



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 05/21/2026

ITEM NO: 1

DATE: May 15, 2026
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: Consider a Request for Approval to Modify 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. **Located at 16769 Farley Road.** APN 424-21-062. Categorically Exempt Pursuant to CEQA Guidelines Section 15301: Existing Facilities. Property Owner: West Valley Muslim Association, Osmar Ghafoor, President. Applicant: Razi Mohiuddin. Project Planner: Jocelyn Shoopman.

REMARKS:

On May 13, 2026, the Planning Commission discussed the item and received testimony from the applicant and the public regarding the alternative conditions of approval considered by the Planning Commission. The Planning Commission continued the item to a date certain of May 21, 2026.

A clean version and track changes version of the modified conditions of approval to reflect the May 13, 2026, Planning Commission meeting are attached as Attachment A of Exhibit 44 and Exhibit 45, respectively.

CONCLUSION:

Staff recommends that the Planning Commission adopt the draft Resolution (Exhibit 44) to make the required findings and approve the modification of the CUP subject to the conditions of approval (Exhibit 44, Attachment A):

1. Find that the proposed project is Categorically Exempt, pursuant to Guidelines for the Implementation of the California Environmental Quality Act, Section 15301;
2. Find that the project meets the objective standards of Chapter 29 of the Town Code (Zoning Regulations);

PREPARED BY: Jocelyn Shoopman
Senior Planner

Reviewed by: Planning Manager, Community Development Director, and Town Attorney

3. Make findings as required by Town Code section 29.20.190 for granting approval of a modification to a CUP; and
4. Adopt the draft Resolution to approve the CUP application, U-24-010, with the recommended conditions of approval contained in Exhibit 44, Attachment A.

PUBLIC COMMENTS:

Public comments received between 11:01 a.m., Wednesday, May 13, 2026, and 3:00 p.m., Friday, May 15, 2026, are included as Exhibit 46.

EXHIBITS:

Previously Received with the March 25, 2026, Staff Report:

1. Location Map
2. Draft Resolution Making the Required Findings and Approving the Application Subject to the Conditionals of Approval (Included as Attachment A)
3. Conditional Use Permit U-89-11
4. Conditional Use Permit U-20-001; March 11, 2020, Planning Commission Staff Report; and March 11, 2020, Planning Commission Minutes
5. Letter of Justification
6. Neighborhood Outreach
7. Noise Analysis
8. Site Map
9. Applicant's Response to Public Comments Regarding Noise
10. Additional Information from the Applicant
11. Public Comments Received by 11:00 a.m., Friday, March 20, 2026, with Attachment A, Videos Provided as Part of Public Comments

Previously Received with the March 23, 2026, Addendum Report:

12. Public Comments Received Between 3:01 p.m., Friday, March 20, 2026, and 3:00 p.m., Monday, March 23, 2026

Previously Received with the March 24, 2026, Addendum Report 2:

13. Public Comments Received Between 3:01 p.m., Monday, March 23, 2026, and 3:00 p.m., Tuesday, March 24, 2026

Previously Received with the March 25, 2026, Desk Item Report:

14. Supplemental Information from the Applicant
15. Letter from the Applicant's Legal Counsel
16. Public Comments Received Between 3:01 p.m., Tuesday, March 24, 2026, and 11:00 a.m., Wednesday, March 25, 2026

Previously Received with the March 27, 2026, Staff Report:

- 17. Public Comments Received Between 11:01 a.m., Wednesday, March 25, 2026, and 3:00 p.m., Friday, March 27, 2026

Previously Received with the March 30, 2026, Addendum Report:

- 18. Public Comments Received Between 3:01 p.m., Friday, March 27, 2026, and 3:00 p.m., Monday, March 30, 2026

Previously Received with the March 31, 2026, Desk Item Report:

- 19. Additional Information from the Applicant's Legal Counsel
- 20. Supplemental Information from the Applicant's Noise Consultant
- 21. Applicant's Neighborhood Outreach
- 22. Applicant's Response to Public Comments
- 23. Public Comments Received Between 3:01 p.m., Monday, March 30, 2026, and 11:00 a.m., Tuesday, March 31, 2026

Previously Received with the April 22, 2026, Staff Report:

- 24. Applicant's Response to Neighborhood Group Meeting
- 25. Neighborhood Group's Response to Meeting with the Applicant
- 26. Public Comments Received Between 3:01 p.m., Tuesday, March 31, 2026, and 3:00 p.m., Friday, April 17, 2026

Previously Received with the April 20, 2026, Addendum Report:

- 27. Additional Information from the Neighborhood Group
- 28. Public Comments Received Between 3:01 p.m., Friday, April 17, 2026, and 3:00 p.m., Monday, April 20, 2026

Previously Received with the April 21, 2026, Addendum 2 Report:

- 29. Public Comments Received Between 3:01 p.m., Monday, April 20, 2026, and 3:00 p.m., Tuesday, April 21, 2026

Previously Received with the April 22, 2026, Desk Item Report:

- 30. Supplemental Information from the Applicant
- 31. Additional Information from the Applicant's Legal Counsel
- 32. Commissioner Comments
- 33. Public Comments Received Between 3:01 p.m., Tuesday, April 21, 2026, and 11:00 a.m., Wednesday, April 22, 2026

Previously Received with the May 13, 2026, Staff Report:

- 34. Draft Resolution Making the Required Findings and Approving the Application Subject to the Modified Condition of Approval (Included as Attachment A)
- 35. Modified Conditions of Approval, Track Changes
- 36. Applicant's Response to the New Conditions of Approval

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SUBJECT: 16769 Farley Road/U-24-010

DATE: May 15, 2026

37. Public Comments Received Between 11:01 a.m., Wednesday, April 22, 2026, and 3:00 p.m., Friday, May 8, 2026

Previously Received with the May 12, 2026, Addendum Report:

38. Corrected Modified Conditions of Approval, Track Changes

39. Public Comments Received Between 3:01 p.m., Friday, May 8, 2026, and 3:00 p.m., Tuesday, May 12, 2026

Previously Received with the May 13, 2026, Desk Item Report:

40. Revised Draft Resolution Making the Required Findings and Approving the Application Subject to the Conditionals of Approval (Included as Attachment A)

41. Revised Conditions of Approval, Redlined

42. Comparison Chart of Approved Conditional Use Permits

43. Public Comments Received Between 3:01 p.m., Tuesday, May 12, 2026, and 11:00 a.m., Wednesday, May 13, 2026

Received with this May 15, 2026, Staff Report:

44. Draft Resolution Making the Required Findings and Approving the Application Subject to the Conditionals of Approval (Included as Attachment A)

45. Modified Conditions of Approval, Track Changes

46. Public Comments Received Between 11:01 a.m., Wednesday, May 13, 2026, and 3:00 p.m., Friday, May 15, 2026

RESOLUTION 2026-

**RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN
OF LOS GATOS APPROVING CONDITIONAL USE PERMIT U-24-010
FOR A REQUEST TO MODIFY 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.**

**PROPERTY LOCATION: 16769 FARLEY ROAD
APN 424-21-062**

**CONDITIONAL USE PERMIT APPLICATION: U-24-010
PROPERTY OWNER: WEST VALLEY MUSLIM ASSOCIATION,
OSMAR GHAFOOR, PRESIDENT. APPLICANT: RAZI MOHIUDDIN**

WHEREAS, the applicant requests approval to modify an existing Conditional Use Permit (CUP) to expand the hours of operation in an institution for religious observance (West Valley Muslim Association) on property located at 16769 Farley Road (Santa Clara County Assessor Parcel Number 424-21-062); and

WHEREAS, a CUP (U-89-11) was approved for this location on January 10, 1990; and

WHEREAS, the original CUP (U-89-11) authorized maintaining an existing church facility and allowed the improvement and expansion of an existing institution for religious observance facility with hours of operation that were not allowed to extend past 10:00 p.m.; and

WHEREAS, on March 11, 2020, the Planning Commission approved a modification to the original CUP (U-20-001); and

WHEREAS, the modified CUP (U-20-001) changed the hours of operation to allow for operation from 10:00 p.m. to 11:00 p.m., for 30 days annually during the month of Ramadan for religious services; and

WHEREAS, the applicant seeks a modification of the current CUP to expand the hours of operations to be: 1.5 hours before sunrise and to 10:30 p.m., seven days a week; and during the 30-day month of Ramadan, 1.5 hours before sunrise to 11:30 p.m., whenever the sunset is prior to 7:30 p.m., or until 12:00 a.m. whenever the sunset is after 7:30 p.m.; and

WHEREAS, in accordance with Town Code Section 29.20.200, modifications to CUPs are required under the following circumstances:

1. Intensification of use. Changes of use that will result in an increase of five (5) or more peak hour trips.
2. Commencement of new activities that could have a material adverse impact on the surrounding area.
3. Any change that is a substantial departure from plans which were the basis of the conditional use permit approval; and

WHEREAS, the project requires approval of a modification to an approved CUP because it will involve expanded hours of operation pursuant to Town Code Section 29.20.200; and

WHEREAS, on March 25, 2026, the Planning Commission held a public hearing, received testimony from the applicant and all interested persons who wished to testify or submit documents, and continued the item to a date certain of March 31, 2026; and

WHEREAS, on March 31, 2026, the Planning Commission held a public hearing, received testimony from the applicant and all interested persons who wished to testify or submit documents, and continued the item to a date certain of April 22, 2026; and

WHEREAS, on April 22, 2026, the Planning Commission held a public hearing, received testimony from the applicant and all interested persons who wished to testify or submit documents, and continued the item to a date certain of May 13, 2026; and

WHEREAS, on May 13, 2026, the Planning Commission held a public hearing, received testimony from the applicant and all interested persons who wished to testify or submit documents, and continued the item to a date certain of May 21, 2026; and

WHEREAS, on May 21, 2026, the Planning Commission held a public hearing and reviewed the modified conditions of approval; and

WHEREAS, the Planning Commission considered all testimony and materials submitted along with all subsequent reports and materials submitted regarding the planning application; and

WHEREAS, the testimony and materials submitted described impacts to neighboring residences of night-time light intrusion from vehicle headlights and light standards on the property, noise from vehicles before sunrise and after 10:00 p.m., pedestrian safety concerns resulting from pedestrians walking in the right-of-way due to vehicles parked along the right-of-way in the vicinity of the facility, and blockage of driveways resulting from vehicle queuing to enter the property during Ramadan; and

WHEREAS, the Planning Commission added conditions of approval to address the impacts to neighboring residences resulting from the added hours of operation;

NOW, THEREFORE, BE IT RESOLVED, CUP application (U-24-010), as attached in Exhibit A, is approved. The original CUP, U-89-11, and the modification CUP, U-20-001, are superseded. The Planning Commission of the Town of Los Gatos approves the application for a modification to the CUP based on the following findings:

1. The Recitals above are incorporated into these findings.
2. The following findings are made by the Planning Commission of the Town of Los Gatos. The facts and evidence that support these findings are also contained and explained in the record of proceedings for the proposed request, including without limitation the staff report for the Planning Commission hearings.

(A) Finding required for the California Environmental Quality Act (CEQA):

The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act (CEQA), Section 15301: Existing Facilities. No significant effect on the environment will occur since the project uses an existing structure with no proposed changes to the building size or parking lot size, no increase in floor area, and negligible expansion of use beyond existing conditions. Furthermore, none of the exceptions to categorical exemptions set forth in the CEQA Guidelines Section 15300.2 apply to this project. The use of the facility remains consistent with the March 11, 2020, Planning Commission approval as a religious institution. The applicant's request for approval to modify the existing CUP is limited to the hours of operation. No additional requested modifications to the CUP or existing structures are proposed. Under the current conditions, vehicles enter and exit the property for multiple services until 10:00 p.m. for most of the year and until 11:00 p.m. during Ramadan. Because the parking lot capacity is 180 spaces, it is estimated that the number of vehicles currently entering and exiting the property is approximately 180 vehicles at the heavily-attended services. In addition, vehicles currently park on public right of way at heavily-attended services. The proposed modification would extend this use by ½ hour for most of the year and for one hour during Ramadan, which is a negligible change in the hours of operation.

(B) Findings required for compliance with the Zoning Regulations:

The project meets the objective standards of Chapter 29 of the Town Code (Zoning Regulations) in that a CUP is required for an institution for religious observance and CUP U-24-001 is approved.

(C) Findings required for a Conditional Use Permit:

As required by Town Code Section 29.20.190, the Planning Commission finds that, with the conditions of approval:

- 1) The proposed use of the property is essential or desirable to the public convenience or welfare because the use will continue providing an existing facility for religious observance; and
- 2) The proposed use would not impair the integrity and character of the residential zone in that conditions of approval addressing the impacts to the neighboring residences of night-time light intrusion from light standards and vehicle headlights, overflow parking, noise, pedestrian safety, and traffic are included; and
- 3) The proposed use would not be detrimental to public health, safety, or general welfare because the conditions of approval address the impacts to the neighboring residences of traffic, pedestrian safety, overflow parking, and night-time light intrusion in that the hours of operation shall not begin prior to one and one-half hours before sunrise nor extend past 10:30 p.m., seven days a week to accommodate indoor, morning and nighttime prayer services; and during the 30-day month of Ramadan, indoor nighttime prayer services shall not extend past 11:30 p.m. whenever sunset is prior to 7:30 p.m., or until 12:00 a.m. whenever sunset is after 7:30 p.m.; and the use is required to comply with the noise mitigation, light mitigation, parking lot monitoring, traffic monitoring, and overflow parking plan set forth in the conditions of approval; 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, because it will continue an existing use for religious observance; there is no additional building square footage being proposed; and the facts and evidence that support this finding are also contained and explained in the record of proceedings for the proposed request, including without limitation the staff report for the Planning Commission hearing.

(D) RLUIPA Findings:

The conditions of approval listed below do not constitute a “substantial burden” to the permittee in that the parking lot expansion is already planned to address existing parking overflow and the costs of pavement repairs, plantings, and increased fencing are manageable in light of the permittee’s large size. Even if any of these conditions were to constitute a “substantial burden,” they are the least restrictive means to address a compelling government interest in that they are the least expensive means by which the impacts to the neighbors of night-time activities can be mitigated. As demonstrated on the comparison chart distributed as a desk item for the May 13, 2026, Planning Commission meeting, the conditions of approval treat this use on “equal terms” with nonreligious uses and in a non-discriminatory manner with regard to other religious uses to the extent this use is similarly situated to those uses. The conditions of approval have been developed to

address the unique impacts of night-time services in a residential zone on a parcel surrounded by thirteen single-family residences.

- i. Conditions of approval #28 and 29 address the impacts to neighbors of light intrusion from vehicle headlights and light standards.
 - ii. Conditions of approval #20, 26, and 30 address the impacts to neighbors of noise from vehicles before and after night-time activities.
 - iii. Condition of approval #25 addresses the impacts to neighbors of parking overflow.
 - iv. Condition of approval #24 addresses the impacts to neighbors of vehicle queuing which impedes access to residential driveways.
3. The Planning Commission of the Town of Los Gatos approves Conditional Use Permit Application (U-24-010) for expanded hours of operation in an institution for religious observance (West Valley Muslim Association) on property zoned R-1:8, located at 16769 Farley Road; and Assessor Parcel Number 424-21-062, subject to the attached Conditions of Approval included as Exhibit A.
 4. Pursuant to Town Code Section 29.20.275, this decision is appealable to the Town Council within ten days of adoption of this resolution.
 5. If any section, subsection, sentence, clause, or phrase of this resolution is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this resolution.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the Town of Los Gatos, California, held on the 21st day of May 2026, by the following vote:

PLANNING COMMISSIONERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

CHAIR OF THE TOWN OF LOS GATOS
PLANNING COMMISSION

DATE: _____

ATTEST:

COMMUNITY DEVELOPMENT DIRECTOR

DATE: _____

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Planning Commission – May 21, 2026
CONDITIONS OF APPROVAL

16769 Farley Road
Conditional Use Permit Application U-24-010

Requesting Approval to Modify 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. Categorically Exempt Pursuant to CEQA Guidelines Section 15301: Existing Facilities.
Property Owner: West Valley Muslim Association, Osman Ghafoor, President.
Applicant: Razi Mohiuddin.

TO THE SATISFACTION OF THE DIRECTOR OF COMMUNITY DEVELOPMENT:

A. General Conditions

1. Approval and Substantial Conformance

This application shall be completed in accordance with all conditions of approval and in substantial compliance with the approved plans. Any changes or modifications shall be approved by the Community Development Director, Development Review Committee (DRC), or the Planning Commission, depending on the scope.

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 one (1) year, the approval lapses pursuant to Section 29.20.340 of the Zoning Ordinance.

4. Compliance Memorandum

A memorandum, consistent with Town practice, shall be prepared and submitted with the building permit detailing how each condition of approval will be addressed.

5. Interpretation and Implementation

No verbal interpretation, directive, or guidance shall be considered valid or binding for purposes of compliance with this Conditional Use Permit. The applicant shall not rely on any direction or approval unless it is documented in writing and expressly authorized by the Community Development Director.

6. Town Indemnity

Applicants are notified that Town Code Section 1.10.115 requires that any applicant who receives a permit or entitlement ("the Project") from the Town shall defend (with counsel approved by Town), indemnify, and hold harmless the Town, its agents, officers, and employees from and against any claim, action, or proceeding (including without limitation any appeal or petition for review thereof) against the Town or its agents, officers or employees related to an approval of the Project, including without limitation any related application, permit, certification, condition, environmental determination, other

approval, compliance or failure to comply with applicable laws and regulations, and/or processing methods (“Challenge”). Town may (but is not obligated to) defend such Challenge as Town, in its sole discretion, determines appropriate, all at applicant’s sole cost and expense.

Applicant shall bear any and all losses, damages, injuries, liabilities, costs and expenses (including, without limitation, staff time and in-house attorney’s fees on a fully-loaded basis, attorney’s fees for outside legal counsel, expert witness fees, court costs, and other litigation expenses) arising out of or related to any Challenge (“Costs”), whether incurred by Applicant, Town, or awarded to any third party, and shall pay to the Town upon demand any Costs incurred by the Town. No modification of the Project, any application, permit certification, condition, environmental determination, other approval, change in applicable laws and regulations, or change in such Challenge as Town, in its sole discretion, determines appropriate, all at the applicant’s sole cost and expense. No modification of the Project, any application, permit certification, condition, environmental determination, other approval, change in applicable laws and regulations, or change in processing methods shall alter the applicant’s indemnity obligation.

7. Compliance Review

For the three years following approval, the Planning Commission shall conduct an annual compliance review of the Conditional Use Permit. This compliance review shall be completed at the applicant’s expense.

8. Compliance with Laws

The applicant shall comply with all applicable federal, state, and local laws, including the Town Code, as they may be amended from time to time. This includes, but is not limited to, compliance with all updated zoning, building, noise, traffic, parking, and environmental regulations enacted by the Town Council.

B. Use and Occupancy

9. Permitted Use

Operate an existing institution for religious observance. In addition to worship services, the applicant may use the facility for religious exercise, including but not limited to prayers, religious educational classes, Sunday school, as well as community events, charitable events, and other activities related to the religious mission of the institution. Facility may be rented to community members or by organizations providing educational, charitable, religious or other services for the benefit of the institution’s members.

10. Living Quarters

The leaders’ quarters shall not be used for any purpose other than living quarters for visiting scholars and/or leaders associated with the institution.

11. Occupancy Limits

On-site events shall be limited to the maximum building occupancy established by Fire and Building Code.

C. Facility Operations

12. General Hours

- a. Worship services shall not begin earlier than 1.5 hours before sunrise or extend past 10:30 p.m. daily, except as specified in Condition 13, Seasonal Late-Hours Exception.
- b. Other activities are limited to the hours of 8 a.m. to 10 p.m.
- c. The congregation for general worship services shall be limited to a maximum of 720 persons.

13. Seasonal Late-Hours Exception

Thirty (30) day period during Ramadan, services may extend beyond 10:30 p.m. as follows:

- Until **11:30 p.m.** when sunset is before 7:30 p.m.
- Until **12:00 a.m.** when sunset is after 7:30 p.m.

The applicant shall maintain a publicly available website and list on an annual basis the dates seasonal late hours will be exercised for Ramadan. Seasonal-late hours in this Section are not transferable to another owner or use for which nighttime worship is not a component of their religion.

- a. The congregation for seasonal late-hour worship services shall be limited to a maximum of 869 persons.

14. Intentionally omitted.

15. Lot Closure Rule

Notwithstanding the Quiet Hours limitation, for worship the parking lot shall be vacated by 11:00 p.m. during general hours of operation and within 30 minutes of the end of the last service during seasonal late hours, with staff or volunteers reminding attendees to leave quietly. The lot can be opened two hours prior to sunrise for the pre-sunrise services. For all other activities, the parking lot shall be vacated by 10 p.m.

16. Windows and Doors

Windows and doors on the west elevation shall remain closed when indoor services are taking place, except for ingress and egress to the building.

17. Deliveries

Deliveries by vehicles exceeding 26,000 pounds GVWR shall occur between 8:00 a.m. and 6:00 p.m., Monday through Friday.

18. Food Vendors

Food vendors associated with events shall be located at least 20 feet from the property line.

19. High Attendance Guidelines

At least thirty (30) days before any recurring or seasonal period of high attendance where on-site parking is insufficient to accommodate parking demand, the applicant shall provide members and attendees written reminders regarding:

- a. Respectful parking practices, including use of on-site spaces, carpooling where possible, and avoidance of spillover impacts on surrounding residential streets.
- b. Minimizing congregating in the parking lot to adhere to Quiet Hours requirements.
- c. Compliance with all applicable Conditions of Approval.

Documentation of this communication (e.g., copy of written notice, email, and posting on the facility's website) shall be maintained on file and made available to the Community Development Director upon request.

D. Noise

20. Noise Mitigation

Quiet Hours are established as 10:00 p.m. – 8:00 a.m. daily. During Quiet Hours:

- a. **Noise Standard** – All activities shall comply with the Town's Noise Ordinance residential standard in effect at the time of the activity measured at the property line during 10:00 p.m. – 8:00 a.m.
- a. **Parking Lot Operations** – During Quiet Hours when a service is not in session, the lot may only be used for ingress, egress, security, emergency access, or use by the leaders' quarters occupants.
- b. **Building Operations** – Windows facing residences shall remain closed during Quiet Hours. Doors facing residences shall remain closed during Quiet Hours, except when necessary to permit ingress and egress to the building for morning and nighttime services. Doors may be opened for the limited purpose of ingress and egress.
- c. **Signage and Communication** – The applicant shall maintain posted "Quiet Hours" signage and provide reminders to attendees regarding minimizing noise when leaving. Such signage specifying the established quiet hours shall be prominently displayed and appropriately maintained on the building in such a manner to ensure signs are clearly visible and easily readable at all times to individuals entering and exiting the building.

21. Noise Ordinance

The Noise Ordinance of the Town of Los Gatos is specifically adopted as conditions of approval for the Conditional Use Permit.

Intentionally Omitted.

E. Parking and Traffic

22. Monthly Communication

The applicant shall continue monthly outreach to members encouraging carpooling, use of on-site spaces, and to be sensitive to the concerns of the neighborhood residents.

23. Parking Lot Monitoring

For events anticipated to exceed available on-site parking, the applicant shall implement traffic management measures which may include parking attendants, directional signage, carpooling encouragement, or other measures. The applicant shall designate a person, volunteer, or parking attendant to monitor on-site parking during any service or event expected to generate attendance that may approach or exceed available on-site parking capacity, with training as available by an entity that provides this type of training. The monitor shall make reasonable efforts to ensure that:

- a. All on-site spaces are utilized before attendees seek parking off-site.
- b. All vehicles parked on-site shall maintain emergency vehicle access.

24. Driveway Operations

During events expected to generate traffic volumes that may result in queuing or neighborhood spillover, both driveways shall be used for exiting the property, with traffic attendants provided as necessary to facilitate circulation. Applicant shall make accommodations to facilitate access by public safety resources when necessary. The applicant is authorized to remove the right turn only sign at the end of the egress driveway. The applicant shall ensure that ingress and egress to neighboring driveways is preserved.

25. Event Parking Overflow Plan

For events where on-site parking is insufficient to accommodate parking demand, the applicant shall implement an overflow parking plan.

26. Parking Lot Expansion

The applicant shall submit an application proposing additional parking spaces to the Community Development Department for review within six months of the final approval date and complete the construction improvements within one year of the final approval date. The parking lot expansion shall add 23 parking spaces or up to as many as possible based on compliance with Town Code standards. Within six months of the final approval date, the existing parking lot shall be repaired on a local basis so that cracks, bumps, or other anomalies do not unreasonably contribute to additional noise generation of passing vehicles. Thereafter the parking lot shall continue to be maintained to avoid conditions like cracks and bumps which generate noise.

F. Facilities and Site Design

27. Electric Gate

Any future modification to the existing electronic sliding gate, or installation of a new electronic sliding gate shall include sound dampening approaches and technologies.

28. Landscape Plantings

For the purposes of sound and light mitigation, the applicant shall fill in any existing gaps in plantings or fencing by either planting a hedgerow to fill in gaps at perimeter fences, planting a variety of native trees and shrubs for the purpose of sound and light mitigation, or installing screens for those perimeters adjacent to residential uses, as approved by the Community Development Director within one year of the final approval date. If plantings are selected, they shall be a minimum size of three gallons and the selected plantings shall grow two to four feet per year. The specific plantings shall be based on discussions with the applicant and the Community Development Director. The plantings shall be maintained at a height of eight feet. Additionally, the applicant shall offer to provide plantings or moveable barriers to the neighbor across the street in order to reduce headlight intrusion into the residential property across the street.

29. Portable Screening

Prior to the mature growth of landscape plantings, as detailed in Condition #30, the applicant shall obscure vehicle headlights on the perimeter properties to the facility through the use of privacy mesh, wind screens, or the use of portable planters/screening

as proposed by Zayn Zaafran's letter dated, April 20, 2026, included in Exhibit 29 of the April 22, 2026, Planning Commission staff report packet.

30. Fencing

As portions of the fencing are replaced in the future, the applicant shall submit an application for a fence height exception to the Community Development Department for the purpose of increasing the height of existing fences around the perimeter of the property to eight feet for the purpose of mitigating noise and light pollution.

31. Pedestrian Ingress and Egress

The applicant shall submit a Building Permit application and receive final inspection to construct an opening in the concrete wall in front of the property for the purpose of allowing pedestrian ingress and egress to the site without walking in the driveway within one year of the final approval date.

32. Lighting

All site and parking lot lighting shall be full-cutoff, downward directed, and at the Building Code minimum brightness level during Quiet Hours within one year of the final approval.

G. Community Interface

33. Activity Calendar and Community Interface

The applicant shall maintain a publicly accessible website that includes information on services, programs, classes, and events open to its members. The website shall list a monthly calendar of scheduled events, which includes services offered and the hours when services are in session. The applicant's online calendar shall provide at least a 30-day notice in advance of events and activities scheduled to take place at the facility, to the extent practicable. The applicant shall provide contact information for multiple board members and staff on the applicant's website. The application shall explore setting up a single phone number that makes all neighborhood inquiries, comments, and complaints accessible by board members and staff, and if it does so, then it need only provide that contact information on its website.

The applicant will provide a monthly notice to members reminding them of the speed limit on Farley Road and neighboring streets, a recommendation to carpool, and to avoid generating noise during ingress and egress.

H. Other Conditions

Intentionally omitted.

34. Los Gatos-Monte Sereno Police Department
Intentionally omitted.

Planning Commission – May ~~13~~21, 2026
CONDITIONS OF APPROVAL

16769 Farley Road
Conditional Use Permit Application U-24-010

Requesting Approval to Modify 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. Categorically Exempt Pursuant to CEQA Guidelines Section 15301: Existing Facilities.
Property Owner: West Valley Muslim Association, Osman Ghafoor, President.
Applicant: Razi Mohiuddin.

TO THE SATISFACTION OF THE DIRECTOR OF COMMUNITY DEVELOPMENT:

A. General Conditions

1. Approval and Substantial Conformance

This application shall be completed in accordance with all conditions of approval and in substantial compliance with the approved plans. Any changes or modifications shall be approved by the Community Development Director, Development Review Committee (DRC), or the Planning Commission, depending on the scope.

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 one (1) year, the approval lapses pursuant to Section 29.20.340 of the Zoning Ordinance.

4. Compliance Memorandum

A memorandum, consistent with Town practice, shall be prepared and submitted with the building permit detailing how each condition of approval will be addressed.

5. Interpretation and Implementation

No verbal interpretation, directive, or guidance shall be considered valid or binding for purposes of compliance with this Conditional Use Permit. The applicant shall not rely on any direction or approval unless it is documented in writing and expressly authorized by the Community Development Director.

6. Town Indemnity

Applicants are notified that Town Code Section 1.10.115 requires that any applicant who receives a permit or entitlement ("the Project") from the Town shall defend (with counsel approved by Town), indemnify, and hold harmless the Town, its agents, officers, and employees from and against any claim, action, or proceeding (including without limitation any appeal or petition for review thereof) against the Town or its agents, officers or employees related to an approval of the Project, including without limitation any related application, permit, certification, condition, environmental determination, other

approval, compliance or failure to comply with applicable laws and regulations, and/or processing methods (“Challenge”). Town may (but is not obligated to) defend such Challenge as Town, in its sole discretion, determines appropriate, all at applicant’s sole cost and expense.

Applicant shall bear any and all losses, damages, injuries, liabilities, costs and expenses (including, without limitation, staff time and in-house attorney’s fees on a fully-loaded basis, attorney’s fees for outside legal counsel, expert witness fees, court costs, and other litigation expenses) arising out of or related to any Challenge (“Costs”), whether incurred by Applicant, Town, or awarded to any third party, and shall pay to the Town upon demand any Costs incurred by the Town. No modification of the Project, any application, permit certification, condition, environmental determination, other approval, change in applicable laws and regulations, or change in such Challenge as Town, in its sole discretion, determines appropriate, all at the applicant’s sole cost and expense. No modification of the Project, any application, permit certification, condition, environmental determination, other approval, change in applicable laws and regulations, or change in processing methods shall alter the applicant’s indemnity obligation.

7. Compliance Review

For the three years following approval, the Planning Commission shall conduct an annual compliance review of the Conditional Use Permit. This compliance review shall be completed at the applicant’s expense.

8. Compliance with Laws

The applicant shall comply with all applicable federal, state, and local laws, including the Town Code, as they may be amended from time to time. This includes, but is not limited to, compliance with all updated zoning, building, noise, traffic, parking, and environmental regulations enacted by the Town Council.

B. Use and Occupancy

9. Permitted Use

Operate an existing institution for religious observance. In addition to worship services, the applicant may use the facility for religious exercise, including but not limited to prayers, religious educational classes, Sunday school, as well as community events, charitable events, and other activities related to the religious mission of the institution. Facility may be rented to community members or by organizations providing educational, charitable, religious or other services for the benefit of the institution’s members.

10. Living Quarters

The leaders’ quarters shall not be used for any purpose other than living quarters for visiting scholars and/or leaders associated with the institution.

11. Occupancy Limits

On-site events shall be limited to the maximum building occupancy established by Fire and Building Code.

C. Facility Operations

12. General Hours

- a. Worship services shall not begin earlier than 1.5 hours before sunrise or extend past 10:30 p.m. daily, except as specified in Condition 13, Seasonal Late-Hours Exception.
- b. Other activities are limited to the hours of 8 a.m. to 10 p.m.
- c. The congregation for general worship services shall be limited to a maximum of 720 persons.

13. Seasonal Late-Hours Exception

Thirty (30) day period during Ramadan, services may extend beyond 10:30 p.m. as follows:

- Until **11:30 p.m.** when sunset is before 7:30 p.m.
- Until **12:00 a.m.** when sunset is after 7:30 p.m.

The applicant shall maintain a publicly available website and list on an annual basis the dates seasonal late hours will be exercised for Ramadan. Seasonal-late hours in this Section are not transferable to another owner or use for which nighttime worship is not a component of their religion.

- a. The congregation for seasonal late-hour worship services shall be limited to a maximum of 869 persons.

14. Intentionally omitted.

15. Lot Closure Rule

Notwithstanding the Quiet Hours limitation, for worship the parking lot shall be vacated by 11:00 p.m. during general hours of operation and within 30 minutes of the end of the last service during seasonal late hours, with staff or volunteers reminding attendees to leave quietly. The lot can be opened two hours prior to sunrise for the pre-sunrise services. For all other activities, the parking lot shall be vacated by 10 p.m.

16. Windows and Doors

Windows and doors on the west elevation shall remain closed when indoor services are taking place, except for ingress and egress to the building.

17. Deliveries

Deliveries by vehicles exceeding 26,000 pounds GVWR shall occur between 8:00 a.m. and 6:00 p.m., Monday through Friday.

18. Food Vendors

Food vendors associated with events shall be located at least 20 feet from the property line.

19. High Attendance Guidelines

At least thirty (30) days before any recurring or seasonal period of high attendance where on-site parking is insufficient to accommodate parking demand, the applicant shall provide members and attendees written reminders regarding:

- a. Respectful parking practices, including use of on-site spaces, carpooling where possible, and avoidance of spillover impacts on surrounding residential streets.
- b. Minimizing congregating in the parking lot to adhere to Quiet Hours requirements.
- c. Compliance with all applicable Conditions of Approval.

Documentation of this communication (e.g., copy of written notice, email, and posting on the facility's website) shall be maintained on file and made available to the Community Development Director upon request.

D. Noise

20. Noise Mitigation

Quiet Hours are established as 10:00 p.m. – 8:00 a.m. daily. During Quiet Hours:

- a. **Noise Standard** – All activities shall comply with the Town's Noise Ordinance residential standard in effect at the time of the activity measured at the property line during 10:00 p.m. – 8:00 a.m.
- a. **Parking Lot Operations** – During Quiet Hours when a service is not in session, the lot may only be used for ingress, egress, security, emergency access, or use by the leaders' quarters occupants.
- b. **Building Operations** – Windows facing residences shall remain closed during Quiet Hours. Doors facing residences shall remain closed during Quiet Hours, except when necessary to permit ingress and egress to the building for morning and nighttime services. Doors may be opened for the limited purpose of ingress and egress.
- c. **Signage and Communication** – The applicant shall maintain posted "Quiet Hours" signage and provide reminders to attendees regarding minimizing noise when leaving. Such signage specifying the established quiet hours shall be prominently displayed and appropriately maintained on the building in such a manner to ensure signs are clearly visible and easily readable at all times to individuals entering and exiting the building.

21. Noise Ordinance

The Noise Ordinance of the Town of Los Gatos is specifically adopted as conditions of approval for the Conditional Use Permit.

Intentionally Omitted.

E. Parking and Traffic

22. Monthly Communication

The applicant shall continue monthly outreach to members encouraging carpooling, use of on-site spaces, and to be sensitive to the concerns of the neighborhood residents.

23. Parking Lot Monitoring

For events anticipated to exceed available on-site parking, the applicant shall implement traffic management measures which may include parking attendants, directional signage, carpooling encouragement, or other measures. The applicant shall designate a person, volunteer, or parking attendant to monitor on-site parking during any service or event expected to generate attendance that may approach or exceed available on-site parking capacity, with training ~~by the Los Gatos Monte Sereno Police Department, if available~~ as available by an entity that provides this type of training. The monitor shall make reasonable efforts to ensure that:

- a. All on-site spaces are utilized before attendees seek parking off-site.

b. All vehicles parked on-site shall maintain emergency vehicle access.

24. Driveway Operations

During events expected to generate traffic volumes that may result in queuing or neighborhood spillover, both driveways shall be used for exiting the property, with traffic attendants provided as necessary to facilitate circulation. Applicant shall make accommodations to facilitate access by public safety resources when necessary. The applicant is authorized to remove the right turn only sign at the end of the egress driveway. The applicant shall ensure that ingress and egress to neighboring driveways is preserved.

25. Event Parking Overflow Plan

For events where on-site parking is insufficient to accommodate parking demand, the applicant shall implement an overflow parking plan.

26. Parking Lot Expansion

The applicant shall submit an application proposing additional parking spaces to the Community Development Department for review a parking lot expansion, as referenced in the March 25, 2026, Planning Commission staff report within six months of the final approval date and complete the construction improvements within one year of the final approval date. The parking lot expansion shall add at least 23 parking spaces or up to as many as possible based on compliance with Town Code standards. Within six months of the final approval date, the existing parking lot shall be repaired on a local basis so that cracks, bumps, or other anomalies do not unreasonably contribute to additional noise generation of passing vehicles. Thereafter the parking lot shall continue to be maintained to avoid conditions like cracks and bumps which generate noise.

F. Facilities and Site Design

27. Electric Gate

Any future modification to the existing electronic sliding gate, or installation of a new electronic sliding gate shall include sound dampening approaches and technologies.

28. Landscape Plantings

For the purposes of sound and light mitigation, the applicant shall fill in any existing gaps in plantings or fencing by either planting a hedgerow to fill in gaps at perimeter fences, planting a variety of native trees and shrubs for the purpose of sound and light mitigation, or installing screens for those perimeters adjacent to residential uses, as approved by the Community Development Director within one year of the final approval date. If plantings are selected, they shall be a minimum size of three gallons and the selected plantings shall grow two to four feet per year. The specific plantings shall be based on discussions with the applicant and the Community Development Director. The plantings shall be maintained at a height of eight feet. Additionally, the applicant shall offer to provide plantings or moveable barriers to the neighbor across the street in order to reduce headlight intrusion into the residential property across the street.

29. Portable Screening

Prior to the mature growth of landscape plantings, as detailed in Condition #30, the applicant shall obscure vehicle headlights on the perimeter properties to the facility

through the use of privacy mesh, wind screens, or the use of portable planters/screening as proposed by Zayn Zaafran's letter dated, April 20, 2026, included in Exhibit 29 of the April 22, 2026, Planning Commission staff report packet.

30. Fencing

As portions of the fencing are replaced in the future, the applicant shall submit an application for a fence height exception to the Community Development Department for the purpose of increasing the height of existing fences around the perimeter of the property to eight feet for the purpose of mitigating noise and light pollution.

31. Pedestrian Ingress and Egress

The applicant shall ~~complete its~~submit a Building Permit application ~~process and receive final inspection~~ to construct a ~~n door opening in the concrete wall in front of the property~~ for the purpose of allowing pedestrian ingress and egress to the site without walking in the driveway through the parking lot within one year of the final approval date.

32. Lighting

All site and parking lot lighting shall be full-cutoff, downward directed, and at the Building Code minimum brightness level during Quiet Hours within one year of the final approval.

G. Community Interface

33. Activity Calendar and Community Interface

The applicant shall maintain a publicly accessible website that includes information on services, programs, classes, and events open to its members. The website shall list a monthly calendar of scheduled events, which includes services offered and the hours when services are in session. The applicant's online calendar shall provide at least a ~~60~~30-day notice in advance of events and activities scheduled to take place at the facility, to the extent practicable. The applicant shall provide contact information for multiple board members and staff on the applicant's website. The application shall explore setting up a single phone number that makes all neighborhood inquiries, comments, and complaints accessible by board members and staff, and if it does so, then it need only provide that contact information on its website.

The applicant will provide a monthly notice to members reminding them of the speed limit on Farley Road and neighboring streets, a recommendation to carpool, and to avoid generating noise during ingress and egress.

H. Other Conditions

Intentionally omitted.

34. Los Gatos-Monte Sereno Police Department

Intentionally omitted.



Northern
California

May 13, 2026

VIA EMAIL

Sean Mullin
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Town of Los Gatos
Planning Division
110 E. Main St.
Los Gatos, CA 95030
smullin@losgatosca.gov
planning@losgatosca.gov

**Re: Additional Conditions of Approval for West Valley Muslim Association
Conditional Use Permit**

Dear Mr. Mullin:

We write again on behalf of the ACLU Foundation of Northern California regarding the West Valley Muslim Association's (WVMA) pending Conditional Use Permit (CUP) at 16769 Farley Road.

As you are aware, the Religious Land Use and Institutionalized Persons Act (RLUIPA) was enacted to put an end to harmful zoning procedures. Prior to Congress enacting RLUIPA, zoning permits were often improperly denied based on ostensibly "neutral" reasons—such as noise, traffic, or parking concerns, but the denials were often rooted in discrimination against a particular faith or religious practice.¹ We again urge the Town to take seriously its legal obligations under RLUIPA.

We remain concerned that some proposed conditions, specifically several conditions introduced verbally at the April 22, 2026, Los Gatos Planning Commission meeting, may be inconsistent with RLUIPA's substantial burden and equal treatment clauses. Municipalities may not impose a "substantial burden" on a permit applicant's religious exercise unless that burden is "in furtherance of a compelling governmental interest" and "is the least restrictive means of furthering that compelling governmental interest."² RLUIPA further provides that "[n]o

¹ See DOJ, *Report on the Twentieth Anniversary of the Religious Land Use and Institutionalized Persons Act*, 3-5 (Sep. 22, 2020), <https://www.justice.gov/media/1096176/dl?inline>.

² 42 U.S.C. § 2000cc(a).

American Civil Liberties Union Foundation of Northern California

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government shall impose or implement a land use regulation in a manner that treats a religious assembly or institution on less than equal terms with a nonreligious assembly or institution.³

We urge the Town to consider and account for both the substantial burden and equal treatment clauses of RLUIPA when determining final conditions. As just one example, to the extent the Town seeks to impose a 60-day notification for all events, this condition raises concerns as to both RLUIPA's substantial burden and equal treatment prongs. First, the condition likely imposes a substantial burden as, absent the Town narrowing the condition, WVMA would be unable to plan *any* gathering outside of regular prayers or funerals absent two months' notice. Accordingly, the condition may violate RLUIPA unless the Town can show that the condition is the *least restrictive means* to achieve a *compelling* interest. Second, the condition may violate the equal terms provision if other similarly situated religious or non-religious institutions are not subject to the same limitations. We are not aware of a comparable condition imposed on other similarly situated religious or non-religious institutions in the Town.

* * *

The American Civil Liberties Union of Northern California asks the Town to approve WVMA's modified conditional use permit, giving appropriate and full consideration to the Town's obligations under RLUIPA. Please feel free to contact us if you have any questions.

Sincerely,



Angélica Salceda, Director
Democracy, Speech, and Technology Program
ACLU Foundation of Northern California



Lauren Davis, Legal Fellow
ACLU Foundation of Northern
California

³ *Id.* § 2000cc(b)(1).