observance to which members have grown accustomed. With regards to the second finding, the use will not impair the integrity of the zone because limitations will be placed in the conditions of approval to preserve the character of the residential zone. With regards to the third finding, the use will not be detrimental to public health safety or general welfare because the conditions of approval will address any potential impacts. With regards to the final finding, the proposed use meets the objectives of the General Plan and Town Code as discussed within this report.

D. General Plan

Institutions for religious observance are distributed throughout the Town. The use is consistent with the Low Density Residential General Plan land use designation for the property with the approval of a CUP. The proposed project would have no exterior impacts, maintaining the small-town, residential scale and natural environments of adjacent residential neighborhoods.

The goals and policies of the 2020 General Plan applicable to this project include, but are not limited to:

- Policy LU-6.2 - Allow non-residential activity in residential areas only when the character and quality of the neighborhood can be maintained.
- Action LU-6.2 - The conditional use permit approvals for non-residential uses in residential zones shall be reviewed by the Planning Commission on an as-needed basis for any adverse impacts, nuisances, or any required modifications.

E. CEQA Determination

The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15301: Existing Facilities. No significant effect on the environment will occur since the project uses an existing structure with no increase in floor area.

PUBLIC COMMENTS:

Written notice was sent to property owners and tenants within 300 feet of the subject property. At the time of this report's preparation, the Town has not received any public comments.

CONCLUSION:

A. Summary

The applicant is requesting approval of a modification to an existing CUP for expanded hours of operation from 10:00 p.m. to 11:00 p.m., in an existing institution for religious observance, for 30 days annually during the religious service month of Ramadan.

No change in use or additional square footage is proposed; therefore, there will be no increase in traffic impacts or required parking. The proposed use would be in conformance with the Town Code and is consistent with the General Plan.

B. Recommendation

Based on the analysis above, staff recommends approval of the CUP subject to the recommended conditions of approval (Exhibit 3). If the Planning Commission finds merit with the proposed project, it should:

1. Make the finding that the proposed project is categorically exempt, pursuant to Section 15301 of the California Environmental Quality Act as adopted by the Town (Exhibit 2); and
2. Make the findings as required by Section 29.20.190 of the Town Code for granting approval of a CUP (Exhibit 2); and
3. Approve CUP modification application U-20-001 with the conditions of approval attached in Exhibit 3.

C. Alternatives

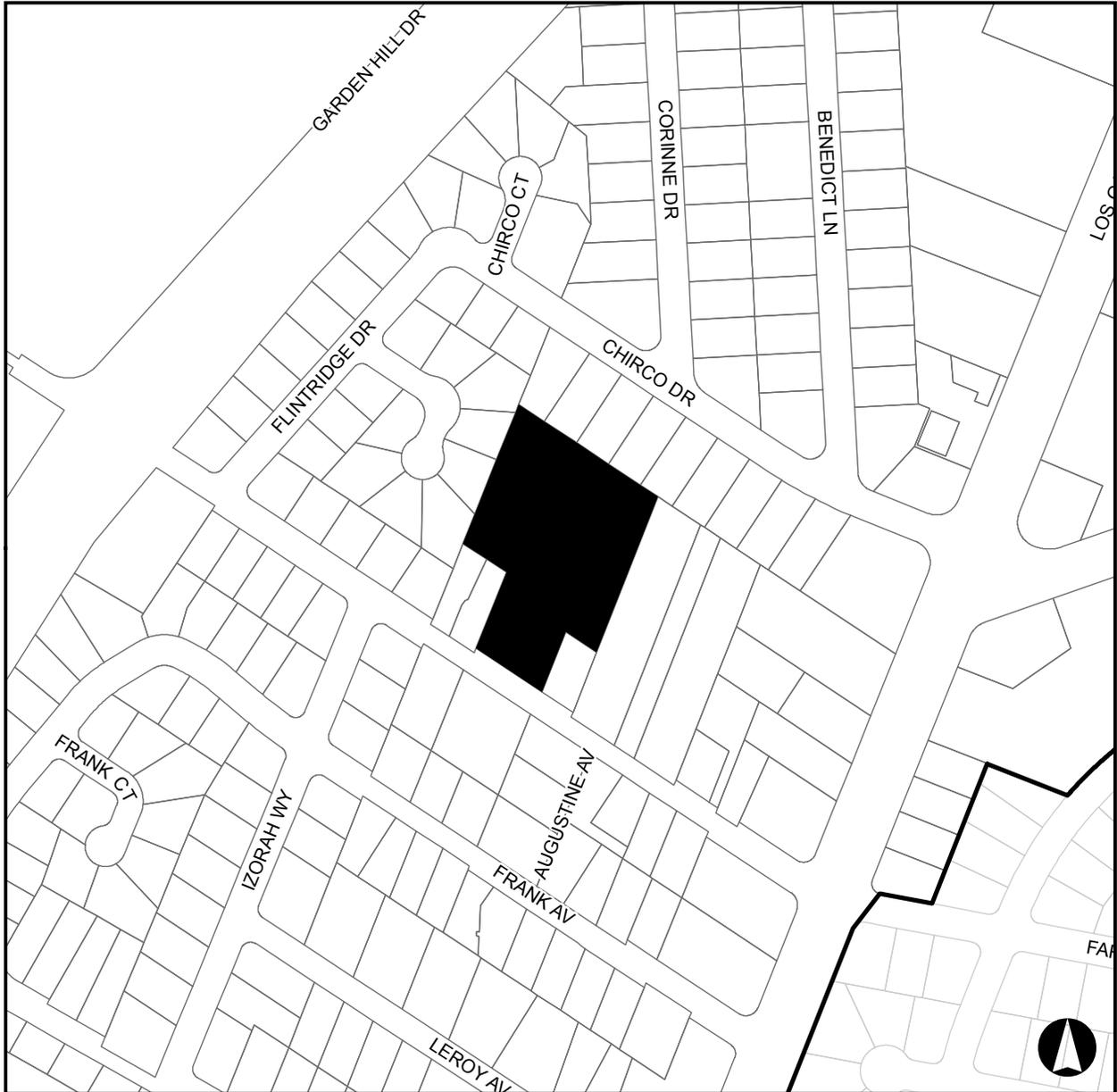
Alternatively, the Commission can:

1. Continue the matter to a date certain with specific direction; or
2. Approve the application with additional and/or modified conditions; or
3. Deny the application.

Exhibits:

1. Location Map
2. Required Findings for Conditional Use Permit
3. Recommended Conditions of Approval
4. Existing Conditional Use Permit (U-89-11)
5. Written Description

16769 Farley Road



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PLANNING COMMISSION – March 11, 2020
REQUIRED FINDINGS FOR:

16769 Farley Road
Conditional Use Permit Application U-20-001

Requesting approval of a modification to an existing Conditional Use Permit for expanded hours of operation in an institution for religious observance (West Valley Muslim Association) on property zoned R-1:8. APN 424-21-062.

PROPERTY OWNER: West Valley Muslim Association

APPLICANT: Javed Khan

FINDINGS

Required Finding for CEQA:

- The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of California Environmental Quality Act, Section 15301: Existing Facilities. No significant effect on the environment will occur since the project uses an existing structure with no increase in floor area.

Required findings for a Conditional Use Permit:

- As required by Section 29.20.190 of the Town Code for granting a Conditional Use Permit:

The deciding body, on the basis of the evidence submitted at the hearing, may grant a conditional use permit when specifically authorized by the provisions of the Town Code if it finds that:

1. The proposed use of the property is essential or desirable to the public convenience or welfare because it will continue providing a facility for religious observance to which members have grown accustomed; and
2. The proposed use would not impair the integrity and character of the zone because limitations will be placed in the conditions of approval to preserve the character of the residential zone; and
3. The proposed use would not be detrimental to public health, safety, or general welfare because the conditions of approval will address any potential impacts; and
4. The proposed use of the property is in harmony with the various elements or objectives of the General Plan and the purposes of the Town Code.

EXHIBIT 2

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Planning Commission –March 11, 2020
CONDITIONS OF APPROVAL

16769 Farley Road
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PROPERTY OWNER: West Valley Muslim Association

APPLICANT: Javed Khan

TO THE SATISFACTION OF THE DIRECTOR OF COMMUNITY DEVELOPMENT:

Planning Division

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6. COMPLIANCE MEMEMORANDUM: A memorandum, in compliance with standard Town practice, shall be prepared and submitted with the building permit detailing how the conditions of approval will be addressed.
7. USE: Maintain an existing Church facility
8. ~~A Tree Removal Permit is to be obtained prior to the issuance for a Building Permit.~~
9. The leaders' quarters shall not be allowed for any use other than living quarters for ministers leaders associated with the church facility institution.
10. HOURS: Maximum H hours of operation shall not extend past 10:00 p.m. except for 30 days during religious service for the month of Ramadan which hours of operation shall not extend past 11:00 p.m.

EXHIBIT 3

11. Windows on the west elevation shall remain closed.
12. ~~The new fence on the easterly side of the property shall be of the same type of redwood as currently exists there now.~~
13. ~~Final drainage driveway plan to be provided.~~
14. ~~An Encroachment Permit shall be obtained for any work in the public right of way.~~



TOWN of LOS GATOS
PLANNING DEPARTMENT
(408) 354-6872

286-1348

786 6757
KEN PRISTON

January 25, 1990

Keith Marshall
257 Las Miradas Drive
Los Gatos, CA 95030

- RE: 16769 Farley Road
- a. Conditional Use Permit Application U-89-11
 - b. Architecture and Site Application S-89-53

Requesting permission to maintain an existing church facility, to remove existing and rebuild a caretaker's unit, construct library and hallway addition and to make other miscellaneous building, parking and landscaping modifications.

PROPERTY OWNER: Los Gatos Congregation of Jehovah's Witnesses, Inc.
APPLICANT: Keith Marshall

The Town of Los Gatos Planning Commission, at its meeting of January 10, 1990, approved the above application subject to the following conditions:

TO THE SATISFACTION OF THE PLANNING DIRECTOR:

1. A Tree Removal Permit is to be obtained prior to the issuance of a Building Permit.
2. The ministers' quarters shall not be allowed for any use other than living quarters for ministers associated with the church facility.
3. Hours of Operation shall not extend past 10:00 p.m.
4. Windows on the west elevation shall remain closed.
5. The new fence on the easterly side of the property shall be of the same type of redwood as currently exists there now.

Keith Marshall
16769 Farley Road/S-89-53
January 25, 1990 - Page 2

TO THE SATISFACTION OF THE TOWN ENGINEER:

6. Final drainage driveway plan to be provided.
7. An Encroachment Permit shall be obtained for any work in the public right-of-way.

If you have any questions, please contact Kirk Heinrichs of this department.



Lee E. Bowman
Planning Director

LEB:smk

cc: Los Gatos Congregation of Jehovah's Witnesses, Inc.,
Development Review Committee (7)

PC ACT 4

WRITTEN DESCRIPTION OF PROPOSED PROJECT for WVMA Conditional Use Permit

The West Valley Muslim Association of Los Gatos would like to request a conditional use permit to allow for use of facility till 11 PM for 30 days annually. This is to accommodate religious services for the month of Ramadan which is based on the lunar calendar. As of 2020 Ramadan will be from April 23rd till May 23rd will be approximately 2 weeks earlier the following year. Prayer services for the month of Ramadan would begin at approximately 8:30 PM and we would like to request use of the facility until 11 PM. This is to allow remaining members of the congregation to finish services and leave the facility. We anticipate between 10 to 25 members using the facility until 11 PM for Ramadan. As service begins at 8:30 PM no new members will be arriving past 9 PM and the conditional use permit is to allow the use of the facility from 10 PM till 11 PM allowing WVMA members to finish prayer service and exit facility.

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**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

**MINUTES OF THE PLANNING COMMISSION MEETING
MARCH 11, 2020**

The Planning Commission of the Town of Los Gatos conducted a Regular Meeting on Wednesday, March 11, 2020, at 7:00 p.m.

MEETING CALLED TO ORDER AT 7:00 P.M.

ROLL CALL

Present: Chair Melanie Hanssen, Vice Chair Kathryn Janoff , Commissioner Mary Badame, Commissioner Jeffrey Barnett, Commissioner Matthew Hudes, and Commissioner Reza Tavana
Absent: Commissioner Kendra Burch

PLEDGE OF ALLEGIANCE

Commissioner Badame led the Pledge of Allegiance. The audience was invited to participate.

VERBAL COMMUNICATIONS

None.

CONSENT ITEMS (TO BE ACTED UPON BY A SINGLE MOTION)

1. **Approval of Minutes** – February 26, 2020.

MOTION: **Motion by Commissioner Badame** to approve adoption of the Consent Calendar. **Seconded by Commissioner Hudes.**

VOTE: **Motion passed unanimously**

PUBLIC HEARINGS

2. **16769 Farley Road**
APN 424-21-062
Applicant: Javed Khan
Property Owner: West Valley Muslim Association

Requesting approval of a modification to an existing Conditional Use Permit for expanded hours of operation in an institution for religious observance (West Valley Muslim Association).

Diego Mora, Assistant Planner, presented the staff report.

Opened Public Comment.

Kareem Syed, WVMA Community Outreach Director

- They request to extend the hours of operations from 10:00 p.m. to 11:00 p.m. during the month of Ramadan to allow services to finish and for people to exit the facility.

Unidentified Male

- He lives close to the subject site. He arrived late and missed some of the applicant's presentation and asked how much of a time extension the applicant had requested.

Kareem Syed, WVMA Community Outreach Director

- The extended hours of use would be from 10:00 p.m. to 11:00 p.m., and for that amount of time they expect possibly 5-10 cars to leave prior to 11:00 p.m., so it would not be extensive. The extended hours would be for the month of Ramadan, starting around the end of April and going into May, and the remainder of the year operations would end at 10:00 p.m.

Closed Public Comment.

Commissioners discussed the matter.

MOTION: **Motion by Commissioner Barnett** to approve a modification to an existing Conditional Use Permit for 16769 Farley Road. **Seconded by Commissioner Hudes.**

VOTE: **Motion passed unanimously.**

OTHER BUSINESS

REPORT FROM THE DIRECTOR OF COMMUNITY DEVELOPMENT

Joel Paulson, Director of Community Development

- The Town Council met on 3/3/20 and considered an appeal of the 15365 Santella Court project that was approved by the Planning Commission. Town Council denied the appeal and approved the project.
- The General Plan Advisory Committee will meet on 3/19/20 to discuss the Human Services Element for the General Plan Update.

- The Town Council will meet on 3/17/20 to discuss the General Plan land use alternative that the Planning Commission discussed, large family daycare, accessory dwelling units, and the General Plan Annual Progress Report.

SUBCOMMITTEE REPORTS/COMMISSION MATTERS

None.

ADJOURNMENT

The meeting adjourned at 7:22 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the March 11, 2020 meeting as approved by the Planning Commission.

/s/ Vicki Blandin