



**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

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