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A P P E A R A N C E S:

Los Gatos Planning Commissioners:	Kendra Burch, Chair Jeffrey Barnett, Vice Chair Susan Burnett Adam Mayer Joseph Sordi Rob Stump
Community Development Director:	Joel Paulson
Town Attorney:	Gabrielle Whelan
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1 CHAIR BURCH: Do we have any questions for Staff
2 at this time? All right, thank you.

3 We'll now reopen the public portion of the public
4 hearing and move onto the speaker cards. If you haven't
5 already, or new people coming in, please go ahead and fill
6 out a card and give it to Staff, and they'll make sure that
7 we get this.

8 I'm going to start with a couple of cards from
9 people that actually had their cards left over from the
10 last meeting. I'm not sure if they left, so I want to make
11 sure if they are back that they get an opportunity to
12 speak. The first is Sigrid Jacobsen. All right. The second
13 is Kylie Clark. I don't think I saw her here. The last is
14 Tariq Ahmed. All right, just wanted to make sure they had
15 an opportunity. The next two speakers will be Anne Griffin
16 and Rebecca Garza. Okay, I'll move her. That's fine. So,
17 then, Rebecca Garza and Louise Leprohon.

18
19 REBECCA GARZA: That's my maiden name I haven't
20 heard in a long time. I've lived in Los Gatos all my life.
21 I was born at Los Gatos Community Hospital, my dad taught
22 at Los Gatos High, and over the years, of course, I've seen
23 lots and lots of changes. I care very deeply about the
24 people, homes, organizations, and businesses that make this
25 town special.

1 What we are discussing tonight is really not
2 about religion or hate, it's about fairness, livability,
3 and neighborhood balance; it's pragmatic. No school,
4 restaurant, bar, theater, or any other entity has ever been
5 allowed the amount of time and scope of hours that are
6 being requested; actually, they're already being used.

7 There is a good reason for that. It's just not
8 possible to live in peace with that volume of activity at
9 your house for that amount of time. I did look at the
10 website, and it's amazing what they offer their community.
11 We all know that. We heard that last week. We know that,
12 but it happens to be in a neighborhood where people live
13 who have spent decades paying for their homes and building
14 a place of peace and family.

15 I live by Fisher. Twice a day I know I can't
16 really get in or out of my driveway, and twice a year I
17 know there is Back to School Night and the end of school
18 year, and I know I can't have a party. But that's ten
19 minutes, twice a day, and two nights a year. This is on
20 such a huger scale.

21 The building was never designed or even imagined
22 for the scope and scale of what is happening. The capacity,
23 the constant use, it's already operating beyond compliance
24 even at this time, so I'm asking the Commission to protect
25

1 what makes this Town livable, to hold everyone fairly and
2 respectfully to the same standards that preserve our
3 neighborhoods and sense of community. If you are to allow
4 this, it will never be less, it will only be more, and it
5 sets a precedent in our community for this scale of time
6 and capacity in a neighborhood that will never go back, so
7 it's a permanent decision. Thank you very much.

8
9 CHAIR BURCH: Thank you. Are there any questions
10 for the speaker?

11 LOUISE LEPROHON: Hello, Commission and Staff. My
12 name is Louise Leprohon, and I raised my family in Los
13 Gatos. I agree with everything that the previous speaker
14 said, but I do want to add that in order to understand more
15 fully what options could be considered, and in my
16 desperation to help my family, I went to visit the mosque
17 at 1755 Catherine Street in Santa Clara, which is zoned
18 quasi-residential, to inquire how they obtain harmony with
19 their residential neighbors.

20 The Masjid Al-Noor mosque shared with me that
21 number one, they do not operate after 10:00pm year-round to
22 allow predictable and consistent hours for sleep and quiet
23 enjoyment for their neighbors; and number two, they
24 prioritize their neighbors' concerns to preserve and
25 protect the neighborhood character and address the concerns

1 with meaningful solutions, and not placate them with one of
2 their unenforceable items, like well how about some cones?

3 Additionally, the Masjid Al-Noor mosque shared
4 that they hold all Ramadan and large events at a Scott
5 Street location which is zoned Industrial to further
6 protect their neighbors.

7 The Catherine Steet mosque leverages the
8 religion's built-in flexibility for its members and
9 encourages them to pray at home with family for any prayer,
10 especially the pre-dawn prayer, as a valid and acceptable
11 practice for a daily prayer. This fosters kindness and
12 respect towards the neighbors, and supports the sincerity
13 and devotion over physical location.

14 I, too, would like to ask the Town of Los Gatos
15 Planning Commission and the Applicant, WVMA, to reconsider
16 the Intensification of Use application specifically to set
17 less extensive hours of operation to be in balance with the
18 neighbors' mental health and basic physical need: sleep.

19 I urge you to deny the current terms and
20 conditions of the CUP and ask that the Town Planning
21 Commission design and respond with balance and realistic
22 conditions for the wellbeing of the residents in the Farley
23 Road neighborhood, and a sanctuary for the members of the
24 mosque. Thank you very much.

1 CHAIR BURCH: Thank you. Please stay up. There is
2 a question for you. Commissioner Burnett.

3 COMMISSIONER BURNETT: Yes, and thank you for
4 coming tonight. There was a question that came up at our
5 last meeting on the Catherine Street mosque. Could you
6 describe to me the street. Are there sidewalks there? Are
7 there lights? Is it a wider boulevard?

8 LOUISE LEPROHON: Yes, there are sidewalks, and
9 it is a residential area. There were houses right across
10 from the mosque that face the mosque. It's a smaller
11 building, it's like a church actually, and then they have a
12 huge parking lot there. Yes, there are streetlights.

13 CHAIR BURCH: Any other questions? Thank you. Our
14 next two speakers are Truc Dam and Brad Kerst.

15 TRUC DAM: Hi, members of the Planning
16 Commission. My name is Truc Dam. I have lived on Farley
17 Road 20 years, four houses from the WVMA. We love our quiet
18 neighborhood where our children could walk and ride a bike
19 to school, and we walk our dog at night without fear of
20 being run over by a car.

21 There are twenty-nine families on Farley Road,
22 and 21 of them, more than 70% of them, have signed a
23 petition opposing this WVMA CUP modification request. Of
24
25

1 the three blocks surrounding the WVMA, there are 70
2 families signing the petition opposing the request.

3 Our neighborhood is diverse and welcoming. That's
4 probably why the WVMA members like the neighborhood.
5 Currently the CUP already has 14 hours, and they want 20
6 hours out of the 24 hours, and they put overwhelmingly
7 against extension of the hours.

8 Last week here a wonderful clergy from the
9 Presbyterian Church came in support of the WVMA request for
10 extended hours. The church operates, I think, 8:00am to
11 5:00pm, but the question I ask is if the WVMA request is
12 granted, could the church operate till midnight?
13

14 Another church, St. Mary's Catholic Church, has
15 an event every October for three days, and they operate to
16 10:00pm. But if we grant it here, can they ask for a whole
17 weeklong event to midnight.

18 Calvary Church, only a few blocks from us, they
19 have a wonderful program that runs until 9:00pm. If this is
20 approved, can they ask for the operation to run to
21 midnight?
22

23 I think the decision by the Planning Commission
24 would create precedents that effect not only our
25 neighborhood, but effect the whole Town of Los Gatos. Is

1 this what the Planning Commission wants, and is this what
2 the Town of Los Gatos wants?

3 Lastly, having hundreds and possibly a thousand
4 attendees in a residential zone, in with small streets and
5 no sidewalks, is a safety hazard. The current new request
6 CUP does not have a limitation on the number of attendees.
7 God forbid an emergency occurs. If a first responder can't
8 respond, or the people can't vacate, somebody is going to
9 get hurt. Will the Town of Los Gatos be responsible if they
10 allow the code exemptions.
11

12 In summary, our neighborhood is diverse and
13 welcoming. We welcome WVMA members, but not for 20 hours
14 out of 24 hours. If the request is approved, it creates
15 precedence affecting the whole Town of Los Gatos. And
16 lastly, if the code exemption is allowed, it could pose
17 enormous financial liability to the Town of Los Gatos

18 CHAIR BURCH: Thank you. Are there any questions
19 for the speaker? Commissioner Stump.

20 COMMISSIONER STUMP: What are your greatest
21 concerns about the use as it relates directly to Farley
22 Road, since that's the main thoroughfare? What are your
23 main concerns about the use and added hours of operation?
24

25 TRUC DAM: The street has no sidewalks, small
streets, and I think the Jehovah's Witness house there

1 before, it was only a few hundred people attending. I think
2 according to plan, they are planning to have hundreds,
3 maybe up to 1,300 people attending.

4 I have no idea, if something happened, how can
5 they vacate? I mean, the people living across the street,
6 how do they get out? Because I live up the street near Jack
7 in the Box, I'm fine. If something happens, I'm running
8 out. But Bill and Marie live right across from them. If
9 there is an emergency, I don't know how they're going to
10 get out. I think that's my biggest concern.

12 Of course, the quietness and (inaudible) Kim and
13 Jim live right next door, so I mean it's affecting their
14 wellbeing and their health. Because I'm up the street, I'm
15 just saying my main concern is safety first, and then the
16 next part is just mental health.

17 COMMISSIONER STUMP: Thank you.

18 CHAIR BURCH: Are there any other questions for
19 the speaker? Thank you.

20 BRAD KERST: Good evening, my name is Brad Kerst.
21 I'm a 16-year resident of Los Gatos. My wife and I, our two
22 children who went to Blossom Hill, they went to Fisher,
23 they graduated LG Chess. We live on Frank Avenue, about 250
24 yards from WVMA.
25

1 The neighbors met with WVMA for two hours this
2 past Sunday. While the meeting was polite, no real progress
3 was made. I was not in attendance, as I had a family
4 birthday obligation, but I'd like to give a brief summary
5 of that meeting.

6 Despite being aware of how the intensification of
7 the facility's use negatively impacts our neighborhood and
8 the peaceful enjoyment of our homes, there was really no
9 significant concessions offered. They did offer to remove
10 the Right Hand Only turn sign to redirect traffic toward
11 Los Gatos Boulevard, and to distribute traffic cones for
12 neighbors to place in front of their homes to protect their
13 own street parking. We find these suggestions inadequate.

14 Cars turning right and left out of the parking
15 lot will snarl traffic even more. Cones don't address
16 public safety concerns regarding speeding, nor do they
17 resolve the facility's 41% parking deficit. This will only
18 push more traffic deeper into the neighborhoods.

19 WVMA expressed a litany of challenges for
20 originally choosing the Farley Road location, suggesting
21 there was and still is no suitable alternative location.
22 But their challenges are of their own making. It bought the
23 property knowing the zoning restrictions in a residential.
24 Founder Razi and board member Belal both have extensive
25

1 experience as former Saratoga public officials, and at the
2 time they didn't see the zoning as an issue. Given their
3 professional backgrounds, it is difficult to understand
4 they didn't anticipate these issues. This raises concerns
5 about whether there was always an expectation or plan to
6 circumvent the Town laws at the expense of the neighbors.
7 Considering the flagrant CUP and Town Code violations over
8 the past several years, this should be addressed.

9
10 Additionally, there appears to be no reason they
11 cannot operate within the boundaries of the existing CUP
12 and attempt to restore the neighborhood to its prior
13 condition.

14 The takeaway from this meeting is that WVMA
15 leadership does not appear to respect the neighborhood, the
16 residents, our rights as neighbors, or care how this CUP
17 modification, if approved, will violate the Town's Quiet
18 Hours Code and impact our health and wellbeing. They are
19 focusing solely on their own benefits with little regard
20 for the surrounding community.

21 We ask you to deny the CUP modification request
22 and instead institute a modification that will protect
23 neighbors and allow both parties to coexist on Farley Road
24 harmoniously. This is a key point. This is not about
25

1 religion, this is about zoning, and this is why we need
2 your help.

3 CHAIR BURCH: Thank you. Commissioner Stump.

4 COMMISSIONER STUMP: What sort of overflow
5 parking do you see on Frank Avenue?

6 BRAD KERST: Periodically through the year our
7 whole street, going all the way down Frank, wraps around as
8 you may know, we see cars up and down all of Frank.

9 COMMISSIONER STUMP: Can you describe Frank
10 Avenue? Does it have sidewalks and gutters, or is it
11 similar to Farley Road?

12 BRAD KERST: No, it's broken up, but coming off
13 of Los Gatos Boulevard, coming essentially toward Highway
14 17, first there are no sidewalks, and then there are
15 sidewalks. Once you cross Izorah Way there are sidewalks
16 where we live just off of essentially Frank and Izorah, we
17 have sidewalks on both sides with streetlights.

18 COMMISSIONER STUMP: So somewhat of a patchwork
19 on Frank?

20 BRAD KERST: Correct.

21 COMMISSIONER STUMP: Thank you.

22 CHAIR BURCH: Any other questions for the
23 speaker? Thank you. The next two speakers I have, it says
24 Rusty Dehorn, but represented by Mindy Wellington, and then
25

1 Andrea Shelton. All right. We'll not allowed to talk,
2 unfortunately, so I'll just move on to the next couple of
3 cards. Oh, Andrea.

4 ANDREA SHELTON: Good evening, I'm speaking on
5 behalf of Eunice Kim. I'm going to read her statement.

6 "Dear Los Gatos Planning Commission. I live on
7 Farley Road about one-and-a-half blocks from WVMA. As I
8 have told WVMA constituents who have come to my door, we
9 have been very happy with them in the neighborhood. They
10 have shown us kindness, and communicated with us about
11 upcoming events. Given our location, we feel we are
12 insignificantly impacted by gatherings.

13 I've reviewed the 3/25-26 Planning Commission
14 meeting online and was amazed by the outpouring of support
15 for WVMA, not only by its constituents but other community
16 and residential organizations. This is truly the meaning of
17 community, stepping up to support your neighbor, even when
18 the issue does not directly impact you, so I am writing
19 this letter to support the neighbors who live closest to
20 WVMA and therefore are most impacted by the potential
21 extension of operating hours.

22 When I listened to their current experience of
23 light and noise pollution with the current hours, I was
24 shocked. I did not until that moment imagine what it must
25

1 be like to live with the noise and lights during expected
2 quiet hours. Please imagine you are trying to fall asleep,
3 and then you hear random beeps and see flickers of light,
4 and keep in mind, some of us are more sensitive than others
5 and will hear things that don't trigger the decibel limit.

6 If we each stepped into the shoes of the
7 residents who live closest to WVMA, we would understand why
8 they do not support the extended operating hours. The
9 residents want to be able to sleep and rest in their homes
10 during the hours that we all expect. More than ever,
11 medical literature shows that restorative sleep is
12 essential to one's health, wellbeing, and longevity. Please
13 listen to their request and allow them to get the peace and
14 rest we all deserve in our own homes. Sincerely, Eunice
15 Kim."

16
17 CHAIR BURCH: Thank you. Are there any questions
18 for the speaker? Thank you. The next two cards I have is
19 Margaret Kwami and Yasmine Darayan.

20 MARGARET KWAMI: Good evening, members of the
21 Commission. My name is Margaret Kwami. I live on Frank
22 Avenue near Izorah Way in the block adjacent to WVMA.

23 I value all of our neighbors, including our
24 Muslim neighbors. I also value the peaceful character of
25

1 our little neighborhood, which is one of the main reasons
2 my husband and I chose it some 23 years ago.

3 I find the submission of a noise study, which was
4 carried out by the Salter company at the request of WVMA,
5 used data that was taken between January 31st and February
6 11, 2025. Ramadan in that year was from February 28th until
7 March 29th. Additionally, the study was conducted only on
8 one evening, from 8:00pm to 9:00pm, and on one morning from
9 9:00am to 10:00am.

10
11 Because the proposed modifications represent
12 changes in the tranquility of our R-1 district, we believe
13 that verification before approval is the most responsible
14 and defensible path forward for the Town. To ensure this
15 Commission is making a decision based on the most accurate
16 real-world current data, we respectfully request that three
17 specific benchmarks be completed and verified before a
18 final vote is considered.

19 First, we have carefully reviewed the sound
20 report provided by the Applicant's attorney, but it leaves
21 critical gaps, as I mentioned, the hours and the dates when
22 it was conducted, so it did not come close to capturing the
23 actual acoustic impact of a potentially 1,200-person peak-
24 season event. We are asking for a new, unbiased noise study
25

1 undertaken at some planned instance when the Muslim
2 Association will have 800 or more in attendance.

3 Second, we ask for a comprehensive fire marshal
4 audit. We must have empirical proof, not just projections,
5 that our narrow residential streets and the facility itself
6 can handle this massive increase in capacity.

7 Third and finally, we ask the Commission to
8 complete a full audit of CUP compliance. Any trust in a
9 party's compliance with future agreements is built on the
10 success of the current one, so we ask the Town to audit and
11 resolve all previously and currently reported violations to
12 ensure that the existing CUP is being fully upheld. You
13 cannot effectively mitigate a new expansion if the current
14 rules are not yet being followed. We are simply asking for
15 proof before permission. This ensures that the Commission's
16 eventual decision is rooted in evidence and protects the
17 long-term integrity of the Town.

18 To quote a letter you received from one of my
19 neighbors this week regarding our homes and the environment
20 that we value that makes our home very desirable places to
21 live, "The Commission is effectively forcing a permanent
22 disclosable nuisance onto our property records." So, we are
23 just asking the Commission to hold off on voting, get more
24 information, do full audits of the situation, and there is
25

1 no rush. Thank you for your time and your dedication to our
2 community.

3 CHAIR BURCH: Thank you. Are there any questions
4 for the speaker? Commissioner Sordi.

5 COMMISSIONER SORDI: Have you seen fire marshal
6 audit before?

7 MARGARET KWAMI: I have not personally.

8 COMMISSIONER SORDI: Can you articulate what's
9 included in a fire marshal audit.
10

11 MARGARET KWAMI: I would imagine it would involve
12 safety numbers in particular, capacity numbers, and how the
13 department could get trucks in and out, how emergency
14 medical personnel could be brought in, and people could be
15 evacuated quickly. I'm guessing.

16 COMMISSIONER SORDI: I was just following up,
17 because I was curious if you've seen it as kind of a
18 standard report. I haven't seen any report going by that
19 name before. I want to understand the issues that are in
20 play, so thank you.

21 CHAIR BURCH: Commissioner Burnett.

22 COMMISSIONER BURNETT: Yes, thank you. Thank you
23 for coming tonight. You're saying that the failure to
24 comply with the current 2020 CUP highlights exactly why a
25

1 modification should not go through due to the noncompliance
2 issues for the CUP?

3 MARGARET KWAMI: Right, exactly.

4 COMMISSIONER BURNETT: Thank you.

5 CHAIR BURCH: Any further questions? No. Thank
6 you.

7 YASSMINE DARAYAN: Hello, and good evening. My
8 name is Yassmine, and I live on Farley Road. I'm a
9 healthcare worker for almost 35 years, and am still
10 working. I take pride working with people throughout my
11 career with respect, understanding, empathy, and
12 compassion.
13

14 In 2000, my husband and I bought our current
15 house, investing in our future and raising our family in a
16 neighborhood that gave us peace and safety. We even abided
17 by the Town planning rules when we remodeled our house in
18 2015.

19 At the end of each working day, I looked forward
20 to going home to find my comfort and solace. Regrettably,
21 since the opening of WVMA, due to constant heavy traffic
22 and parking issues, especially during the month of Ramadan,
23 it has created anxiety and my neighborhood no longer feels
24 the same peaceful and residential neighborhood that it was
25 before.

1 As an Iranian American, I was born and raised in
2 a Muslim family, and my mother still prays daily. I'm also
3 very familiar with prayers time and iftar. I grew up in a
4 neighborhood that did have a mosque, but the hours of
5 operations were also sensitive to the neighborhood needs
6 with respect to opening and closing times. This allowed the
7 neighborhood to continue to live in harmony and peace.

8 I'm aware that prayers during Ramadan are not
9 just limited to mosques, and it can be done in the privacy
10 of homes, at work, and at school. It is so disheartening to
11 note that the Town of Los Gatos didn't do the needed study,
12 evaluating the needs of both the neighborhood residents and
13 WVMA for compatibility issue and safety for all parties of
14 concern.

15 We, as the residents of the neighborhood, pay
16 mortgages, property taxes, and rent. I'm asking the Town
17 Planning Office of Los Gatos to reject the CUP application
18 to maintain neighborhood safety, curtailing heavy traffic,
19 parking, and excessive noise. Thank you so much for your
20 time.

21
22 CHAIR BURCH: Thank you. Are there any questions
23 for the speaker? Thank you. The next two speakers are Rich
24 Stephens and Bill Hoeft.
25

1 RICH STEPHENS: Good evening, Commissioners.
2 Thank you for allowing me to speak tonight. I first want to
3 apologize in advance in case any of my statements offend
4 anyone. That is not my intent. I welcome all people to Los
5 Gatos.

6 That said, this conversation and decision should
7 not be about religion. With the facility in the middle of a
8 residential neighborhood zoned R-1:8, this decision should
9 only be about (inaudible) and rights of all people in Los
10 Gatos to peacefully exist and sleep in their own homes.

11 From 1990 to 2018 the Jehovah's Witness Kingdom
12 was at the facility and caused no issues. WVMA knew the
13 Town's codes and ordinances when they purchase the facility
14 in 2018. The original CUP for WVMA was issued March 11,
15 2020. The Applicant did not bring up the letter from the
16 Town Attorney dated July 5, 2024 that showed the facility
17 was already in violation of the Conditional Use Permit for
18 multiple reasons.

19 This new request, among other things, would
20 increase the number of allowable attendees from 25 up to
21 850 or more, and worse, extend the hours to an extremely
22 unreasonable level. According to their website, Farley Road
23 is the main WVMA campus with services starting as early as
24 4:16am, and per the application, could go as late as
25

1 midnight, seven days a week. Quiet time for the neighbors
2 could be as little as three to four hours a night.

3 No business or facility should be allowed to
4 disturb and disrupt their neighbors like that. All other
5 business, including athletic clubs and other religious
6 facilities, in Los Gatos abide by the Town's code, noise
7 limits, and operating hours. If the need is to support
8 these hours, then the goal should be to find an alternate,
9 suitable facility in Los Gatos to house this mosque, which
10 to me should not be near homes. If it is to appease the
11 neighbors and allow them to sleep, then this CUP should not
12 be approved.
13

14 Clearly, no person or religion should be
15 discriminated against. Nor, though, should any religion be
16 given preferential treatment at the cost of others. For the
17 residents of the neighborhood and the precedence this may
18 set, I urge you to deny this request. Thank you for your
19 service.

20 CHAIR BURCH: Thank you. Are there any questions
21 for the speaker? Thank you.

22 BILL HOEFT: Good evening, Commissioners. My name
23 is Bill Hoeft, and for the past 40-plus years I've lived
24 directly across the street from the WVMA building.
25

1 First, I want to acknowledge that the association
2 has generally been a good neighbor. The impacts that my
3 wife and I have personally experienced, such as traffic
4 flow, headlights into our homes, and evening activity,
5 we've been able to manage and we've adapted as best we can.

6 However, the proposal before you represents a
7 significant change, expanding the operating hours from
8 roughly 15 hours a day to 20 hours a day, more than a 30%
9 increase. Importantly, this expansion reaches into very
10 early mornings, beginning at 4:30am, and extends late into
11 the night. This isn't just a minor adjustment; it changes
12 the character of the activity in our neighborhood from
13 something time limited to something that is nearly
14 continuous.
15

16 My wife's and my concerns are not with the
17 organization, but with the intensity and the duration of
18 use. Currently, the capacity is approximately, as I
19 understand it, 680 people. If hours are expanded this
20 substantially while keeping the same maximum capacity, the
21 cumulative impact, especially traffic, noise, and lighting,
22 will increase significantly.

23 I would ask for consideration of a more balanced
24 approach. If operating hours are increased by roughly a
25 third, it is reasonable to consider a corresponding

1 reduction in peak usage. For example, 15-20% reduction in
2 maximum occupation would help offset the expanded hours and
3 reduce the intensity of traffic surges. This type of
4 adjustment would allow the association to expand access for
5 its members while still protecting the livability of the
6 surrounding neighborhood.

7 In closing, I would support reasonable conditions
8 that reflect the scale of the change being proposed. Thank
9 you for your time and consideration.

10 CHAIR BURCH: Thank you. Are there any questions?
11 Commissioner Stump.

12 COMMISSIONER STUMP: Since you are literally
13 right across from the mosque, and I asked this question of
14 one of the other neighbors, what are your major concerns
15 about the traffic running back and forth on Farley Road?

16 BILL HOEFT: Sometimes it's kind of like the
17 water drip torture treatment. I mean, it's light after
18 light after light. One of my neighbors did an example. She
19 had a flashlight and she turned the flashlight in your face
20 over and over again. That happens. So, what do we do? We
21 stay in the back part of our house, we close our shades,
22 and we adapt. That is what we've done. We've gotten to know
23 our neighbors pretty well, the Muslim folks; we've worked
24 pretty well with them.

1 Then, my wife, the other night was coming home
2 from a meeting. She parked out front to try to get out of
3 the car, and the traffic was all over the place and cars
4 were trying to move and go up and down, and she was
5 concerned about the impact of the traffic, so it's just
6 numbers and major use.

7 The thing that we don't know about is what kind
8 of use are we going to experience once the CUP is approved.
9 Is it going to double, triple, quadruple, or is it going to
10 go down? Where is it going to go?

11 COMMISSIONER STUMP: How recent was your wife's
12 experience?

13 BILL HOEFT: This was during Ramadan.

14 COMMISSIONER STUMP: Okay, thank you.

15 CHAIR BURCH: Any other questions for the
16 speaker? Thank you. The next two speakers are Mary Hogan
17 and Greg Slack.

18 MARY HOGAN: Good evening, Commissioners, and
19 thank you for your time and attention, both last Wednesday
20 and tonight. My name is Mary Hogan. I've lived on Farley
21 Road since 1992, 34 years. I live in the house next to the
22 previous speaker, Bill Hoeft. I'm across the street from
23 the facility. I'm here to respectfully ask the Commission
24 to deny this request of a modification of an existing CUP.
25

1 Before WVMA, the property operated as a Jehovah's
2 Witness Kingdom Hall under a CUP for decades. During the 28
3 years I lived here at that time, I experienced no
4 meaningful impacts. Similarly, from WVMA's approval in 2020
5 through early 2023, I did not notice significant impacts.

6 My concerns began in 2024 and have continued
7 since. To be fair, I've made efforts to communicate
8 directly. When I raised concerns about late night engine
9 noise, WVMA leadership responded, and I did see
10 improvement. I appreciated that, but other issues persist
11 and they directly affect daily life.

12
13 Parking has been more of an ongoing problem. Cars
14 have blocked our driveway, our mailbox, and can each week
15 line both sides of the street. While there have been
16 attempts to address this, like placing cones and making
17 announcements, these measures are inconsistent and
18 unreliable.

19 More importantly, there are safety concerns. Just
20 this past Friday, March 27th, a flatbed tow truck was parked
21 blocking the fire hydrant while the driver went into the
22 WVMA. By the time I was able to report it, I was told no
23 incident could be reported after the fact, it had to be
24 reported in the moment.
25

1 Finally, I want to speak of the Town's goal of
2 maintaining peace and tranquility in a residential zone. At
3 Wednesday's meeting, many speakers described WVMA as a
4 sanctuary, a place of peace, restoration, and quiet. Those
5 are the same words I use to describe my home. I feel very
6 fortunate to have a Quiet Hours home neighborhood, and I
7 believe everyone deserves that, to be able to rest without
8 disruption from late night noise, early activity, or the
9 impact of large volumes of vehicles.
10

11 For that reason, I respectfully ask the
12 Commission to deny this request of modification of an
13 existing CUP. Thank you all for your time.

14 CHAIR BURCH: Thank you. Are there any questions?
15 Commissioner Stump.

16 COMMISSIONER STUMP: What are the greatest
17 impacts you've experienced related to traffic and use?

18 MARY HOGAN: I would say the lights. I am the
19 neighbor who said I'd like to stand up here for a minute
20 with a flashlight.

21 I would say the parking on Farley Road. There are
22 no sidewalks, there are no gutters. If you put a car on my
23 side of the street and a car on the other side of the
24 street, and then tried to drive a car in each direction,
25 it's tight. I don't know what it would be like for a fire

1 truck or a police car or an ambulance. I have had cars
2 quite regularly U-turning.

3 I can say that 2024 and 2025 Ramadan was much
4 busier, and I can say that 2026 began with a news van
5 parked in front of Bill's house, and 2026 became much
6 quieter as far as cars and as far as talking. There are a
7 lot of people who do walk from their cars or the
8 neighborhood to attend activities at the mosque.

9
10 I think the safety of anyone walking that road at
11 night. I thought a great idea, but I don't know about the
12 Town's money, would just be to put another streetlight.
13 There is only a streetlight at the corner of Los Gatos
14 Boulevard and Farley Road, and the next one is at the exit
15 of the WVMA. I believe that's seven to eight housefronts. I
16 don't know the footage, the yardage, but it's dark. I think
17 could we have the yellow line down the middle of the road,
18 and the white lines on the side, like are currently on
19 Flintridge?

20 I think could we do like downtown parking spaces
21 where they are delineated? I think I have seen both the
22 facility and website and other CUPs that have done contract
23 of overflow parking to extra facilities beyond the
24 facility's parking. Someone mentioned that they have an
25 agreement, or whatever it is, with Affordable Treasures. On

1 Los Gatos Boulevard, right next to Affordable Treasures, is
2 the Burnett dental facility. They have parking. Could that
3 be a possibility? Next to that, or on that road, is the
4 Citibank, which has a parking lot. Yes, it's a five- or
5 ten-minute walk, but that would be if they initiated
6 shuttles that is still two- to three-minute shuttle. There
7 is also a facility that is the wellness center. It's a
8 building that's brown with green, and it's right on Los
9 Gatos Boulevard; it's next to Happy Hound. It also has
10 parking. So, could that be a possibility of excess or
11 overflow parking, rather than on Farley Road?
12

13 I'm looking for answers. I'm looking for ways to
14 try to have our neighbors at the WVMA stay. It makes me
15 want to cry.

16 CHAIR BURCH: Thank you.

17 COMMISSIONER STUMP: Thank you very much. You've
18 done your homework.

19 CHAIR BURCH: Please come back. You have another
20 question. Commissioner Mayer.

21 COMMISSIONER MAYER: I was just wondering if you
22 could elaborate a bit? You said that from 2020 to 2023 it
23 was fine, and then from 2023 to 2024, something changed.

24 MARY HOGAN: COVID.
25

1 COMMISSIONER MAYER: COVID, okay, the end of
2 COVID.

3 MARY HOGAN: So, in 2020, COVID began. In 2023,
4 COVID ended. No one was going anywhere. Then we were able
5 to go to places, 2024, 2025, 2026.

6 COMMISSIONER MAYER: Got it.

7 CHAIR BURCH: Any other questions? Thank you.

8 GREG SLACK: My name is Greg Slack, and thank you
9 for the opportunity to speak. It is wonderful to see
10 democracy at work. I am a 60-year resident, attending Daves
11 Avenue, Fisher, and Los Gatos High. I have a large
12 community of family and friends in this town, some who live
13 in the neighborhood being discussed tonight. For this
14 reason, I feel obligated to comment on the proposed
15 Conditional Use Permit application.

16
17 My 40-year career has focused on all facets of
18 real estate development, and to this point, I need to make
19 known that in 1993, I, along with my consulting firm,
20 personally assisted the Muslim Community Association with
21 their use permit at Scott Boulevard in the City of Santa
22 Clara. This facility was required to address the
23 limitations of their smaller mosque in the quasi-
24 residential area.
25

1 I also represented Burger King in its goal to
2 locate on the northwest side of Los Gatos Boulevard, but
3 was unsuccessful due to the intensification of the
4 property, activity, and its impact on the same adjacent
5 neighborhood we are discussing tonight.

6 Over the years, I've seen the Town of Los Gatos
7 represent and assist neighborhoods facing traffic and noise
8 issues. I've seen Old Town's intensity increase to the
9 point that the Town placed permit parking on University
10 Avenue and the adjacent side streets. As it relates to the
11 new and amended permits, I witnessed the Town requiring
12 applicants to complete studies, and install adjacent
13 improvements to streets, sidewalks, and intersections.

14 With the documented traffic, noise, and use
15 violations associated with the application in front of you,
16 I am thoroughly perplexed as to why the application has not
17 included the same level of due diligence, corrective
18 actions, and clear restrictions as all other applicants
19 face. This application in its current form cannot be
20 approved.
21

22 The permit does not address the Applicant's
23 impact on the neighborhood. It does not provide
24 infrastructure improvements to address documented traffic
25

1 problems. It does not address documented noise violations,
2 and it does not address past and current permit violations.

3 Please, I request that you continue to uphold the
4 Town's standards and protect this neighborhood. Thank you.

5 CHAIR BURCH: Thank you. Are there any questions
6 for the speaker? Thank you. Next is Lorraine Hepworth and
7 Linley.

8 SCOTT HEPWORTH: My name not Lorraine, but she's
9 my wife and asked me to fill in for her. My name is Scott
10 Hepworth. I am one of ten signatories on a statement that
11 you received from the Los Gatos-Monte Sereno Interfaith
12 Council on behalf of the Muslim friends that are part of
13 our Council.

14 As someone who has loved Los Gatos for 48 years,
15 I wanted to thank you guys for what you do, for your
16 patience, and your personal striving to think through
17 things and listen carefully.

18 I want to thank the Muslim people who have been
19 here and at the last meeting spoke so fervently, obviously
20 expressing their hearts' feelings very sensitively. I think
21 we all came away with a great feeling of admiration for
22 them, respect, and love for them as neighbors.

23 I also want to thank the neighbors. We've heard
24 their stories, and hear more, and feel a lot of compassion,
25

1 a lot of empathy for the impositions, the hardships, the
2 difficulties that they have personally experienced
3 recently.

4 We've observed that you heard a number of very
5 specific things from missing sidewalks and a number of
6 things—you've got them all written down—that are within the
7 domain of the Town to take care of somehow.

8 My main message is to thank everybody here, all
9 these wonderful Muslims and these wonderful neighbors for
10 the very respectful manner, the contention-free way that
11 virtually everybody has conducted themselves at this
12 microphone, given the opportunity in this wonderful land of
13 ours to share their feelings in this way.

14 So, thanks to everybody. Congratulations on your
15 assignment. I look forward to you seriously pondering
16 through this matter and rendering a decision that will be
17 the best for everyone. Thank you.

18 CHAIR BURCH: Thank you. Are there any questions
19 for the speaker? All right, thank you. The next card I have
20 is for Linley.

21 LINLEY: Good evening, my name is Linley. I'm a
22 lifetime resident here. I've already expressed quite a bit
23 of concern at the last meeting in December that I attended
24
25

1 where I spoke, so I would like to refer to that for some of
2 my opinions, but I would like to say a few things.

3 One, we've already seen if you give an inch,
4 they'll take a mile. There is a reason that people say
5 that, and that is years ago we were told that there was a
6 certain group of people that were too afraid to come here,
7 and so we had to put down these stripes on Main Street, and
8 then now we have to put up a pole with a flag that many
9 people don't agree with, so if you give an inch, they'll
10 take a mile.

11 I'd also like to say that I live in the Almond
12 Grove where we have Halloween, where up to 5,000 people
13 have been in front of my house. And then we also of course
14 have the St. Mary's Country Fair, which I love and attend
15 every year, but I couldn't fathom having to stay up till
16 11:00pm three nights in a row with the band that plays at
17 St. Mary's straight until 10:00pm, which is great; it's
18 such a great event. But still, if one group gets to do
19 something, then other groups are going to want to do that.

20 I would also like to remind the Town that my
21 Airbnb years ago was closed down through intimidation not
22 as kindly as what's going on here, but my business was
23 closed down. It contributed a whole maybe one or two extra
24 cars to Tate Avenue, which already gets about 1,000 cars
25

1 every day, and so the burden on my neighbors was so great
2 that two cars were horrible, and they had to close down my
3 business.

4 I can't imagine what the neighbors are going
5 through on Farley Road, but I know I would not be happy
6 about that, and I can't imagine why an exception would need
7 to be made under, really, any circumstances. I just don't
8 see why any exception would need to be made, so just to put
9 things in perspective.

10 I feel for everybody, but quiet is good. I have
11 tenants and I have neighbors, and I'm sure that if I could
12 have a party until 11:00pm on a hot summer night, I'm sure
13 that today under 10:00pm curfew, my neighbors would be
14 calling the cops on me. Thank you.

15 CHAIR BURCH: Thank you. Are there any questions
16 for the speaker? All right, the next two speakers are Lee
17 Quintana and Margaret Kramer.

18 LEE QUINTANA: Good evening. I'd like to start by
19 saying that I'm a member of the Historic Preservation
20 Committee, but I'm here representing myself as an
21 individual resident of Los Gatos of 45 years.

22 I'd also like to say that I'm speaking as a
23 person who has worked in environmental review for the City
24 of San Jose for over 15 years, and although I retired a
25

1 while ago, I reviewed the request of this application
2 today, and I spent a lot of time reviewing CEQA, noise
3 studies, and federal law, trying to ascertain how I felt
4 about the whole issue.

5 I support the faith community and hope that the
6 issues raised can be resolved, but I do have several
7 concerns.

8 First are the exemptions from CEQA. In my
9 opinion, and again I say it may be rusty, but I do believe
10 that the Town needs to have an outside consultant review
11 this issue and determine whether or not it is exempt from
12 CEQA. I do not believe it is. The main issues that have
13 been raised are traffic, safety, light, and noise. Traffic
14 safety and light impacts are operational issues, not CEQA
15 issues, however, noise is a CEQA issue.

16 The Staff Report does not indicate that the
17 report submitted by the Applicant's consultants was
18 reviewed by Town Staff or by the Town's consultant, and the
19 report that was issued relies heavily on ambient noise,
20 which is an averaging of noise over a 24-hour period. It
21 does not adequately address peak noises that occur over a
22 specific period of time, such as while the ambient noise
23 may be 45 dBAs, which is the average noise, within that
24 average noise over, say, a period of 15 minutes or an hour,
25

1 there may be certain points where the noise goes above
2 that, and what is the percentage of the time that the noise
3 goes above that, and what is considered an impact and what
4 isn't?

5 Also, I think that it would be a good idea to get
6 our outside counsel to advise us on the issue of the
7 federal law applicability.

8 I'd also like to comment that at the last meeting
9 statements were asked of faith community leaders, what
10 their hours of operation were, but they weren't asked
11 whether those hours of operation interfered with their
12 religious faith activities.

13 Lastly, because I don't have much time, I ask you
14 to continue this item with specific direction, so that the
15 outcome is amiable to everybody concerned. Thank you.

16 CHAIR BURCH: Yes, Commissioner Burnett.

17 COMMISSIONER BURNETT: Yes, thank you, Ms.
18 Quintana for coming, and all your service to Los Gatos over
19 the years.

20 A question. With you bringing up the issue of
21 CEQA, because you did bring it up, I'd like to ask you
22 about this. Would you consider there is a fair argument
23 part to this that could be made for a cumulative impact,
24 and have maybe needing of a CEQA review?

1 LEE QUINTANA: I don't know, I didn't read the
2 data. At least I didn't see it in what I saw in the Staff
3 Report and in the Applicant's noise consultant noise
4 report.

5 COMMISSIONER BURNETT: Okay, thank you.

6 CHAIR BURCH: Any other questions? Commissioner
7 Stump.

8 COMMISSIONER STUMP: Perhaps I missed this. Did
9 you actually cite a CEQA section related to your review
10 today?
11

12 LEE QUINTANA: Yes, there are two sections that
13 the Staff Report relied on that was... I'll see if I can find
14 it.

15 COMMISSIONER STUMP: That's okay if it's in the
16 Staff Report.

17 LEE QUINTANA: Yes, it's in the Staff Report.

18 COMMISSIONER STUMP: I can locate that, but I was
19 looking for something that would...

20 LEE QUINTANA: I think it's 15300 and 15301.2, I
21 think.

22 COMMISSIONER STUMP: Yes, I was just looking for
23 maybe your point that something you've reviewed today would
24 drive the need for further environmental review.
25

1 LEE QUINTANA: Yes, I looked at those sections
2 and the section that was quoted in the Staff Report, and I
3 did not think it applied.

4 COMMISSIONER STUMP: Thank you.

5 CHAIR BURCH: Any other questions? No. Thank you.
6 Margaret Kramer, I think. Anne Griffin.

7 MARGARET KRAMER: My understanding is that the
8 Islam faith is deeply rooted in devotion, discipline, and
9 community. Islam prayer is about intention, reflection, and
10 connection with God, not a specific location. In the
11 recordings of the Prophet Muhammad in the Hadith the
12 Prophet says, "The entire earth is a place of prayer."
13 Islam teaching is clear: praying in mosques is encouraged
14 and meaningful, but it is not required for the validity of
15 prayer. Prayer can take place in a home with family or
16 small gatherings, or in a clean and safe space. When all
17 places for worship were closed during COVID, people were
18 forced to pray, by law, privately at home. Prayer and a
19 relationship with God do not require a specific location
20 or building.

21
22 I've lived in Los Gatos for 55 years and have
23 worshipped at St. Mary's church. St. Mary's is also located
24 in a residential neighborhood. Services and activities at
25 St. Mary's must comply with the Town ordinance of a clear

1 shutdown no later than 10:00pm. Because of the
2 neighborhood, St. Mary's is also in a restricted parking
3 area. Attendance at evening services can be challenging.

4 Also, not all places of worship, but also
5 neighborhoods, have to comply with 10:00pm shutdown. If a
6 neighborhood party or event exceeds 10:00pm, a policeman
7 may knock on the door and the party will be shut down.

8 This issue before you is not a religious issue.
9 We all pray in different ways we are allowed and encouraged
10 to live our faith. We know the Muslim faith does not
11 require a specific location to pray. This issue is about
12 land use and neighborhood compatibility. I am asking the
13 Farley Road neighborhood to be given the same living
14 conditions that I enjoy in my neighborhood: evenings quiet
15 and safe. That means to preserve residential integrity of
16 this neighborhood. The mosque must be asked to follow the
17 same restrictions all places of worship and residential
18 neighborhood are required to abide by. Thank you.

19
20 CHAIR BURCH: Thank you. Are there any questions
21 for the speaker? No. I'm going to go back to two cards I've
22 called before, but just to check. One is Mindy Wellington,
23 who is representing Rusty Dehorn, and then Margaret Kramer.

24 DIRECTOR PAULSON: Mindy Wellington is online.
25

1 CHAIR BURCH: Oh, did I do you twice. Thank you.
2 Sorry.

3 VICE CHAIR BARNETT: Mindy Wellington is on Zoom.

4 CHAIR BURCH: Okay, great. I was going to move to
5 Zoom next. Do we have any hands raised on Zoom?

6 DIRECTOR PAULSON: We do. Mindy, you can unmute
7 yourself.

8 MINDY WELLINGTON (on behalf of Rusty Dehorn): Hi,
9 there. My name is Mindy Wellington and I'm reading a
10 statement by Rusty Dehorn, who attended the meeting last
11 week on Zoom, but is traveling tonight and unable to make
12 the meeting.

13 "I currently live in the Blossom Manor
14 neighborhood, but until September 2023 I lived at 16791
15 Corcel Court, which shared 26' of back fence with the WVMA
16 mosque. They were good neighbors while I was there. Their
17 usage of the property was similar to the previous
18 organization, the Church of Latter-Day Saints. WVMA never
19 really had a detrimental impact to my property. Clearly,
20 things have changed and I'm heartbroken for my former
21 neighbors who have owned their homes for over 20 years.

22 My concerns would be the same no matter what
23 organization was asking for this CUP. It has been proven
24 that WVMA is breaking current CUP and Town Quiet
25

1 Ordinances. One example was evident in the last meeting
2 when the WVMA hired noise consultant said he took readings
3 during sunrise prayer, which happens obviously before
4 8:00am.

5 It's not fair to people that have invested so
6 much in their homes, both monetarily and emotionally, to be
7 forced to give up the refuge and peace that they have
8 become accustomed to in their home and neighborhood. If any
9 organization can come in and get the rules changes over the
10 objections of existing, long-term neighbors, why do we have
11 the rules?
12

13 Has the Town considered what the liability will
14 be when people lose value of their property, because they
15 have to disclose that hundreds of cars and people will be
16 arriving to WVMA at 4:30am and stay after 11:00pm?

17 In fifth grade, I learned that a planning
18 commission is supposed to make decisions about land use.
19 There are many people, great people, supporting WVMA, very
20 articulate speakers talking about their career successes
21 and broader issues of religious freedom and persecution. I
22 believe that everyone should have religious freedom,
23 however, the question before the Commission is about land
24 usage.
25

1 As my previous neighbors have stated, they feel
2 like the Town is letting them down. They have already
3 amended the CUP, and there are violations of the current
4 CUP that are not being enforced. I don't believe this is a
5 case of a religious organization being treated unfairly,
6 but rather a case of a group asking for special treatment
7 regarding land usage laws that were in place when they
8 purchased the property.

9
10 This is an opportunity for the Planning
11 Commission to do their part and uphold the existing zoning
12 laws in this quiet residential neighborhood, and the rights
13 of homeowners. Please vote against the revised CUP being
14 proposed. Thank you for your time.

15 CHAIR BURCH: Thank you. Are there any questions
16 for the speaker? No. Thank you. Mr. Paulson, are there any
17 other speakers on Zoom?

18 DIRECTOR PAULSON: Yes, next speaker will be
19 Erica Hagelberg.

20 ERICA HAGELBERG: Good evening, members of the
21 Planning Commission. My name is Erica Hagelberg and I'm an
22 attorney at Hoge Fenton Jones & Appel. My law firm
23 represents Jim and Kim Ratcliff, residents of Farley Road.

24 I would like to first offer for the record that
25 neither the Evergreen Islamic Center on Ruby Avenue in San

1 Jose, nor the Masjid Al-Noor mosque in Santa Clara on
2 Catherine Street, each of which were discussed at the March
3 25th meeting, are zoned residential despite their proximity
4 to residential zoning. The EIC is in a Planned Development
5 zoning, and Al-Noor is in Santa Clara's public/quasi-public
6 zoning, whereas the zoning for the subject property at
7 16769 Farley Road is zoned R-1 and limited to uses
8 consistent with that zoning.
9

10 Second, it is California law that all
11 discretionary projects, as defined in the California
12 Environmental Quality Act, including the issuing and
13 modification of CUPs, must undergo environmental review
14 prior to final approval. The project's impacts are not
15 negligible, and therefore are not categorically exempt from
16 CEQA. It would be reversible error to find that this
17 modification is categorically exempt on the basis that it
18 presents no increase to square footage. That is because
19 CEQA contemplates an increase to intensity of use as well
20 as to square feet.
21

22 Importantly, the Town may not rely on mitigations
23 to make its determination that there is no impact, as it
24 has done so here, evidenced in the Staff Report.

25 Finally, I would offer that the 9th Circuit has
issued binding authority which guides the substantial

1 burden analysis in its jurisdiction, which includes
2 California. In the 9th Circuit, under RLUIPA, a land use
3 regulation imposes a substantial burden on the religious
4 exercise only when it is oppressive to a significantly
5 great extent. This means that the regulation must impose a
6 significantly great restriction or onus upon the religious
7 exercise, and the court considered the totality of
8 circumstances, including whether the municipality's reasons
9 for denying a permit were arbitrary, whether alternatives
10 within the jurisdiction are available, and whether the
11 burden was self-imposed by the plaintiffs.
12

13 With that, I'll yield my time.

14 CHAIR BURCH: Thank you. Do we have any questions
15 for the speaker? Vice Chair Barnett.

16 VICE CHAIR BARNETT: Regarding the RLUIPA issue,
17 are you saying that none of those provisions would impair
18 the violation? In other words, would you envision that
19 there is a broad exemption from RLUIPA under these
20 circumstances, and if so, what provision of the law are you
21 relying on?

22 ERICA HAGELBERG: I'm not proposing that there is
23 a broad exemption under RLUIPA, I'm proposing that under
24 RLUIPA for a... There are two clauses under RLUIPA that can
25 lead to a planning commission's decision to be overturned.

1 The first is whether the zoning laws applicable
2 to the project are equally facially neutral and equally
3 applied, which is not at issue here.

4 The second is if there is a substantial burden
5 imposed on religion. So, the way the 9th Circuit interprets
6 that substantial burden is to say whether there is an
7 oppressive force on religion such that they would not be
8 able to exercise their religion.

9 The totality of circumstances test factors for a
10 multitude of things, and not *only* the three things that I
11 am talking about here, but significantly will weigh those
12 three things.

13 First is whether the municipality at issue,
14 whether it be a county or a city or a town, has denied any
15 application for an arbitrary reason. So, here, where public
16 safety is at issue, such as it was in a 9th Circuit
17 residential case, *The Spirit of Aloha vs. the County of*
18 *Maui*, if there is a significant increase to traffic and the
19 burden on public agencies, as there was in that *Spirit of*
20 *Aloha* case, and if there are significant traffic concerns,
21 the agency's findings that the project is an unsuitable use
22 can substantiate a denial of the CUP.

23 So, under the holdings of the *Spirit of Aloha*,
24 the resident's concerns about traffic, noise, safety,
25

1 pedestrians, kids riding bikes in the streets, those are
2 all very similar things that were found in the *Spirit of*
3 *Aloha* case that substantiated the decision allowing the
4 planning commission's denial of this Spirit of Aloha's CUP
5 to be upheld.

6 The second consideration is whether the burden on
7 use is so restrictive that a worship center, or church, or
8 hall is unable to accommodate any religious use. In a case
9 called *New Harvest Christian Fellowship vs. the City of*
10 *Salinas*, there was a zoning restriction that did not allow
11 for religious assembly on the first floor of the building;
12 however, the religious assembly would have been allowed on
13 the second floor. Because they were allowed to operate
14 anywhere within their building, that did not create a
15 substantial burden on the religion.

17 Finally, also in the *New Harvest* case, the court
18 looked at whether there were alternatives, and that's not
19 alternatives anywhere. Of course, there is going to be an
20 alternative anywhere in the world that can accommodate
21 this; it's within the jurisdiction. Would the facility be
22 allowed to move somewhere else? So, what this is going to
23 look at is not denials that the subject property has had in
24 other cities and other towns, but have they been denied
25 previously in Los Gatos, and if they applied elsewhere in

1 Los Gatos, would they also be denied? Or is there any
2 opportunity anywhere within Los Gatos that they could be
3 approved?

4 One more thing that it will look at, and that has
5 been spoken to tonight by other residents is that...

6 VICE CHAIR BARNETT: What are we talking about?

7 CHAIR BURCH: Is this related to the question?

8 ERICA HAGELBERG: Yes, these are all under 9th
9 Circuit holdings, but if you need to move on in the
10 interest of time, that's fine.

11 ATTORNEY WHELAN: If it's responding to Vice
12 Chair Barnett's question, it's allowed, and if it's
13 independent of Vice Chair Barnett's question, it's not.

14 CHAIR BURCH: However, we have other questions
15 for you.

16 ERICA HAGELBERG: I see.

17 CHAIR BURCH: Commissioner Stump.

18 COMMISSIONER STUMP: I'd like to revisit your
19 point about CEQA where you basically said that I'll call
20 it, "This project is not categorically exempt." Could you
21 further enhance your explanation on this project not being
22 categorically exempt as far as CEQA goes?

23 ERICA HAGELBERG: Yes, absolutely. The
24 categorical exemptions under CEQA are contemplated when
25

1 there is an existing use which would not create a
2 substantial impact. That substantial impact is not limited
3 to a square footage increase, it is consideration of any
4 environmental impact, and so as you've heard residents
5 discussing, there is going to be and already is substantial
6 impact by the existing increased use and speculation, and
7 well-founded speculation, that approving this Conditional
8 Use Permit would more greatly create those impacts.

9
10 The Staff Report relies on mitigations to come to
11 its conclusion that there is no impact, and that is
12 impermissible under California law. A case called *Sunflower*
13 *Alliance vs. the Department of Conservation*, a 2024 case,
14 specifically says, "An agency may not evade CEQA by
15 adopting mitigation measures simply to qualify a project
16 for a categorical exemption." Similarly, *Salmon Protection*
17 *and Watershed Network vs. the County of Marin*, the County
18 of Marin did a similar thing where it found that the
19 project in question, as conditioned and mitigated, would
20 not have a significant adverse impact on the environment,
21 and that was a reversible error that the California Court
22 of Appeal did find error and did reverse.

23
24 So, to the extent that the Staff Report is
25 relying on the mitigations as it outlines in page 2 and 9
of the report, saying that it will not impair the integrity

1 or character of the residential zone because of the
2 conditions, that it, "will not be a detriment to public
3 health or safety because of the Conditions of Approval,
4 which will address any potential noise, traffic, and safety
5 impacts," or because the project is required to comply with
6 noise mitigation, parking lot monitoring and overflow as
7 conditions of appeal, it will thus not have any impacts.
8 So, what the Staff Report is saying, the impacts are null
9 because they've mitigated. That is impermissible under
10 California law.
11

12 COMMISSIONER STUMP: Thank you.

13 CHAIR BURCH: Are there any further questions for
14 the speaker? No. Thank you. Mr. Paulson, are there any
15 other speakers?

16 DIRECTOR PAULSON: Yes, one second. It looks like
17 Faisal Yazadi.

18 FAISAL YAZADI: Hello. Good evening, everyone. My
19 name is Faisal Yazadi. I am the former president of
20 Evergreen Islamic Center, which is also known as EIC. EIC
21 is located at 2486 Ruby Avenue in San Jose, California.
22 Today I come to you not as a representative of Evergreen
23 Islamic Center, but as a community member on my own behalf.
24

25 EIC was started in 1989, and recently built a
40,000 square-foot facility on a 2.2-acre parcel. The

1 facility is located in the middle of single-family homes.
2 EIC is surrounded by single-family homes on all sides,
3 except the north side where there is a two-way street.
4 This, again, is a neighborhood that is surrounded by homes.
5 EIC is currently operating on a temporary Conditional Use
6 Permit issued by the City of San Jose, as we are in the
7 process of completing the construction of the facility.

8 EIC, much like WVMA, offers all five daily
9 prayers and full Ramadan nightly services, similar to all
10 other mosques in the Bay Area. Our prayer times are
11 virtually identical to that of WVMA's, perhaps off by a
12 minute or two. If anyone is interested in learning more
13 about the prayer times and the services that EIC offers,
14 you are welcome to look those up at eicsanjose.org.

15 With that, I conclude, and if there are any
16 questions, I'll be happy to answer those.

17 CHAIR BURCH: All right. Commissioner Burnett.

18 COMMISSIONER BURNETT: Yes, thank you. I do have
19 a question. So, 2486 Ruby Avenue that you were talking
20 about, it is located though on a very wide boulevard with
21 three lanes, there is striping, and there are lights, so
22 it's quite different than a small residential dark lit
23 street, is that not so? When you look at it online, you can
24 see what...
25

1 FAISAL YAZADI: Yes, Commissioner, to answer your
2 question, the wide boulevard that you see is actually
3 not...we are not on the wide boulevard itself. We are north
4 of that Tully Road where the main entrance to the mosque is
5 just a narrow two-way street.

6 CHAIR BURCH: Does that answer your question?

7 COMMISSIONER BURNETT: I guess I was describing
8 Ruby Avenue where it says that it is located.
9

10 FAISAL YAZADI: Yes, Ruby Avenue south of Tully
11 is like that, wider boulevard with bike lanes and whatnot,
12 but north of Tully it turns into a two-way street.

13 COMMISSIONER BURNETT: Thank you.

14 CHAIR BURCH: Commissioner Stump.

15 COMMISSIONER STUMP: How have your neighbors
16 received you in that location? What issues have there been?
17 What issues have you addressed, and how have you addressed
18 them?

19 FAISAL YAZADI: The center has been in existence
20 since 1989, and you can see we have grown with the
21 neighborhood, and we are a part of the fabric of the
22 Evergreen Hills where our neighbors are pretty much welcome
23 to the center any time of the day. We actually have
24 constant conversations and information exchanges with the
25 neighbors, and our center plays a prominent role in staying

1 connected to the community by offering our facility to any
2 kind of a city event that we hold. Like Parks and
3 Recreation wanted to inform the community about the changes
4 in the park that they were making, so we allowed our
5 facility to be used as a part of the community to inform
6 the community.

7 In short, we stay very well connected to the
8 community, and our community members, our neighbors, have
9 been extremely good to us, and we try to reciprocate that
10 in the best way possible.

11 COMMISSIONER STUMP: Thank you.

12 CHAIR BURCH: I have a quick question. How many
13 people attend your mosque during Ramadan?
14

15 FAISAL YAZADI: Peak, I would say about 500 to
16 700; it ranges depending on whether some of those services
17 fall on a weekend or a weekday.

18 CHAIR BURCH: What do you do about overflow
19 parking? It doesn't appear that your parking lot probably
20 holds that many cars.

21 FAISAL YAZADI: Two things we do. One, we
22 strongly recommend carpooling. Two, there is on-street
23 parking that our congregation members use.
24

1 CHAIR BURCH: All right, thank you. Are there any
2 other questions for the speaker? No. Thank you. Mr.
3 Paulson, are there any other speakers on Zoom?

4 DIRECTOR PAULSON: Yes, the next speaker is Ammar
5 Khan.

6 AMMAR KHAN: Good evening, everyone. My name is
7 Ammar Khan. I am the current chairperson of the MCA Bay
8 Area located in Santa Clara, so I am one of the board
9 members who helped with the Masjid Al-Noor that we acquired
10 back in the mid-1980s, located off of 1755 Catherine
11 Street.
12

13 We acquired that building around the mid-1980s
14 and we've had the privilege of operating the facility
15 continuously since its acquisition. We offer all five daily
16 prayers there. We even include a full Ramadan service
17 there, which means that you'll have the prayers as well as
18 the Quranic recitation afterward where we hold pre-Isha
19 prayers, and so we've had the privilege of being in that
20 facility during the peak summer months when the sunrise
21 prayer happens around 5:00am, and during the late nights of
22 summer where the prayer starts as late as 10:10pm.

23 It is, in my opinion, one of the best mosques
24 that I go to, not that I'm just a board member, but it has
25 grown with the residential community and we've had a

1 really, really good relationship with our community members
2 where we exchange gifts. Like, I was just there the other
3 day and our residents, who had beautiful produce trees in
4 front and they were sharing this with the congregation and
5 people who were going by, so I've seen it for the very
6 harmonious relationship, and I would love to have a similar
7 opportunity here, and I'm supportive for Los Gatos as well.

8 CHAIR BURCH: Any further questions for the
9 speaker? I do. Can you tell me what a typical number of
10 attendees would be during Ramadan?

11 AMMAR KHAN: The mosque is actually filled during
12 the Ramadan. I would say we reach about 500 to 600 people,
13 and Ramadan is a very specific time, so we actually have a
14 lot of good traffic management and security for primarily
15 three purposes.

16 One, as you can probably imagine, our parking lot
17 cannot handle that traffic either.

18 CHAIR BURCH: No.

19 AMMAR KHAN: And so, we actually help our
20 congregation members, provide them guidance on where to
21 park, where not to park, how to manage the traffic flow,
22 speeding, and so we have people who have appropriate
23 clothing and appropriate light gear to remind people of
24
25

1 where they could be parking, where they could be going.
2 That's one.

3 Second, we also help ensure that there are no
4 discussions and socialization happening at certain
5 nighttime hours. As you can imagine, right now the late-
6 night prayer happens around 9:48pm. That's quite late for
7 most people. In fact, being a resident of Santa Clara, I
8 would argue that that can be late for people, and so we
9 have individuals who come and encourage the congregation
10 members to disperse immediately after prayer, so avoid the
11 socialization, do that at their own convenience at their
12 own property, then kind of just disperse as much as we can,
13 and we encourage that quite a lot.
14

15 The third thing we also very much try to do is we
16 have regular discussion with our neighbors to see what we
17 can continue doing better. The way we have an immediate
18 feedback loop of ensuring that our neighbors, who are very
19 important to us, get the best experience as well while we
20 go through this religious month.

21 CHAIR BURCH: Right. Thank you.

22 AMMAR KHAN: My pleasure.

23 CHAIR BURCH: Mr. Paulson, are there any other
24 speakers?
25

1 DIRECTOR PAULSON: Yes, next speaker will be Ali
2 Miano.

3 ALI MIANO: Hi. Thank you for taking my comment.
4 As a Catholic and longtime resident of Los Gatos, and one
5 who happens to live in close proximity to my own church, I
6 urge the Planning Commission to allow WVMA to expand their
7 hours of operation in order to celebrate Ramadan.

8 All over Los Gatos, whether it's St. Mary's on
9 Bean and Tate, or the Seventh Day Adventists on Broadway,
10 or Shir Hadash on Cherry Blossom Lane, there are all kinds
11 of houses of worship in residential areas. I admire WVMA's
12 desire to keep Ramadan alive and well, to maintain a
13 century's old tradition, and keep their community grounded.

14 Previously, I spoke to the Council about
15 parallels between what used to be our midnight mass at St.
16 Mary's, and Ramadan, but I'd also like to point out another
17 kind of ritual that is quite prevalent in our town. As a
18 downtown resident for nearly 30 years, I can tell you that
19 these streets can get really noisy after midnight,
20 especially around 2:00am on the weekends when the bars let
21 out. It may not happen every weekend, but several times
22 I've been awakened from my slumber by a bar hopper or a
23 team party who are celebrating loudly. But I've
24
25

1 acknowledged that if you're going to live downtown, you've
2 got to put up with some noise.

3 I wonder if there were a Christian denomination
4 celebrating evening Lent in service, or an Easter vigil,
5 would there be such preoccupation with the faithful
6 starting their cars late at night and driving home from
7 nighttime services? Our country touts its founding based on
8 practicing religious freedom. Los Gatos needs to defend the
9 rights of all religions to safely and solemnly practice
10 their rituals.

11
12 I urge the residents to work together with WVMA
13 and do something that we used to do in our country not too
14 long ago: compromise. Thank you.

15 CHAIR BURCH: Thank you. Are there any questions
16 for the speaker? Thank you. Mr. Paulson, are there any
17 other speakers on Zoom?

18 DIRECTOR PAULSON: There are. Our next speaker is
19 K. Lee.

20 KIM LEE: Good evening. Hello. My name is Kim
21 Lee. I'm lifetime resident of this community, and a member
22 of the Los Gatos Anti-Racism Coalition. Tonight I speak in
23 support of modifying WVMA's Conditional Use Permit for
24 extended hours.
25

1 As you've already heard, both last week and
2 today, Commissioners, the land use question in front of you
3 is really (inaudible) question of our neighbors' right to
4 practice their religion freely. Prayers do not magically
5 become less sacred or more optional when inconvenient.

6 For the ACLU to prevent the WVMA from operating
7 during pre-dawn and evening prayer times would impose a
8 substantial burden to the entire Muslim community of Los
9 Gatos. Last week you heard that the few hours between
10 sunset and lights out they are breaking fast, eating
11 dinner, yes, occasionally navigating through traffic and
12 attending evening prayers every day of Ramadan.

13 As someone who is not Muslim, and barely has the
14 wherewithal to complete all of my evening responsibilities
15 when I get home from work, their commitment does not paint
16 these practices as extra credit or negotiable. Every
17 limitation on access to their place of worship during this
18 time materially compromises these community members'
19 religious freedoms.

20 Los Gatos claims to champion inclusivity. We have
21 an entire section devoted to it on the Town website.
22 Assuming we're all on the same page here that the WVMA is,
23 in fact, a part of our community, this is the type of
24 tangible ask we should be supporting wholeheartedly. Our
25

1 town cannot say we value all of our community members in
2 one breath, and look past certain members' inalienable
3 rights in the next.

4 I realize there are valid concerns here about
5 cars and noise, and to that I have to say while I do
6 believe the WVMA has a responsibility to address those
7 concerns as a good neighbor, I don't see any material
8 justifications for indefinitely infringing upon mosque
9 attendee's right to prayer at their place of worship due to
10 the hour of the day.

11
12 The WVMA works with other businesses and
13 organizations in the area to deal with overflow parking.
14 They've offered to plant more trees and hedges to mitigate
15 noise. They took down their security gate in consideration
16 of their neighbors. It is clear the mosque is actively
17 trying to connect and work with the rest of the community.
18 They are only petitioning for expanded hours because it is
19 in direct service to their faith, and it's their right.

20 For those reasons, I respectfully ask that the
21 Commission approve the proposed modifications to the WVMA's
22 Conditional Use Permit. Thank you.

23 CHAIR BURCH: Thank you. Are there any questions
24 for the speaker? No. Thank you.
25

1 DIRECTOR PAULSON: The next speaker is Fatima.
2 Chair, they're not unmuting.

3 CHAIR BURCH: Fatima, if you can hear, we need
4 you to unmute. Otherwise, we'll need to move on to the next
5 speaker.

6 FATIMA: Hello?

7 CHAIR BURCH: We can hear you.

8 FATIMA: Hi, sorry. I was just getting ready for
9 prayer, which is what we're all fighting to do, and peace,
10 and with all the rights that we all have. But since you
11 guys called me, I will delay the prayer for a second. I
12 just wanted to make two points.
13

14 One of them is the other confusion that I have in
15 people, the neighbors that we have to the WVMA, and how
16 they are comparing our worship, our lengthy, long hours of
17 worship during the month of Ramadan, to partying. Where
18 that correlates, I'm lost.

19 Then, my other thing, one of the neighbors, I
20 believe, or a supporter of one of the neighbors, made a
21 comment about the Prophet, our Prophet Muhammad, peace be
22 upon him. She was trying to quote him, and reference what
23 he teaches us Muslims, and it was around the lines of we
24 don't have to worship at a local masjid, that we can
25 worship from the comfort of our own homes. Yes, with

1 context. I think we need to remember that there is context
2 within that, but I do want to just quickly say with outside
3 of the context, are we suggesting that some of us buy homes
4 and pray, and invite all these people that are going to the
5 masjids to pray right next door in mass numbers, and you
6 can't tell me what I'm supposed to do in my own home in
7 that regard?

8 I feel like it's also, for me, confusing, the
9 timing of all of these accusations and complaints when the
10 political atmosphere is in turmoil in the Middle East right
11 now? And I just feel targeted. In this community, we talk
12 about certain people of walks of faith, of different skin
13 colors, and I literally feel nothing but targeted in these
14 suggestions that you are trying to tell us that because we
15 were here 26 years ago, and there was a church prior that
16 we were okay with, because there was a lack of foot traffic
17 at that church of the time, that this new population, this
18 new demographic of Muslims, who are doing just the same
19 thing but in mass numbers within the confines of the
20 maximum capacity...

21 We're bending backwards to try to accommodate,
22 and the time that these complaints are coming are of
23 questioning circumstances for me, and I have to say I can't
24 feel but like we're being targeted as a Muslim community,
25

1 not by everyone, and I really want to say thank you to
2 those who are supporting us and are really trying to work
3 with us, but it's crazy that us worshipping hours on end
4 for the majority of the time, if not the entirety of our
5 prayers, being very peaceful... This is peaceful gatherings.
6 Just to remind you. Peaceful gatherings of prayer and
7 worship, and you guys are comparing it to partying. I'm
8 sorry, but I'm lost.

9
10 CHAIR BURCH: That was your three minutes. Thank
11 you. Are there any questions for the speaker? No. Thank
12 you.

13 DIRECTOR PAULSON: There are no more hands raised
14 on Zoom.

15 CHAIR BURCH: All right. I actually wasn't ready
16 to get that so quickly. Now that we've listened to all the
17 public testimony, the Applicant can make a closing
18 statement. You will have three minutes to speak, and then
19 there may be questions.

20 RAZI MOHIUDDIN: If you could put up the
21 presentation here. Good evening. Thank you, Planning
22 Commissioners, for giving us the opportunity to make a
23 closing statement. We deliberately requested other members
24 to refrain from additional comments since we had made that
25 on the 25th. I think one slipped through over here, so

1 apologize for that. If you could put up the presentation,
2 please.

3 I want to start off by telling that we have
4 always extended our hand on a continuous basis to our
5 neighbors. Despite what you have heard over and over last
6 Wednesday, that we had not reached out, that's not the
7 case, I can assure you. Text messages again and again from
8 different folks to different folks saying, "Please, what
9 can we do? Can we get together?" and so on.

10
11 We reached out again on Thursday and held a
12 meeting on Sunday with some of the neighbors. We talked
13 about what are some of their suggestions and others in
14 order to improve our operational items.

15 There are certainly certain things that we can
16 do, and certain things we cannot do. We cannot change our
17 prayer timings, that is determined by sunrise and sunset.
18 We cannot change the fact that we have to have Ramadan
19 nightly prayers. What we can do is improve our operational
20 methods in order to mitigate as many of the issues as
21 possible. As you can see, we have left no stone unturned in
22 terms of reaching out to our neighbors and trying to
23 address them.

1 Many of the points raised already have been
2 covered here in the draft Conditions of Approval, but I
3 just want to talk about a couple of things over here.

4 One, a lot of comments have been made as if they
5 are 16-hour days that we are having services. Keep in mind
6 that sunrise and sunset times determine prayer timing.
7 Eleven months of the year, we are talking about essentially
8 agreeing to having a few additional time, one-and-a-half
9 hours before sunrise for the pre-sunrise prayer, and then
10 an additional half an hour for the nightly prayers. That's
11 for eleven months of the year. The additional time, until
12 about 11:30pm, is only for the one month of Ramadan, so
13 that's not for all other eleven months, as an example over
14 here.
15

16 We have addressed a number of noise and Quiet
17 Hours. Many of them are handled by the existing conditions
18 of the permit. Like the noise and Quiet Hours, Condition 13
19 already says we shall comply with the Town's Noise
20 Ordinance, and we shall comply with all Quiet Hours. That's
21 what the Conditions of Approval say already, again.
22

23 In the case of traffic... Okay, I think that's it
24 for the time being, but I'm happy to answer any questions.

25 CHAIR BURCH: Any questions? Vice Chair Barnett.

1 VICE CHAIR BARNETT: Would you please provide
2 your best estimate of the number of additional vehicles
3 that will enter the property during the extended hours.

4 RAZI MOHIUDDIN: Sure. In the case of the morning
5 pre-sunrise prayer, these days we are probably on the order
6 of, on a weekday, usually on Monday through Friday, in non-
7 Ramadan period, they may be on the order of about 30 to 50
8 cars. On a Saturday and Sunday, that might increase to
9 maybe about 70 to 100 cars, depending on whether it is
10 holidays or other days.

11 VICE CHAIR BARNETT: I had one more.

12 CHAIR BURCH: Yes, go ahead.

13 VICE CHAIR BARNETT: What would be your thoughts
14 about adding language to the proposed conditions that would
15 require submission of your application for expansion of the
16 parking lot, say, within six months, and completion of
17 construction of the approved plans within 12 months?

18 RAZI MOHIUDDIN: So, that would be essentially
19 for the parking study that we submitted previously to
20 increase it to 203? I think in general we would want to do
21 that. We were just concerned about our expense as well as
22 the approval before we would actually do that, but if that
23 is something that we could do, I can check with our board,
24
25

1 but that may be a possibility for us to make that a
2 Condition of Approval.

3 VICE CHAIR BARNETT: Thank you, sir.

4 CHAIR BURCH: Commissioner Stump.

5 COMMISSIONER STUMP: By the way, I have several
6 questions on use and occupancy, so you can cut me off
7 whenever you need to.

8 CHAIR BURCH: I will. Go ahead.

9 COMMISSIONER STUMP: I've heard different numbers
10 related to your occupancy. Could you please clarify for us
11 what is your maximum occupancy for your mosque?
12

13 RAZI MOHIUDDIN: There is a fire and building
14 occupancy number, that is, I believe, 1,217 maximum. That
15 is by fire code; we cannot exceed that. Because we do not
16 have pews, as an example in a traditional thing, we pray
17 standing up, but traditionally what we have seen is we
18 accommodate a slightly lesser number in each one of those
19 three different auditoriums that we have, but we don't have
20 a specific number there, per se. Like I mentioned before,
21 last time, the maximum that we have had over the last two
22 years on three days in 2025 and two days in 2026 Ramadan,
23 we're about 850 people.
24

25 COMMISSIONER STUMP: So, if I'm to understand it,
because I believe the 1,217 is based on a standing room

1 only, which means standing, five square feet per
2 participant. Are your folks standing throughout the
3 service, or does it take some other form?

4 RAZI MOHIUDDIN: Great question, Commissioner
5 Stump. The fire code, I don't know how they calculate that
6 number, so they probably calculate it based on certain
7 square footage per person here. Our congregation basically
8 stands in rows and then we have to kind of prostrate
9 effectively, so we take up approximately about eight to ten
10 square feet, and of course we have to clear the aiseways
11 and things of that nature, as an example, so it is highly
12 unlikely that we will reach the 1,217, because we obviously
13 are not going to be at that range.

15 COMMISSIONER STUMP: Thank you. Can I continue?

16 CHAIR BURCH: You can.

17 COMMISSIONER STUMP: Your website shows a
18 schedule of five prayer times, or services, and feel free
19 to straighten me out on that, daily between the hours
20 currently of between 5:00am and 10:00pm; it's about a 17.5-
21 hour operations timeframe. What is your average daily
22 attendance across those five prayer times outside of
23 Ramadan?
24
25

1 RAZI MOHIUDDIN: Sure. Outside of Ramadan, and it
2 depends again on, let's say, weekdays and non-holidays and
3 things of that nature, as an example.

4 COMMISSIONER STUMP: That's why I say average.
5 Average is fine.

6 RAZI MOHIUDDIN: Typically, what happens is in
7 the weekdays on the pre-sunrise we might have 50 to 60
8 folks that would come in, as an example, for that prayer;
9 and then on the weekends, about 70 to 100. They would come
10 in and generally leave within 20 minutes to, at most, an
11 hour, as an example.

12 So, then, after that there is almost no activity,
13 because people are going to work, and there is almost
14 nobody at the facility between after the prayer ends all
15 the way to the afternoon prayer, which is, depending again
16 on daylight savings or daylight standard, probably like
17 12:30pm or 1:30pm.

18 COMMISSIONER STUMP: So, then, are the other
19 three prayer times just set out for your congregants to
20 recognize those prayer times at their office or some other
21 location, or is prayer service going on at the facility
22 during those other three times as well.

23 RAZI MOHIUDDIN: We try to have five daily
24 prayers in congregation, every day, seven days a week.
25

1 There is a resident Imam that lives on the property that
2 would probably come and offer that, but it always happens
3 that whoever is in the neighborhood or the nearest mosque,
4 they would come in. So, during the midday prayers, that
5 number might be much smaller comparatively, maybe about 20
6 people that might be there in the afternoon. There may be
7 other programs that may be going on for them, Mommy and Me
8 and things of that nature.

9 COMMISSIONER STUMP: I've seen that on your site.

10 RAZI MOHIUDDIN: So, they would probably join in
11 the congregational prayers at that point in time.

12 COMMISSIONER STUMP: So, again, my question would
13 be on an average day, how many people are at your facility
14 for these prayer times, and you can leave out the special
15 activities, but how many people are on your...

16 RAZI MOHIUDDIN: Probably around the order of
17 about 100 people for every prayer or so.

18 COMMISSIONER STUMP: So, you would guess 500 per
19 day.

20 RAZI MOHIUDDIN: But they are coming and going
21 respectively.

22 COMMISSIONER STUMP: Understand.

23 RAZI MOHIUDDIN: They may be the same person that
24 is there, yes.

1 COMMISSIONER STUMP: So, then, would you say with
2 that number of people that you're fully able to accommodate
3 them in your parking lot?

4 RAZI MOHIUDDIN: Absolutely.

5 COMMISSIONER STUMP: During Ramadan, we know that
6 it's higher. You'd mentioned at the last meeting that your
7 peak for 2026 was 850.

8 RAZI MOHIUDDIN: On two nights.

9 COMMISSIONER STUMP: On two nights, okay. And you
10 estimated, because I realize you're probably not out
11 counting cars, but you estimated 280 cars...

12 RAZI MOHIUDDIN: I did count that, by the way,
13 but yes.

14 COMMISSIONER STUMP: ...which would mean 180 in
15 your lot, hopefully, if your lot is full, and I realize
16 you've got some challenges there, and that would mean 100
17 people seeking parking either on the street or some other
18 offsite location. And as I understand it, in fact, when I
19 came out one evening, you did have somebody directing
20 people into the parking lot at Affordable Treasures. How
21 many parking spaces have you been able to make arrangements
22 for at Affordable Treasures?
23

24 RAZI MOHIUDDIN: I believe at Affordable
25 Treasures has about 40 parking spots there, and on that 280

1 max number that I gave you, we actually accommodated about
2 200 cars by actually squeezing in at the far part of the
3 parking lot additional vehicles there, smaller vehicles,
4 for example, we tried to kind of squeeze them in harder,
5 and about 35 were parked on that particular day at
6 Affordable Treasures, so the remainder of the 280 minus 235
7 were somewhere on-street parking.

8
9 COMMISSIONER STUMP: It seems like you're really
10 blessed that you've had your mosque grow significantly, and
11 at some point you're going to get close to your maximum
12 occupancy where it may require you then to send people to
13 overflow locations. Have you explored other offsite
14 locations in Los Gatos or other surrounding communities?

15 RAZI MOHIUDDIN: We have a very small facility of
16 1,000 square feet in Saratoga, and what we actually do for
17 Ramadan specifically is rent the Saratoga Prospect Center.
18 We have been doing that since 2009, and we actually have
19 special permission from the City of Saratoga to use it till
20 midnight for Ramadan prayers, and actually, the number of
21 people that come to the Saratoga Prospect Center is more
22 than that are coming to our Los Gatos facility. We actually
23 have about 600 people on an average, and we use both the
24 Grace Hall and the Friendship Hall, there are two halls
25

1 separately, and we run a sound system thing in order to
2 actually accommodate that.

3 COMMISSIONER STUMP: If I may, I think I've got
4 maybe two more.

5 CHAIR BURCH: Commissioner Stump, I'm just going
6 to remind you, we have a break at 8:00 o'clock, so you
7 might have to do a question and then we're going to take a
8 break.

9 COMMISSIONER STUMP: Perfect, we'll be very
10 speedy here. A speaker earlier reported that another
11 mosque, I believe it was in Santa Clara, that just out of
12 respect for their neighbors, that they've agreed to end
13 their evening by 10:00pm. Now, that means that they are
14 actually, or I think what was also mentioned, is they were
15 holding Ramadan services for that entire 30 days at another
16 site. Are you familiar with this particular mosque?

17 RAZI MOHIUDDIN: I am familiar with this mosque.
18 The last speaker who spoke was the chairman of the board of
19 trustees of MCA. I used to be president of MCA from 2003 to
20 2007 about 21 years ago, so I'm very familiar with this
21 mosque. It's called Masjid Al-Noor on 1755 Catherine
22 Street, so I was involved at that point in time on that.

23 They have the same five daily prayers. They have
24 the same Ramadan nightly prayers. They do not end at
25

1 10:00pm in summer months. They would actually go on until
2 about 11:00pm to 11:30pm as well, so it's exactly the same
3 set of services, and you can go look at the mcabayarea.org
4 site to look it up.

5 COMMISSIONER STUMP: So, that speaker was wrong?

6 RAZI MOHIUDDIN: I don't know who the speaker
7 was.

8 COMMISSIONER STUMP: But you're saying that was
9 not correct?

10 RAZI MOHIUDDIN: That was not correct. Now, these
11 days, when the sunset is before 7:30pm, of course our
12 nightly prayer happens much earlier than 10:00pm, but in
13 summer months, the time does not even start until 10:10pm,
14 so it's not possible for us to offer the prayer before
15 10:00pm.

16 COMMISSIONER STUMP: Okay, going to respect that
17 for 8:00 o'clock. I will stop at this point. Thank you.

18 RAZI MOHIUDDIN: Thank you.

19 CHAIR BURCH: It's just a couple of minutes till
20 8:00, so we're going to go ahead and take a break, and
21 we'll be back at 8:15.

22 (INTERMISSION)

23 CHAIR BURCH: We will reopen the discussion. I
24 believe Commissioner Stump had a couple more questions.

1 COMMISSIONER STUMP: Switching the category to
2 CEQA, we had one speaker this evening who has got
3 significant experience in the planning world and
4 environmental, and in her opinion—of course, just her
5 opinion—she believed this really required environmental
6 review, because there are significant changes that are
7 taking place, and then of course the attorney representing
8 one of the Farley Road residents basically said that this
9 is not, in her opinion of course, not categorically exempt
10 from CEQA, and she did not really feel that the Condition
11 of Approval really goes far enough in mitigating any
12 potential issues. So, my question is what position do you
13 take on CEQA?
14

15 RAZI MOHIUDDIN: I'm not an expert on CEQA. Can I
16 request my counsel to answer that question?

17 COMMISSIONER STUMP: Absolutely, thank you. Glad
18 he's here.

19 MATTHEW VISICK: Good evening, Commissioners. My
20 name is Matthew Visick, I'm a partner at Reuben, Junius &
21 Rose. I'm happy to answer the CEQA question. It actually
22 gives me an opportunity to point out something that
23 underpins a lot of the disparity in the comments, I think.
24

25 I think we're all talking about two different
projects. I think a lot of the opponents to this project

1 envision this as an expansion of use. That's fundamentally
2 incorrect. The same five prayers are happening in both
3 situations, before and after. The same people are coming,
4 the same number of cars are coming and going, nothing is
5 any different, except one thing: at the end of it you don't
6 have to scrunch the time and leave early. That's the only
7 difference. Everything else is already happening today,
8 it's already allowed under the existing use permit. You
9 have to really grasp that; that's an important distinction.
10 There is no expansion of use here. We're not adding any
11 prayers, we're not adding any people.

13 CHAIR BURCH: I hate to interrupt; but we do need
14 you to answer the question.

15 MATTHEW VISICK: Absolutely. But making that
16 point clearly is really important for everything I'm about
17 to say.

18 CEQA is about impact on the environment. What
19 might the impacts be? They might be car trips; they might
20 be noise. I don't know, in another project they may be
21 impacts on endangered species or something like that. Here,
22 it's really noise and traffic.

23 The noise is going to occur during a period
24 that's half an hour longer, or an hour longer, depending on
25

1 which 15-year period you're in, but it's not more noise,
2 it's just happening over...the cars are spread out.

3 And the number of trips doesn't go up either.
4 It's the same people coming and going, so you don't have
5 any more cars. If you approve this use permit amendment
6 tonight, you aren't going to have any more cars than you do
7 already. That's why there's no environmental impact.

8 It is an existing facility. The standard that has
9 to be met here is negligible, or no expansion of use.
10 That's the standard for a class one CEQA exemption. That's
11 the case here.

12 Ironically, the case that the attorney who called
13 in cited, *Sunflower Lines*, is a great case for proving
14 exactly that point. I could tell you about the case, if
15 it's of interest to you, but it actually makes our point
16 for us much better than it makes theirs.

17 The other thing in CEQA, categorical exemptions...
18 The speaker who came up who once did environmental review
19 for the City of San Jose was talking about categorical
20 exemptions and exceptions to the exemptions. It's in CEQA
21 Guidelines 15300.2, and the exceptions don't apply to the
22 class one exemption. It's just a mistake, I think, but
23 they're inapplicable.
24
25

1 I don't want to make everybody's eye glaze over,
2 CEQA kind of always does that, but if you want to ask me
3 any specific questions, I'm happy to walk you through it.

4 The fundamental point is there is no expansion of
5 use.

6 COMMISSIONER STUMP: Thank you.

7 CHAIR BURCH: Are there any questions for the
8 Applicant? Commissioner Sordi.

9 COMMISSIONER SORDI: I wanted to clarify the
10 operating hours in the morning. Obviously, we've got the
11 expansion of hours into the evening. Is there a mutual
12 exclusivity at all between that and the hours happening in
13 the morning, or are the establishment of the hours in the
14 morning year-round, including Ramadan?

15 RAZI MOHIUDDIN: The establishment of the morning
16 hours are year-round, and the establishment until 10:30pm
17 is year-round, because of the five daily prayers, to
18 accommodate that particular time.

19 COMMISSIONER SORDI: So, if you were to identify
20 maybe a worst-case scenario time of year, we might say
21 that's the time of year where you might have started at
22 something along the lines of maybe 4:15am or 4:30am and
23 ending after midnight.
24
25

1 RAZI MOHIUDDIN: Let me clarify prayer timings
2 versus congregational prayer timings. Prayer timings for
3 pre-sunrise prayer on—and let's pick the longest day of the
4 year—June 21st, which I believe is the longest day of the
5 year. In the longest day of the year, the pre-sunrise
6 prayer time starts at 4:17am and ends at approximately—I
7 don't remember the exact number—but it's probably about
8 6:05am or something to that effect.

9
10 The congregational prayer that we hold is not at
11 4:17am. The earliest congregational prayer that we hold
12 throughout the year is 5:00am. So, if you go look, the word
13 we use in Arabic is iqamah, so if you look at our timing on
14 our website, it will show you a 5:00am congregational
15 prayer timing. So, people will arrive probably five or ten
16 minutes prior to that thing, and then will stay for the
17 next 20-30 minutes, and then depart after that. So, that
18 5:00am is the earliest you're going to see based on June
19 21st. On December 21st, that same congregational prayer
20 timing is 6:30am.

21 So, that time will continue to change based on
22 the sunrise. We don't have the luxury of saying it has to
23 be at 5:00am or 6:00am or 7:00am or 8:00am, we have to do
24 it based on sunrise. The time for the pre-sunrise prayer
25 ends at sunrise, so we cannot pray after sunrise. So, today

1 the sunrise prayer, sunrise is like at 7:00am I think
2 approximately here, so our prayer has to end by that time.

3 COMMISSIONER SORDI: Okay, thank you. Just a
4 quick follow-up. I wanted to understand a little bit more
5 about in the religion the need to pray in a group. Is it
6 more relevant and more established during Ramadan? I mean,
7 for all practical purposes, are the prayer times as they
8 are established always in group format?

9
10 RAZI MOHIUDDIN: In our religion, you can pray
11 anywhere that you are, basically. So, if I am at work and
12 the time for prayer comes, you can pray there, but there is
13 an understanding and a saying of the Prophet that you will
14 get 27 times more reward if you pray in congregation at a
15 mosque, and that's what leads people to come to the mosque
16 in order to pray in congregation, and that's what happened.

17 Now, obviously in Ramadan more people are more
18 engaged with the religion in the sense that they want to
19 increase their practice because they want to get additional
20 rewards. That's our belief system, effectively, and hence,
21 there is maybe an increase for people attending
22 congregational prayers in Ramadan over there, but in
23 general, prayers can be offered any place. Congregational
24 prayers are considered much more advantageous because of
25

1 that, and I can have our Imam speak to that if you want;
2 either way is fine.

3 COMMISSIONER SORDI: Thank you.

4 CHAIR BURCH: Commissioner Burnett.

5 COMMISSIONER BURNETT: Yes, thank you. We've been
6 talking a lot about the noise, and I think that was one
7 that the other attorney brought up about in CEQA and noise.
8 But I wanted to refer to our Municipal Code, which is the
9 Curfew Noise Disturbance Code, and that is between 10:00pm
10 and 8:00am, within like 100' of sleeping places or noises.
11 I mean, how does that impact with the early morning prayers
12 (inaudible) the later night prayers, but the morning
13 prayers? I think that that is Municipal Code 16.20.010,
14 which is the Curfew Noise Disturbance Code.
15

16 RAZI MOHIUDDIN: Can I have our counsel answer
17 that particular question? But I will also come back and
18 answer part of that.

19 MATTHEW VISICK: I agree, that's a confusing part
20 of your code. If you notice, the term that it uses, I
21 believe, is "noise disturbance."

22 COMMISSIONER BURNETT: (Inaudible).

23 MATTHEW VISICK: But I think the defined term is
24 noise disturbance. If you then go up to the top of that
25 section of the Municipal Code, it defines noise

1 disturbance, and it defines it in a sort of contextual
2 fashion, and then it says something along the lines of
3 compliance with the numerical noise standards of this code
4 is considered to be resolution of a noise disturbance. If
5 you meet the numeric standards below, you are not creating
6 a noise disturbance.

7 RAZI MOHIUDDIN: If I could add something over
8 there. If you look at the draft Conditions of Approval over
9 there, they basically say the following things: "All
10 activities shall comply with the Town's Noise Ordinance
11 residential standard in effect at the time of the activity
12 measured at the property line during 10:00pm and 8:00am."
13 So, it's already built into the condition that we have to
14 comply with this noise ordinance.

15 COMMISSIONER BURNETT: So, just a further
16 question on this. But you are out of compliance right now
17 with the 2020 CUP?

18 RAZI MOHIUDDIN: No, we do not believe we are out
19 of compliance for that, because I think the noise study
20 provided that we are in compliance with the noise standard,
21 and the current CUP does not have a start time included in
22 there. So, when a lot of neighbors talk about us violating
23 that, we're not violating because there is no condition,
24
25

1 there is no start time listed in the current Conditional
2 Use Permit.

3 In fact, three days ago, on Friday morning, the
4 Los Gatos Police Department was called, and they met a
5 whole bunch of our attendees, saying, "What is going on
6 over here?" We said, "Well, we are offering a prayer
7 service," and they looked around and said, "Hmm, okay," and
8 they left, as an example. And then we talked to the Police
9 Department as well as to Planning as well, and said, "We
10 are being essentially called out on something that is not a
11 restriction for us today."

12
13 COMMISSIONER BURNETT: Okay, thank you.

14 CHAIR BURCH: Any other questions? Vice Chair
15 Barnett, and then Commissioner Stump.

16 VICE CHAIR BARNETT: Proposed Condition 20
17 imposes the requirements of sufficient shrubs to be planted
18 and maintained to obscure vehicle headlights on certain
19 streets, including Farley Road, and my question is would
20 you consider additional fence height to additionally
21 provide mitigation against the light pollution?

22 RAZI MOHIUDDIN: Absolutely. Right now, the Los
23 Gatos code, and just like the Saratoga code, allows 6 feet
24 of height and 2 feet of lattice. If the Town would want us
25 to increase that to something different, happy to do that.

1 We have actually also offered our front neighbors an
2 opportunity to plant some trees in their front lot that we
3 would pay for in order to mitigate some of the light coming
4 into their property as well, but we would absolutely be
5 willing to raise the fences, if needed.

6 VICE CHAIR BARNETT: Thank you so much.

7 CHAIR BURCH: Commissioner Stump.

8 COMMISSIONER STUMP: I've got a question on
9 hours, and then I do have a couple of questions on parking
10 and traffic, if I may.

11
12 Related to hours, your current schedule under
13 your current CUP allows for Ramadan hours up through
14 11:00pm. At what time are your congregants expected to exit
15 the facility and basically things to be shut down based on
16 that 11:00 o'clock timeframe? What's the expectation?

17 RAZI MOHIUDDIN: This is a great question, and I
18 think this is where our interpretation was different and we
19 had the letter that was written to us in July 2024 by Town
20 Attorney Whelan, was that you have to clear the facility
21 completely at 11:00pm, which is where...huge challenges that
22 exist today.

23 For example, you all received a letter actually
24 on Monday this week from our neighbor, Ms. Ratcliff, that
25 talked about essentially a curfew violation at 11:00pm on

1 the last day of Ramadan on March 15th, and I just want to
2 elaborate on that one.

3 If you look at the video, and I encourage you to
4 look at the video over there, it is being filmed from the
5 bushes, and you can see the bushes around that, which gives
6 us a tremendous amount of pain, like we are being spied on,
7 we are being looked upon in there at all times, which is
8 kind of what is happening here.

9 And then, you will see in that video our
10 executive director, Lubna, frantically waving cars to go by
11 in there, because we redirected the traffic to not exit
12 from the exit driveway in order to not disturb Ms.
13 Ratcliff, and we wanted them to exit on that.

14 And on that day, it was the last day of Ramadan,
15 so our Imam had an additional supplication to pray for the
16 peace of the world, and he took a little bit longer to do
17 and that resulted in us just marginally going about one or
18 two minutes over that.

19 What is happening over here, if I could explain
20 this, is that the amount of the peace and quiet that we
21 feel in the prayer suddenly turns into this mad rush to get
22 out, and part of the reason why we're requesting a little
23 bit of extra time is because we want to kind of leave
24 gradually and nicely so that we don't create this mad rush
25

1 that goes out, so it's very important to us to make sure
2 that we have an end time for the facility, and a clearing
3 time that allows us to exit normally and in a safe manner,
4 as an example.

5 COMMISSIONER STUMP: Let me move on, then, to if
6 your general hours, meaning non-Ramadan, are extended to
7 10:30pm, and your seasonal late hours, as it's being called
8 in the CUP, extended to 11:30pm, or 12:00am, again, sunset
9 dependent, understand that. By what times will your members
10 have fully exited the facility property and neighborhood
11 during those general hour services ending at 10:00pm and
12 seasonal late hour services ending at 11:30pm and 12:00am?
13

14 RAZI MOHIUDDIN: The current language in the
15 Conditional Use Permit allows us an additional 30 minutes
16 to clear the parking lot.

17 COMMISSIONER STUMP: So, that means the 10:30pm
18 would be 11:00pm.

19 RAZI MOHIUDDIN: That's right.

20 COMMISSIONER STUMP: 11:30pm would be midnight.

21 RAZI MOHIUDDIN: Yes.

22 COMMISSIONER STUMP: And 12:00am would not be
23 12:30am.
24
25

1 RAZI MOHIUDDIN: And again, I want to emphasize,
2 the reason for that is not the cause that mad rush,
3 basically.

4 COMMISSIONER STUMP: I understand. Let me move to
5 a follow-up on parking and traffic. Now, you may have
6 answered this question, so I apologize if it's being asked
7 again.

8 As you go to seasonal late hours for Ramadan, do
9 you expect these expanded hours to drive any additional
10 attendance?

11 RAZI MOHIUDDIN: We don't. We cannot guarantee
12 that, obviously, because part of the thing is that
13 basically part of the reason is that post-COVID, faith
14 communities all across the board saw an increase in people
15 coming to their congregations, and it's not just the Muslim
16 community. I've talked to some of the other interfaith
17 leaders. They've all experienced that, because people are
18 looking for meaning, effectively. So, that's the reason why
19 we saw an uptick in our attendance as a result of that. But
20 what we're seeing is, just an example, 2025, I mentioned
21 three nights where we had a lot of people; and 2026 was
22 too, so it's not like we are increasing that, we are
23 maintaining that on an ongoing basis right now.
24
25

1 COMMISSIONER STUMP: Chair, if I may, I've got
2 two additional questions.

3 CHAIR BURCH: Yes.

4 COMMISSIONER STUMP: It's mentioned in one of
5 your documents, and again, I understand probably the
6 challenges of your parking lot with underused spaces. It's
7 not always full. The congregants choose to find alternative
8 offsite parking for a variety of reasons. The current
9 capacity of your parking lot is 180 spaces, correct?
10

11 RAZI MOHIUDDIN: That is correct.

12 COMMISSIONER STUMP: And so, again, maybe you
13 could tell us why your congregants, especially if you are
14 going to spend money to rework and restripe your parking
15 lot, maybe a reversed the parking in the parking lot, or
16 not fully filling that parking lot to capacity.

17 RAZI MOHIUDDIN: On a regular basis for the
18 general five daily prayers and so on, with the exception of
19 Fridays and with the exception of Ramadan, we are telling
20 all of our congregants to park within our parking lot and
21 not use street parking whatsoever. And we continue to
22 remind folks; we continue to tell everybody. That's part of
23 our newsletter campaign that goes out on a regular basis,
24 and for almost everything else, except for Friday and
25

1 except for Ramadan, we are able to accommodate all of the
2 prayers to be within our facility.

3 There may be some events occasionally, and in
4 which case, part of the conditions of the use permit
5 basically say is that if we are going to fill up the
6 parking lot, we need to create a traffic management plan,
7 which we have committed to doing as part of the Conditions
8 of Approval.

9
10 COMMISSIONER STUMP: What sort of overflow do you
11 typically face on a Friday? It sounds like, again, more
12 people attending those Friday services, the Friday prayer
13 time.

14 RAZI MOHIUDDIN: Yes.

15 COMMISSIONER STUMP: How many cars would you
16 estimate have to seek other parking?

17 RAZI MOHIUDDIN: Probably on the order of about
18 30 or 40, or so. Our Saratoga facility has generally two to
19 three staggered prayers at the Saratoga Prospect Center;
20 again, that's a rental facility over there. So, we have
21 tried to move many of the congregants to actually pray in
22 Saratoga. Part of the reason the Saratoga Prospect Center
23 is also where there are a lot more businesses around there,
24 so most people go over there. Los Gatos is even more
25 residential than Saratoga is in that sense, so we don't

1 necessarily see a whole lot of folks coming over here, but
2 certainly there is some amount of overflow.

3 Keep in mind that also those who are, for
4 example, working from home, and people have some families
5 and kids, and so they carpool for those services.

6 COMMISSIONER STUMP: Thank you. My final
7 question. The surrounding neighborhood that you're in was
8 developed back in the 1940s, 1950s, 1960s predominantly,
9 and development of residential properties back at that time
10 did not require curbs, gutters, and sidewalks. Some of the
11 neighborhood streets like Farley Road, they are not
12 particularly safe for pedestrians, day or night. Do you
13 have public safety concerns related to pedestrian safety
14 for your congregants as well as the neighbors?

15 RAZI MOHIUDDIN: Obviously, we are concerned that
16 there is no kind of accident or anything like that. Part of
17 the thing that we have done in order to mitigate that as
18 much as possible is to have those traffic guards. We have a
19 number of traffic guards that are directing traffic. One of
20 the things that we have done, for example, right now in
21 Ramadan, when we are using both driveways we ask the
22 vehicles to turn left when they are exiting from the
23 entryway and turn right when they are exiting from the
24 exitway, and what we ask is our pedestrian traffic to
25

1 actually cross the road in the middle of the facility and
2 go on the far side in order to avoid essentially conflict
3 with the vehicles.

4 COMMISSIONER STUMP: I guess the reason I ask is
5 the evening I was out there, I didn't want to become a
6 statistic for the neighborhood, but as I was driving toward
7 Los Gatos Boulevard down Farley Road one of your
8 congregants, making sure to be on time, was hustling,
9 probably parked at Affordable Treasures, and was in dark
10 clothing. I did not see him. Now, there was no close call,
11 no brush, but I went oh, what wouldda, coulda, shoulda
12 happened here, because I did not see him, so personally I
13 am very concerned about public safety in general in that
14 neighborhood, whether it's for your congregants or it's for
15 the neighbors themselves. Thank you very much for that
16 response.

18 RAZI MOHIUDDIN: Thank you.

19 CHAIR BURCH: Are there additional questions for
20 the Applicant? Commissioner Burnett.

21 COMMISSIONER BURNETT: Just a quick question. I
22 know Ramadan is a beautiful 30-day time every year for your
23 congregation. What worries me a little bit is the
24 sustainability of the numbers. I know some congregations in
25 other faiths actually do reservations where they make a

1 time that you know how many people are coming and there's a
2 limit, so there's some way to control the amount of people
3 attending your festivities. Has that ever been maybe an
4 option to think about?

5 RAZI MOHIUDDIN: Typically, as a faith community,
6 if somebody wants to come to the mosque, as an example, I
7 don't know how to say to them no. Now, a lot of people, for
8 example, we have members in our community who actually do
9 not want to come to our facility, because they don't want
10 to kind of deal with and inconvenience the neighbors and so
11 on, so they go to other facilities or don't come at all, as
12 an example. But in general, we try to basically tell people
13 that listen, what we try to promote is make sure that if
14 you come, you follow all laws, drive slowly, make sure that
15 if you're walking, you're walking on the far side of the
16 street, and making sure that everything that you're doing
17 is in a safe manner, and that's what we try to do.

18
19 COMMISSIONER BURNETT: Thank you for that. I was
20 just thinking it would be sort of a comfort for the
21 community to know that there would be a limit to the amount
22 of attendants.

23 CHAIR BURCH: Are there further questions? I have
24 a couple.
25

1 I know that you have had a lot of conversations
2 with the neighbors, and we heard a lot tonight, so I want
3 to go through a few things that as we start deliberating
4 and talking, we understand potential paths forward.

5 Obviously, your neighbors have talked about the
6 noise along, I think, it's the exit there. There are
7 certain ways to mitigate noise that are better than just a
8 fence, such as a masonry wall that could be taller and that
9 absorbs a lot of car noise. Are there things such as that
10 that you guys would be willing to do to help bring down the
11 noise issue with your neighbor, but also allow you guys to
12 continue operating in the way you wish?
13

14 RAZI MOHIUDDIN: We have talked about that in the
15 past here. In general, masonry walls are actually from what
16 I understand, number one, extremely expensive, number two,
17 they create kind of a fort-like structure effectively in
18 that sense here, and they really also bounce off sound,
19 especially on both sides, if you will, as well, but the
20 sound actually still continues to travel above it. So, from
21 everything that we have learned, masonry walls are not
22 going to actually incrementally diffuse the sound even more
23 on that.
24
25

1 Having said that, we are willing to consider
2 other methods, for example, in order to block off; shrubs,
3 plants, and things of that nature as an example on that.

4 CHAIR BURCH: Something else that I want to
5 double check with, too, is there were some photos about the
6 lighting on your parking lot, and all parking lot lights
7 should be shielded. I don't know how old your pole lights
8 are. If we wanted to put into the Conditions of Approval
9 that we ensure that those lights are shielded so the light
10 is directed down instead of out, would that be something
11 you guys would be willing to do?
12

13 RAZI MOHIUDDIN: Chair Burch, I believe that
14 already exists over here. If you look at 13-C, Lighting,
15 "All site and parking lot lighting shall be full control
16 cut-off, downward directed, and dimmed to security levels
17 during Quiet Hours." But if you think that there is
18 something else that we can do in order to make it even
19 better, happy to consider that. There was a time that we
20 may have been at a different angle, which was obviously
21 causing some sense of light pollution over there, but we
22 have since adjusted that and we agree to the additional
23 Conditions of Approval over here, which will be full cut-
24 off, downward directed, especially during the Quiet Hours.
25

1 CHAIR BURCH: Okay, thank you. Are there any
2 further questions for the Applicant? All right, thank you.

3 RAZI MOHIUDDIN: Thank you. Appreciate it.

4 CHAIR BURCH: All right, we will now close the
5 public portion of the public hearing, and before we begin
6 any motions or discussions, Ms. Whelan, could you just do a
7 reminder of us that obviously we'll go through questions of
8 Staff, but then as we move into discussion, how that is
9 supposed to flow?
10

11 ATTORNEY WHELAN: Yes. The Town Council recently
12 adopted the Rosenberg's Rules of Order, and that requires a
13 motion and a second before there is discussion. That's the
14 main difference, the main change. If the Commission would
15 find it helpful, I did make some notes during the various
16 presentations if you would like Staff's perspective on any
17 of the issues that were raised.

18 CHAIR BURCH: Great. So, we'll go through
19 questions of Staff, but before any discussion, there will
20 need to be a motion. Commissioner Stump.

21 COMMISSIONER STUMP: My question is do we have
22 any time to discuss what a motion would look like before we
23 just lay it down on the table?
24
25

1 ATTORNEY WHELAN: Yes, when you're formulating
2 the motion you could say, "I'm thinking about making the
3 following motion. Would there be general support for that?"

4 CHAIR BURCH: Any other questions of Staff?
5 Commissioner Stump.

6 COMMISSIONER STUMP: Well, I guess that's not a
7 question. I'm sorry. I did ask a question of Staff, but we
8 now need to talk about a motion, correct?

9 CHAIR BURCH: No, we can ask questions of Staff.
10 So, we'll do questions of Staff.

11 COMMISSIONER STUMP: Got it.

12 CHAIR BURCH: But what I wanted to be clear about
13 was we do not move into discussion.

14 COMMISSIONER STUMP: Understand. Thank you.

15 CHAIR BURCH: Commissioner Stump and then
16 Commissioner Sordi.

17 COMMISSIONER STUMP: Back to CEQA. It's been
18 raised a couple of times this evening by a speaker and by
19 the attorney for the resident. A question was asked of the
20 Applicant, and the Applicant's attorney responded as well.
21 We have an opinion that environmental review should be
22 conducted and that we should get outside counsel review.
23 Have we done that at this point in time, and what is the
24 opinion of Town Staff on CEQA?
25

1 ATTORNEY WHELAN: Yes, we have been consulting
2 with outside counsel along the way, and I do have a brief
3 PowerPoint on how the Staff reached its determination
4 regarding CEQA, so if the Director could pull that up I can
5 walk the Commission through how we reached our conclusion.
6 I'll do that first, and then I think I might also address
7 questions that came up regarding the Town's Noise
8 Ordinance.

9 The Town is relying on CEQA Guideline Section
10 15301, which is a categorical exemption from CEQA for
11 existing facilities, and it applies when the operation or
12 minor alteration of an existing structure facility will
13 involve negligible or no expansion of an existing or a
14 former use.

15 Staff took a look at the current hours of the
16 West Valley Muslim Association and compared it with the new
17 hours of operation that are being requested, and it's
18 important to note that the existing Conditional Use Permit
19 does not contain any limitation on morning hours of
20 operation. The current CUP only limits evening hours of
21 operations. So, we compared a 10:00 o'clock end time with
22 the requested 11:00 o'clock end time, and then during
23 Ramadan the change from 11:00 o'clock to either 11:30 or
24 midnight, depending on the time of sunset, and we
25

1 determined that those additional hours were a minor
2 alteration in the existing operation that involved a
3 negligible change in the existing use.

4 Then, the Town did receive a letter from the law
5 firm of Hoge Fenton asking what baseline the Town was
6 using, and the Town is relying on a case called *Bloom vs.*
7 *McGurk*, and that requires that the Town make its CEQA
8 determination based on the existing use that's in existence
9 at the time that the determination is being made, and so
10 Staff is recommending that the CEQA determination be made
11 in conjunction with what the existing use is on the
12 property currently in connection with the 2020 Conditional
13 Use Permit.

15 When a court reviews the use of a categorical
16 exemption, the court will ask whether the decision was
17 supported by substantial evidence in the record that the
18 project involved negligible or no expansion of use, and as
19 I mentioned, Staff felt that the increase in hours was a
20 negligible expansion of use.

21 Now, there is a provision in CEQA that's been
22 discussed a bit tonight, and that contains two possible
23 exceptions to the use of a categorical exemption.

24 The first is when there are unusual circumstances
25 present, or cumulative impacts of a number of projects over

1 time result in a significant environmental impact. In order
2 to use the unusual circumstance exception, there should be
3 a reasonable possibility of a significant effect on the
4 environment due to those unusual circumstances.

5 And cumulative impacts mean that the impact is
6 significant when it is considered together with other
7 related past, present, or future projects.

8 Staff didn't feel that either of those exceptions
9 precluded the use of the categorical exemption. And in
10 order to make an argument that one of those exceptions
11 applies, a person must produce substantial evidence that
12 supports a fair argument that the exception to that
13 exemption applies.
14

15 In summary, Staff looked at the facts of the
16 existing Conditional Use Permit and determined that based
17 on the negligible expansion of use, the Categorical
18 Exemption 15301 applied in this instance.

19 I can answer other CEQA questions, or I can go
20 into the Noise Ordinance.

21 CHAIR BURCH: Are there further CEQA questions?
22 Commissioner Sordi and then Commissioner Stump.

23 COMMISSIONER SORDI: I think it was the speaker
24 from Hoge Fenton that suggested that because of the fact
25 that there were standard environmental conditions included

1 in the Conditions of Approval, that that implied that some
2 sort of environmental review beyond just a categorical
3 exemption would be necessary.

4 ATTORNEY WHELAN: Are you referring to the
5 portion of the talk where they were saying that you can't
6 mitigate an impact out of existence?

7 COMMISSIONER SORDI: Right, right.

8 ATTORNEY WHELAN: Yes.

9 COMMISSIONER SORDI: I'm thinking about some of
10 the operational traffic Conditions of Approval.
11

12 ATTORNEY WHELAN: Yes. My take on that was there
13 is a portion of the Staff Report that talks about the
14 findings that the Commission needs to make in order to
15 approve a Conditional Use Permit. There are several
16 findings. One is would it negatively impact public health,
17 safety, and welfare? Does it conform with the General Plan?
18 Is it in the interest of the community, etc.

19 There is a discussion in the Staff Report about
20 those four findings, and the conclusion was that with the
21 proposed conditions the project would be consistent with
22 the goals of the General Plan, and so it was apples to
23 oranges. We were talking about whether or not the project
24 would conform with the Town's General Plan, which is a
25

1 separate consideration of whether or not the CEQA exemption
2 applies.

3 CHAIR BURCH: Commissioner Stump.

4 COMMISSIONER STUMP: I'm going to make an
5 assumption that when the Planning Commission considered the
6 CUP back in 2020 that this was our first mosque, and that
7 we really did not have a clear understanding of how they
8 operate, and obviously in the COVID years, they started up
9 in the COVID years, and so their use was very limited, like
10 most religious institutions.

11
12 As I've been doing some calculations, why does
13 the neighborhood see this as being truly impactful? Well,
14 just based on numbers that I was provided tonight, their
15 average attendance per week is 3,500 people. That would be
16 just dividing it by four using the number would be 875 cars
17 going to the mosque.

18 If you look back at the prior religious
19 institutions, average attendance at Jehovah's Witness—I've
20 had to go to Internet research, so is it totally accurate?
21 As accurate as it can be, I would suppose—average weekly
22 attendance was 350. Estimated cars for that would be 88
23 cars.

24 And go back to First Baptist Church. Let's give
25 them credit and say they had average attendance of 600

1 people across three services. Their estimated cars, 150
2 over three different services.

3 So, when you look at that increase of vehicle
4 traffic, it's no wonder that the folks on Farley Road in
5 that neighborhood feel a significant impact, and combine
6 that with the expanse of the hours that are offered, and
7 understandably, to allow them to achieve their religious
8 requirements, it's a huge impact, and so looking at that
9 impact back at that time, I just think it was probably
10 missed, that we'd say well, what is that use going to be
11 and what is that use going to look like, and can this
12 neighborhood handle 3,500 cars a week, or 4,000?

14 The good news and bad news from the mosque, they
15 appear to be growing. Awesome, but that growth is just
16 going to continue to bring more congestion, more cars, more
17 potential for public safety issues, and so I guess my long
18 question would be does this speak at all to anything
19 related to CEQA as an exception, as something we say gee,
20 that should be looked at, that's significant?

21 ATTORNEY WHELAN: The case law supports looking
22 at the difference between the use as it exists on the day
23 that the decision is being made against any change in the
24 use that will come about as a result of the new land use
25

1 approval, and so based on that, Staff felt that the
2 increase in hours resulted in a negligible increase in use.

3 Reasonable minds can differ, and the
4 Commissioners could take a different tack. If the
5 Commission feels that the categorical exemption is
6 inapplicable, the next step would be for the Applicant to
7 prepare an Initial Study, and the Initial Study would look
8 at any impacts to the environment posed by the new hours of
9 operation, the change in the hours, because the existing
10 use already exists.

11
12 And then, based on that Initial Study, either a
13 Negative Declaration would be prepared, or a Mitigated
14 Negative Declaration that had mitigation measures to reduce
15 or eliminate any significant environmental impacts, or an
16 Environmental Impact Report.

17 DIRECTOR PAULSON: Through the Chair, just to
18 clarify, the CEQA, as you all know, no longer looks at
19 Level of Service, it's Vehicle Miles Traveled, so it's a
20 different threshold than has been used in years past, so
21 that would not even be a CEQA impact in and of itself.

22 CHAIR BURCH: Thank you for the clarification. I
23 have quick question just based on what you said, so I
24 understand. You said it would be measured based on the day
25 the declaration was made, and I assume you mean today.

1 ATTORNEY WHELAN: Based on the existing use as of
2 now.

3 CHAIR BURCH: Right now.

4 ATTORNEY WHELAN: Yes.

5 CHAIR BURCH: Thank you. Were there additional
6 questions of Staff? Vice Chair Barnett.

7 VICE CHAIR BARNETT: I have a good number of
8 them, so please bear with me.

9 CHAIR BURCH: I'll cut you off if I have to. No
10 problem.

11 VICE CHAIR BARNETT: What is Staff's position
12 regarding the legal opinion of Mr. Spondorio (phonetic) in
13 his letter of November 4th of last year that RLUIPA does not
14 apply to this application?

15 ATTORNEY WHELAN: My understanding of the letter
16 is that that firm is of the opinion that RLUIPA is not
17 implicated because a denial of this proposed modification
18 would not substantially burden the Applicant, and
19 specifically, the Applicant's religious exercise. So, that
20 is the threshold question: Would restricting expanded hours
21 substantially burden this form of worship? That firm has
22 concluded that it would not.

23 Staff's view is that it would, but there are two
24 other elements of that analysis.
25

1 The next question is, is there a compelling
2 government interest at stake that needs to be protected?
3 And neighborhood compatibility has been held to be a
4 compelling government interest.

5 The third and final question is, is the public
6 entity imposing the least restrictive means to address that
7 compelling government interest?

8 And, so, I think the attorney who spoke would end
9 the question at the substantial burden question, and Town
10 Staff would end the question at are we imposing the least
11 restrictive means to address a compelling government
12 interest?

13
14 VICE CHAIR BARNETT: Okay, thank you. Further
15 question is to the knowledge of Staff, have any other
16 religious institutions in Los Gatos been required to
17 conduct a CEQA analysis at any level as part of their CUP
18 application?

19 JOCELYN SHOOPMAN: Thank you for the question. At
20 this time, I'm not aware of any other religious institution
21 that has been required to do an Initial Study with the
22 caveat that they weren't requesting an expansion of their
23 existing building.

24 VICE CHAIR BARNETT: Thank you. If I may
25 continue? Okay, thank you.

1 Explain why the standard parking space-to-floor
2 ratio is not proposed as a condition?

3 JOCELYN SHOOPMAN: Thank you for that question.
4 That condition was not included in the previous Condition
5 of Approval and other Conditions of Approval. It is
6 included so the Commission could have a discussion this
7 evening about including that as a Condition of Approval.

8 VICE CHAIR BARNETT: Thank you. We visited this a
9 little bit, but remind me what the occupancy rating for the
10 premises is, and whether the current usage complies with
11 that.

12
13 JOCELYN SHOOPMAN: Thank you for question. Are
14 you referring to what the fire occupancy amount is?

15 VICE CHAIR BARNETT: Yes.

16 JOCELYN SHOOPMAN: The Fire Department determined
17 that the occupancy amount for a combined total of the three
18 auditoriums is 869 people with chairs, or 1,217 people with
19 no furniture.

20 VICE CHAIR BARNETT: Okay, thank you for that.

21 COMMISSIONER STUMP: What is the process of going
22 back to the Fire Department and reevaluating that? Why do I
23 say that? Because that, as I understand it, is standing
24 room only; it's a standing room only calculation, and we
25 heard tonight that they are not standing room only, and in

1 some cases it would be up to eight square feet, which would
2 get us back toward that 869, so I'm just wondering, what is
3 the process to have that reevaluated? That's all I'm
4 asking. I'm not trying to make a statement here tonight,
5 but I just think from a public safety standpoint, this
6 space needs to be evaluated appropriately, and I don't
7 believe the Fire Department did.

8
9 DIRECTOR PAULSON: Through the Chair, if the
10 Commission is interested, we can always go back and get
11 additional information from the Fire Department. They do
12 this for a living, and so we generally rely on their
13 expertise, but if there is a need for additional
14 information, we definitely can look at that and see if
15 there are some other provisions.

16 COMMISSIONER STUMP: Yes, I would appreciate
17 that. Thank you.

18 CHAIR BURCH: Commissioner Barnett, then let's
19 let Commissioner Sordi.

20 VICE CHAIR BARNETT: What is Staff's thinking
21 about adding language to the Conditions of Approval that
22 would require the Applicant to submit its request for the
23 parking lot expansion within, say, six months, and
24 completed within, say, 12 months?
25

1 ATTORNEY WHELAN: I don't see any legal issues
2 with adding that condition.

3 VICE CHAIR BARNETT: Thank you.

4 CHAIR BURCH: Commissioner Sordi.

5 COMMISSIONER SORDI: I just wanted to ask a
6 clarifying question, because we've had a lot of public
7 testimony and we heard a lot of people talk about code
8 violations, repeatedly saying that this user is out of
9 compliance, and they also made reference to something
10 called curfew on several occasions, and I would just want
11 to get Staff's response to that. Are there any operating
12 hours that apply specifically in the morning where we've
13 had people repeatedly saying that they're operating outside
14 of operating hours, and is there a curfew of any type?

15 ATTORNEY WHELAN: I can address that. In the
16 existing Conditional Use Permit, there is an evening end
17 time, and during Ramadan that is 11:00pm, and we did have
18 discussion with the Applicant on whether the operating
19 hours until 11:00pm included exit of vehicles, and so the
20 existing Conditional Use Permit says that operations will
21 end by 11:00pm.

22 The dictionary defines operations as the fact or
23 condition of functioning or being active, and so taking
24 that in conjunction with the original reason for the
25

1 request, it's Staff's position that the cars need to exit
2 by 11:00pm, and the reason for that is in 2020 when the
3 hours were extended, the Applicant stated that the
4 additional time until 11:00pm was needed to allow vehicles
5 time to exit, and so that was part of the reason for
6 granting that extension of time.

7 In the existing Conditional Use Permit there is
8 no limitation addressing morning hours, and so there are no
9 limitations on ingress and egress.

10 There was an instance in 2024 where the Town
11 received a complaint regarding noise from the grate that
12 was associated with the gate to the property, and in
13 Staff's estimation that did constitute a noise disturbance
14 as defined by our Town Code, because it was a repetitive
15 banging sound. So, we did contact the mosque and the mosque
16 removed that piece of equipment in order to eliminate that
17 noise, so they addressed that problem.

18 Over this past Ramadan the Town's Code Compliance
19 Officer did receive a complaint about cars exiting after
20 11:00pm, and he had issued a warning to the mosque, and
21 he's preparing a citation for the mosque.

22 Would it be helpful to have a definition of noise
23 disturbance, or do you feel like you have enough
24 information?
25

1 COMMISSIONER SORDI: Just a clarifying question,
2 because the term curfew has been used, and I don't know
3 whether that relates to the operational hours. We had
4 people speak to, I think, the 8:00am to 10:00pm... Sorry, I
5 think it's 10:00pm to 8:00am daily.

6 ATTORNEY WHELAN: Yes.

7 COMMISSIONER SORDI: I guess that relates to the
8 Noise Ordinance.

9
10 ATTORNEY WHELAN: It does. In the Town Code there
11 is a requirement that there be no noise disturbance between
12 the hours of 10:00pm and 8:00am, and then the Town Code
13 defines the term noise disturbance as, "Any sound judged by
14 a reasonable, sane, and competent person which occurs with
15 such intensity, frequency, or in such a manner as to
16 disturb the peace and quiet, endanger or injure personal or
17 real property, or violates the factors set forth in this
18 ordinance. It shall include, but not be limited to, noise
19 from the following sounds, (this enumeration not being
20 exclusive, but only illustrative): the use, operation,
21 playing of any radio, television, musical instrument or
22 instruments, etc., or any other devices for the production
23 or reproduction of sound with louder volume than is
24 necessary; the sounding of a horn; the operation of any
25 machinery or tool; the continuous or recurrent acceleration

1 of a motor vehicle or other engine while stationary; and
2 yelling, shouting, hooting, whistling, or singing on a
3 public street."

4 And then that section ends by saying, "Compliance
5 with the quantitative standards as listed herein shall
6 constitute elimination of a noise disturbance." And so that
7 is cross-referencing the Town's decibel limits.

8 COMMISSIONER SORDI: So, just to clarify, it
9 might seem a little obvious at this point, but video
10 evidence of cars coming and going, say, between the hours
11 of 5:00am and 8:00am on a daily basis, unless they violate
12 a noise standard, I presume does not provide evidence of
13 non-compliance?
14

15 ATTORNEY WHELAN: That's correct, because under
16 the existing Conditional Use Permit there are no
17 limitations on morning use of the property, and so that
18 would include ingress and egress to the property.

19 COMMISSIONER SORDI: Thank you.

20 CHAIR BURCH: Commissioner Mayer.

21 COMMISSIONER MAYER: I have a question for Staff.
22 One concern that was brought up both by the neighbors and
23 by the WVMA is pedestrian safety on Farley Road itself,
24 especially when there is traffic congestion, and just
25 having visited the street multiple times while researching

1 this CUP application, I did notice that the road itself,
2 everyone here has inherited the design from when this was
3 originally planned, and it seems that with the concerns
4 raised there are areas that the Town could potentially
5 improve pedestrian safety on Farley Road, including
6 speedhumps, better lighting, regulation of parallel
7 parking, whether that's permits or marked spaces or
8 something else.

9
10 My question for Staff is how do we discuss this
11 in relation to this CUP application? Obviously, we're
12 talking about the public right-of-way here, and not the
13 WVMA private property. I just want to make sure that the
14 Commission is able to address these concerns that we've
15 heard.

16 ATTORNEY WHELAN: The Town does have the ability
17 to impose conditions on a Conditional Use Permit that are
18 intended to address the impacts of that use. Sometimes
19 jurisdictions will impose a requirement that an Applicant
20 install a sidewalk along their frontage, or install a
21 streetlight or a traffic light, and so the general rule of
22 thumb is that whatever condition is imposed has to be
23 reasonably related to the impacts of that use, and then in
24 addition, the expense of it has to be roughly proportional
25 to the impacts that that particular use is creating.

1 For instance, if the Town were to impose a
2 requirement that this Applicant construct a sidewalk, this
3 Applicant could only be required to pay for the portion of
4 the sidewalk that would be used in proportion to the
5 congregation members who would be using that sidewalk as
6 opposed to the residents.

7 COMMISSIONER MAYER: A follow-up question to
8 that. I'm not a traffic engineer or a civil engineer. How
9 would that work if we wanted to have those discussions, but
10 needed the input of, say, the Public Works Department?
11

12 ATTORNEY WHELAN: We have two representatives of
13 the Public Works Department here this evening, and so
14 usually a condition of that nature would be developed by
15 Staff and then presented to the Commission.

16 CHAIR BURCH: Could we ask Public Works to expand
17 on that a little bit? Like, how do you make those
18 determinations?

19 GARY HEAP: Thanks for the question. Gary Heap,
20 Town Engineer. There are a number of items, I think, that
21 got discussed there from sidewalks to street lighting to
22 traffic calming, and a lot of issues that got brought up by
23 the neighborhood as well. I could go ahead and address
24 those one at a time, if you'd like.
25

1 We can start with streetlights. The neighborhood
2 itself, as I think we had indicated, was built back in the
3 1960s more than likely, with lighting that was probably
4 sufficient at the time; it's probably not now. But we have
5 several other neighborhoods throughout our community that
6 are not well lit according to the folks that like to see a
7 lot of lighting. Lighting is a very intrusive type of
8 thing. Some people want lighting, because of safety issues.
9 Others don't want lighting, because they like the nature of
10 their neighborhood that is relatively dark in the evenings
11 and they don't want light obstructing their windows or
12 their houses, or their street, even.

14 So, it's very difficult for us to, if you're
15 talking about safety, determine if it's a safety thing or
16 not. Safety is a subjective thing as well. Are there
17 indications from our Police Department that there have been
18 break-ins? Is it a safety thing there? Is it a pedestrian
19 safety issue, because folks are walking on the shoulders
20 during certain times of the evening? I don't think we've
21 had any accidents that have been reported that are
22 pedestrian related along there, so from that aspect, I
23 would say there is not a safety concern, wouldn't warrant
24 the lighting. Then again, we have several other areas in
25 Town that are lit very similarly.

1 Sidewalks, the same type of thing. There are
2 plenty of neighborhoods throughout town that don't have
3 sidewalks where people walk in the street, and do so safely
4 when there are cars parked there, and sometimes when
5 they're not. I think you could make the argument that when
6 cars are parked there it's somewhat less safe than when
7 there aren't cars parked there and people can walk on the
8 shoulder.

9
10 I think we've heard from the testimony that we're
11 talking about a very limited time when these things occur.
12 Again, we haven't had any accidents or situations. I don't
13 know if that necessarily warrants the construction of a
14 sidewalk along Farley Road to address those types of
15 things.

16 The traffic calming. There have been traffic
17 calming studies in the area. Mike Vroman, my senior traffic
18 engineer, can answer some of those questions specifically,
19 but know that the criteria for putting in speedhumps in a
20 neighborhood would be 1,500 vehicles per day. We've done
21 counts out there on I believe it was Flintridge—there was a
22 request a number of years ago—and we did not hit that
23 threshold for volume.

24 There is also a speeding criterion. Five miles
25 over the posted speed limit, which is actually low for a

1 number of communities, and again, that would have us be
2 looking at speeds in excess of 30 miles an hour, and what
3 we've seen out there through some of the studies that we've
4 done on speeds are relatively low, in the 26-27 mile an
5 hour range, so would not qualify for speedhumps either.

6 So, we've looked and evaluated based on what
7 we're seeing out there, and we just don't see a need for
8 any improvement based on an Engineering and a Public Works
9 perspective. I hope that answers your question. It was
10 really longwinded; I apologize for that.

11
12 CHAIR BURCH: No, that does help. Go ahead, Vice
13 Chair Barnett.

14 VICE CHAIR BARNETT: Could you address the
15 suggestion of striping the street so that the two-way
16 traffic is a little safer?

17 GARY HEAP: Sure. I think there was a couple of
18 striping things that we had talked about and heard about.
19 Center line striping, I think, was one, and the other one
20 is parking tees.

21 Any kind of striping we put down is not anything
22 that lasts forever. It's something that has to be
23 maintained and costs the Town money to not only install it,
24 but to reapply on a regular basis.

1 From the perspective of parking tees, we
2 typically don't put them down, because again, it's an extra
3 added expense. When I've seen it done in other communities,
4 we tend to see that as more of a commercial application,
5 and when you look at the amount of cars that can park on a
6 street with and without parking tees, you can actually fit
7 in more cars without parking tees, because a lot of cars
8 don't need that full 18'-22' length that a parking tee
9 would provide, and so you can get more cars parked on a
10 street frontage without parking tees.
11

12 Center line striping is something we could
13 certainly look at, but again, that's typically managed or
14 installed for high-volume locations where there are higher
15 speeds.

16 DIRECTOR PAULSON: Through the Chair, just one
17 more added complication with any public improvement.
18 Looking at the map, there are a number of properties in
19 that section of Farley Road that haven't done the complete
20 dedication, so as projects come through, it appears to be
21 an additional 10' on both sides that is the ultimate right-
22 of-way width, and I want to say I recall it being a total
23 of 60', so that's another complication with looking at
24 acquiring property potentially for added improvements.
25

1 CHAIR BURCH: Okay, thank you. Do you have a
2 follow-up? Go ahead, Commissioner Mayer.

3 COMMISSIONER MAYER: Thank you for the
4 explanation of the objective criteria used to evaluate
5 these various street improvements, but I think the issue
6 raised by, especially the neighbors, was the situation when
7 there are parallel parked cars up and down the street on
8 both sides, plus two-way traffic, and that creating a
9 hazard for pedestrians. I'd like to know more about what
10 the engineering approach to a problem like that would be,
11 if there is any.

13 GARY HEAP: Gary Heap, Public Works. We always
14 want to look at what the ultimate width of the roadway is.
15 We went out and did some measurements. You've got soft
16 shoulders on both sides of the majority of Farley Road, but
17 in looking at a couple of different cross-sections, we had
18 roughly 40'-plus of width out there, usable space. So, if
19 you're looking at 7', maybe 8', for the width of a parked
20 car—I'm getting to your question. Sorry, I have to explain
21 the numbers first—and you're looking at roughly a 10'
22 travel lane for residential areas, you're looking at, what
23 is it, there is roughly 36', thank you, Mike. Mike's
24 helping me calculate things over there. So roughly 36', so
25 you've got an additional 4'.

1 Now, does that provide additional width for safe
2 passage of pedestrians? Again, safe passage of pedestrians
3 is kind of a subjective thing. We'd have to look back at
4 have there been any accidents? Have there been any reported
5 close calls? With the way that the vehicular traffic works
6 out there during the entrance and the exit, if you've got a
7 lot of cars coming in on the entrance, they're on one side
8 of the street, they would be on the north side of Farley,
9 so pedestrians could probably walk pretty safely on the
10 south side.

11
12 Similarly, as cars are exiting from I guess it
13 would be the western driveway, they're traveling on the
14 right side, they're already getting the north side, so if
15 what I heard from the congregation is that folks are
16 crossing to then the south side and walking along the
17 street, yes, there are parked cars there, but there
18 typically wouldn't be vehicular traffic on both sides of
19 the street, since (inaudible) provide additional width for
20 some safe passage through there.

21 So, again, my opinion is that I don't think there
22 is an unsafe situation out there, and that, again, we
23 haven't had any records or any notice that we've had any
24 unsafe issues occurring.
25

1 CHAIR BURCH: Other questions of Staff?

2 Commissioner Stump, then Vice Chair Barnett.

3 COMMISSIONER STUMP: Might as well continue with
4 Public Works. Obviously, we've heard concerns by the
5 residents about parking, and certainly the congregants have
6 tried to do their best not to park in driveways; it's very
7 dark, so they have a tendency to do that from time to time.
8 There is the concern about the massing of off-street
9 parking. My question is, from a resident perspective, what
10 options do they have through the Town of Los Gatos to
11 address parking in their neighborhood?
12

13 GARY HEAP: Well, we have a residential parking
14 permit program. It's being revamped right now. We hope to
15 have it rolled out and approved in the next several months,
16 but that residential permit parking is typically around
17 high-impact areas that occur during the day: schools,
18 commercial areas, and the like, but then are supported by
19 our Police Department in terms of that enforcement.

20 Right now, our enforcement for parking is only
21 until 6:00pm, and so if there is an issue with night
22 parking, it really wouldn't be able to be served by our
23 residential parking permit program unless we could have
24 enforcement by our Police Department past those normal
25 hours, and so we would have to really talk to our Police

1 Department and see about expanding the hours. That's
2 something we can talk about in our residential parking
3 permit program as we're developing that and, again,
4 bringing that forward for approval, but I will tell you
5 right now that 6:00pm is what is the stated time for ending
6 parking enforcement.

7 COMMISSIONER STUMP: It's a good detail, but does
8 it say that on the sign, up until 6:00pm, because the
9 police will not cite you, or does it just still say Permit
10 Parking? I don't see anything on a sign that says..
11

12 GARY HEAP: Yes, as Mike indicated, it's
13 inconsistent. Some of the signs have hours, some of the
14 signs don't. Part of the reason we're revamping the program
15 is for consistency and making sure we have consistency, and
16 making sure we have consistent messaging throughout the
17 community.

18 COMMISSIONER STUMP: Thanks.

19 CHAIR BURCH: Further questions of Staff? I have
20 a couple.

21 There were a couple of comments about the
22 approval of an application like this setting precedence for
23 the Town, and I would like Staff or Ms. Whelan to address
24 how future applications would be looked at in relation to
25 this.

1 ATTORNEY WHELAN: What comes to mind is RLUIPA
2 has the provision that local jurisdictions have to treat
3 religious uses on equal terms with non-religious uses and
4 can't discriminate amongst various denominations. I think
5 it would be precedential to the extent that another
6 religious facility had similar hours of worship. I don't
7 think it would be precedential if another religious use did
8 not have a similar need for prayers at those same hours.
9

10 CHAIR BURCH: My other question is for Public
11 Works. There was a comment about having a fire marshal
12 review the site or the street. Did we have Police or Fire
13 maybe look at the street and express their opinion of any
14 risk of maybe emergency evacuation, or emergency vehicles
15 having access?

16 GARY HEAP: Thank you for the question. Gary
17 Heap, Public Works, again. I'm going to quote from an email
18 that we received as Staff on March 25th from Kenny Ip, who
19 is one of our fire marshals, basically saying, "When
20 parking is permitted on-street, both residential and
21 commercial applications shall conform to the following:
22 parking is permitted on both sides of the street if a
23 street width is 36' or more," and then it goes on to talk
24 about if it's less than that, then parking is allowed on
25 one side, if it's less than that, then no parking.

1 So, 36' is the criteria that the Fire Department
2 looks at for parking on both sides of the street to be
3 permitted, and also then provide access along those
4 streets, and as we've indicated, our measurements are that
5 we have 40' of clear width along Farley Road there, I would
6 indicate that based on what I'm seeing from the Fire
7 Department, they don't have any issue with circulation.

8 Now, in terms of evacuation, in terms of some of
9 those other things, access to and the like, I really can't
10 address that; those comments would have to come from our
11 Fire Department.
12

13 CHAIR BURCH: Thank you.

14 COMMISSIONER STUMP: As a follow-up to that, do
15 we have any street width issues in that neighborhood,
16 whether it might be Frank, Flintridge, and Izorah? I know
17 you said you took some measurements out there. I couldn't
18 quite tell by eyeballing it when I was out there if we did
19 have 36', which is absolutely right. You could have 36',
20 according to California Vehicle Code and California Fire
21 Code, for parking on both sides of the street. So, do we
22 have any width issues out there?

23 GARY HEAP: We did measurements along Farley in a
24 couple different sections. I do not believe we did any
25 measurements along Izorah or along Frank.

1 COMMISSIONER STUMP: Okay, thank you.

2 CHAIR BURCH: Any further questions of Staff?
3 Commissioner Burnett.

4 COMMISSIONER BURNETT: Yes, thank you. Two
5 questions. Has there been any cost to the Town for
6 regulating the traffic during high-traffic times, peak
7 hours around the Ramadan period, or have we had to put more
8 police out there at a cost to the Town?

9
10 JOCELYN SHOOPMAN: Thank you for the question.
11 I'll start. I'm not aware of the Staff adding additional
12 police, but we also don't have police presence here this
13 evening to clarify that. In terms of Ramadan, the
14 Applicant, at their own expense, has hired traffic guards
15 to assist with that.

16 COMMISSIONER BURNETT: Thank you for that, and I
17 have one follow-up question. In my readings, it was brought
18 up that some of the attendants that are controlling the
19 traffic going into the parking lot, that they actually need
20 to be certified, you can't just have someone be an
21 attendant that has no experience in that background. It was
22 brought up in some of the reports that they actually should
23 be certified or have some training in directing traffic.

24
25

1 ATTORNEY WHELAN: I'm not familiar with any laws
2 on that point, but that's definitely a Condition of
3 Approval that could be added.

4 CHAIR BURCH: Commissioner Stump.

5 COMMISSIONER STUMP: This is my opinion, but my
6 opinion is Farley Road is a disaster waiting to happen from
7 a public safety standpoint, and I realize when something
8 does happen, we go woulda, coulda, shoulda.

9 We did significant work over on Shannon Road
10 called the Shannon Road Improvement Project, major artery
11 to Fisher and other schools, kids walking, very similar
12 rural kind of road; no gutters, no sidewalks. In fact,
13 awesome job; I run on that quite often. I look at the
14 mosque, and I believe this is going to continue to grow.

15 CHAIR BURCH: Commissioner Stump, do you have a
16 question in this?

17 COMMISSIONER STUMP: Yes. My question is could
18 you explain how a street improvement project for Farley
19 Road, what it would take to progress a project, or at least
20 get a project on the board? I realize it's long-term, takes
21 years, probably get a grant, etc., but what's the process?

22 GARY HEAP: Thank you for that question. Gary
23 Heap, again, Parks and Public Works. To put a CIP project
24 together, which is what we're talking about, a capital
25

1 improvement project, we would look at basically there would
2 be a cost issue. Ee would have to look at the design,
3 because we'd also, I think, really start by looking at how
4 that prioritizes with other areas in Town.

5 The Shannon Road project that you referred to,
6 and thank you for the nice words about that project, we're
7 pretty happy with it and proud of it as well, that really
8 was identified in our Bike and Pedestrian Master Plan. It's
9 something that's heavily utilized by several schools in the
10 area, and there were issues with kids walking and riding in
11 the streets with a lot of traffic on a roadway that is a
12 significant collector, that has higher speeds, and that has
13 higher volumes as well, and so for a number of reasons that
14 project took precedence and was a high priority for the
15 Town.
16

17 We would have to look at how Farley Road and how
18 the improvements that might be recommended on Farley would
19 compare with other improvements that we would have in town,
20 what funding was available for those, and then we'd have to
21 schedule a capital improvement project basically at the
22 discretion of the Council.

23 CHAIR BURCH: I have a related question, just for
24 our knowledge. Once something is put as like a
25 recommendation for a capital improvement project, what is

1 the typical duration, if it's approved, to see it actually
2 completed?

3 GARY HEAP: Right now, we have a five-year CIP,
4 so we plan out for five years. We ask for funding for that
5 first year of the program, or the plan, we deliver those
6 projects, and then as we're going into that next fiscal
7 year we make sure we can address those projects that are
8 being put forward for funding—funding is pretty important
9 here for the Town—and then look again at the next four or
10 five years, and see where we're at.

11 There are a number of projects that are already
12 programmed out, projects that are a higher priority,
13 projects that are coming out of our Bike and Pedestrian
14 Master Plan and being generated through other means, and
15 the Master Plan documents.

16 If you're asking about Farley Road specifically,
17 we'd have to look at that and see where that falls in that
18 priority. I'm not sure how it would be prioritized compared
19 to some of our other Council-driven types of priorities,
20 especially when it comes to bike and pedestrian safety and
21 areas really around schools and higher pedestrian areas.

22 CHAIR BURCH: Okay, but we're safe to say not
23 with five years?
24
25

1 GARY HEAP: If the Council were to direct us to
2 do improvements along here, we could look at putting that
3 within our five-year program.

4 CHAIR BURCH: Okay, thank you. Are there any
5 other questions of Staff? Commissioner Burnett.

6 COMMISSIONER BURNETT: Thank you. We have a lot
7 of Conditional Use Permits in our Town, and speaking
8 basically of like Hillbrook, there are limits to the amount
9 of automobiles that can come and go. In fact, we monitored
10 it quite closely. They come before the Planning Commission
11 once a year and we evaluate if they're within the numbers
12 that are under the conditions of the use of the CUP.
13

14 So, how is that different with this one? Can we
15 put a limit on the number of cars? Can you put a limit on
16 the number of attendees? Is there any way to control the
17 magnitude of attendance or automobiles?

18 ATTORNEY WHELAN: The Conditional Use Permit does
19 authorize the Town to impose conditions that would address
20 the impacts of the use, and with this particular project I
21 would recommend running any proposed condition through that
22 RLUIPA analysis. The first question would be does it impose
23 a substantial burden on the facility? Then, the second
24 question would be is the condition needed to address a
25

1 compelling government interest? And third, is it the least
2 restrictive means to accomplishing that goal?

3 CHAIR BURCH: Following up like that, could there
4 be language around the number of people, four per number of
5 vehicles that can be parked on the site or something, and
6 would that have to be studied?

7 ATTORNEY WHELAN: I'll start, and then others can
8 follow. In my opinion, it would be legally defensible to
9 take the number of people that are assumed per car, and
10 then consider the number of spaces in the parking lot, and
11 then multiply the number of parking spaces by the number of
12 people assumed to be in each car and limit attendance to
13 that amount.

14 CHAIR BURCH: To be clear, that's limited the
15 number of people. That probably doesn't mean everybody has
16 to be parked on the site.

17 ATTORNEY WHELAN: One option would be to limit
18 the number of attendees to those who can park on the site.
19 Another option would be to allow the offsite parking, and
20 then have either a shuttle service or some safe way for
21 people to get from that offsite parking location to the
22 facility in the event of overflow parking.

23 CHAIR BURCH: One more follow-up on that. Have we
24 ever worked with an organization or anything to-for
25

1 example, they have an agreement with Affordable Treasures--
2 at least show proof that they're attempting to create
3 agreements with other parking lots or facilities for their
4 overflow?

5 ATTORNEY WHELAN: I haven't encountered this in
6 Los Gatos, but in other jurisdictions the Condition of
7 Approval will typically say, "Demonstrate proof of a lease
8 with another location to accommodate X number of cars, and
9 demonstrate that annually." So, the jurisdictions would not
10 be involved in the negotiation or the selection of the
11 other site, but it would be the obligation of the permittee.
12

13 CHAIR BURCH: Okay, thank you. Are there any
14 other questions of Staff? If not, I just want to remind
15 everybody before we go into conversation or deliberation,
16 we do need to have a motion on the table, and we need it
17 seconded, correct?

18 ATTORNEY WHELAN: That's correct.

19 CHAIR BURCH: Does anybody care to make an
20 initial motion? Vice Chair Barnett.

21 VICE CHAIR BARNETT: I'll make the motion with
22 the preface that on my six years on the Planning Commission
23 I haven't seen, number one, the opposing parties being so
24 polite and respectful for others, so I wanted to compliment
25 you on that. And also in my six years, it's the most

1 difficult declaration, because of legitimate concerns on
2 both sides, which I think have been recognized tonight, and
3 also the conflicting legal opinions that we've seen from
4 the neighbors and from the mosque. But we need to move
5 forward and at least get a motion on the table and see if
6 it gets seconded so we can have some discussion.

7 My motion is concerning Item 1 on tonight's
8 calendar, which is a request for approval to modify an
9 existing Conditional Use Permit for expanded hours of
10 operation in an institution for religious observance, West
11 Valley Muslim Association, on property zoned R-1:8 located
12 at 16769 Farley Road, APN 424-21-062.

13 I move to approve the draft resolution, which is
14 Exhibit 2, to the Staff Report on pages 23-26, which
15 includes the required findings for approval of the request
16 to modify the existing use permit for expanded hours of
17 operation. Approval of this resolution constitutes approval
18 of the application, subject to the Condition of Approval
19 set forth on Attachment A, page 27-31 of the Staff Report,
20 and additional conditions as follows:

21 One, that Condition 17 on Driveway Operation be
22 amended to add the Applicant is authorized to remove the
23 existing Right Turn Only sign at the exit driveway.
24
25

1 Two, that the Applicant provide contact
2 information for multiple board members and staff at all
3 times and explore setting up a phone number that routes all
4 of them, and the information shall be posted on the
5 Applicant's website as well.

6 Three, that the Applicant shall request the Los
7 Gatos-Monte Sereno Police Department to increase patrols
8 and place an electronic speed sign placement on Farley Road
9 during Ramadan.

10 Four, that the Applicant shall submit its
11 application for the parking lot expansion within six
12 months, and complete the improvements within 12 months.

13 Five, the Applicant shall meet and confer with
14 Staff in good faith concerning the construction of
15 additional fence height to mitigate light pollution.

16 Six, the compliance with the Conditions of
17 Approval shall be reviewed annually by the Planning
18 Commission.

19 Seven, that parking lot attendants shall be
20 trained by the police or another appropriate safety agency.

21 Eight, the Fire Department shall conduct an
22 occupancy analysis based on the Conditions of Approval.

23 That's it. Thank you very much.
24
25

1 CHAIR BURCH: All right, thank you. Do we have a
2 second to the motion? (No second.) You guys will have to
3 remind me where we go from here. If somebody wants to make
4 another motion, they can?

5 ATTORNEY WHELAN: Up to three motions can be on
6 the table at any one time.

7 CHAIR BURCH: Do we have any discussion about the
8 current motion, or a second motion?

9 COMMISSIONER STUMP: The problem is my motion
10 would take a little time to explain.

11 CHAIR BURCH: Okay.

12 COMMISSIONER STUMP: First of all, I want to say
13 that I'm very appreciative of the Desk Items we got today.
14 Once again, it shows the level of engagement and folks
15 making positive suggestions on how to come to, I hope,
16 ultimately a win-win situation. A couple of things that I
17 picked up in here.

18 Our concern is are we expediting approval rather
19 than resolving incompatibilities with the way we're going?
20 The attorney for the West Valley Muslim Association also
21 said there's a potential to work with the Town on street
22 improvements. Hey, hey, yeah, let's do that.
23
24
25

1 And the West Valley Muslim Association got
2 together with neighbors again on Sunday to continue
3 dialogue. I really think those were appropriate.

4 The Applicant's main concern, of course, is
5 getting authorization for their hours of operation to be
6 expanded both outside of Ramadan and during Ramadan, and
7 that's what their members have primarily addressed in
8 public comments.

9 The neighbors' main concerns are tied to public
10 safety and health, including volume of traffic, parking,
11 pedestrian safety, light pollution, parking lights and head
12 lights, and noise.

13
14 Before the CUP is finalized and voted on, I would
15 like to propose mediation between the parties. This would
16 be a formal mediation, so that both sides are clearly heard
17 and actions are documented and committed to, because I want
18 to avoid one party wins and one party loses, and that's
19 what I'd like to see this next step. Now, this is
20 voluntary, so I have to look out at the group here tonight
21 and say would you voluntarily be willing to go to mediation
22 to further discuss and create actions, and perhaps even
23 something that looks like an agreed upon CUP by all
24 parties?
25

1 Now, reminder, this is our Applicant for the CUP,
2 and so it's our responsibility to work with the Applicant,
3 but certainly the Applicant can take input.

4 So, again, my motion would involve continuing
5 this hearing to a date certain, perhaps, for example, in
6 June, so that voluntary mediation could be completed and
7 basically reported back to the Planning Commission at that
8 time, and then we can consider if the mediation is
9 successful, touchdown. If it's not successful, we're back
10 to probably the motion that Vice Chair Barnett has put
11 forward. So, I would be glad to turn that into a motion,
12 but I think before we even do that, we would need to get a
13 sense from the parties if they would be open to voluntary
14 mediation.
15

16 CHAIR BURCH: Can I open the public hearing to
17 have the Applicant come up to answer that? I think I would
18 only be able to ask the Applicant.

19 ATTORNEY WHELAN: Yes, but my recommendation is
20 opening the public hearing to hear from a representative
21 from both the Applicant and the neighbors.

22 CHAIR BURCH: All right, we will reopen the
23 public portion of the hearing specifically for this item,
24 and we need a representative from the Applicant and a
25 representative from the neighborhood. If the Applicant

1 could please come forward, and I think you've heard the
2 discussion from Commissioner Stump. I believe it's a little
3 bit of a yes or no question. I don't care who comes
4 forward, but could somebody come forward? Again, this is
5 very specific to the item that was put in front of us of
6 the agreement to enter into some type of mediation.

7 RAZI MOHIUDDIN: I'll answer the question with
8 one word, but I'll tell you my concern though here. We will
9 be absolutely willing to do mediation, as what we have been
10 always trying to do is reach out. However, we are concerned
11 that this elongates the process. We have been at it for a
12 long time, and I don't think we have made progress over
13 there, so we're concerned that this creates more tension
14 for our community, and uncertainty for our community. But
15 if this is what the Commission wants, reluctantly, yes.

16 CHAIR BURCH: All right. Thank you.
17
18 Representative from the neighbors.

19 JIM RATCLIFF: I would very much appreciate that
20 kind of mediation, because just from our talks with them,
21 it's been at a standstill, so I think it would be very
22 helpful to have like a formal mediation, and it would be
23 great if we could be looked at as one of the first towns in
24 country that can come together and really make a
25

1 difference, and both live harmoniously in this
2 neighborhood.

3 CHAIR BURCH: All right, thank you. All right, so
4 we're going to reclose the public...

5 RAZI MOHIUDDIN: Can I just make one quick
6 comment?

7 CHAIR BURCH: Very quick.

8 RAZI MOHIUDDIN: We need the mediator to be
9 familiar with things like RLUIPA, and also be familiar with
10 the religion as well.

11 CHAIR BURCH: Yes, I had a question to Staff
12 regarding that, so yes. So, I'm going to reclose the public
13 portion of the public hearing, and now I am going to ask a
14 question of Staff. If we have something like this on the
15 table, how do we ensure that the person that would be
16 involved in the mediation would be familiar with these very
17 specific issues?

18 ATTORNEY WHELAN: The motion could include that
19 requirement, and the more specialized the mediator, the
20 more expensive, and so I do think there should be
21 discussion on who will pay for the mediation.

22 CHAIR BURCH: That was going to be part of my
23 question too. Commissioner Burnett.

1 COMMISSIONER BURNETT: Yes, and on this point, I
2 would recommend that maybe a baseline or starting point
3 could actually be the nine suggestions by the attorney,
4 Sabline (phonetic) (inaudible). I think her recommendations
5 were very good, and maybe that could be the start of a
6 conversation, because it does give guidelines, it sort of
7 addresses all the highlights of where most of the issues
8 are, and it could be a starting point of conversation.
9

10 CHAIR BURCH: Okay, to the Maker of the Motion,
11 how are you going to, within this motion, propose who is
12 paying for this?

13 COMMISSIONER STUMP: Could Staff speak to that a
14 little bit? I mean, in this particular case, we're actually
15 asking two parties to get together and enter into a
16 mediation, and more than likely not on the Town's dime.

17 SEAN MULLIN: I can start and be brief. The
18 Town's fee schedule, to my knowledge, does not have any
19 mechanism to collect and fund outside mediation.

20 CHAIR BURCH: That's my understanding, too.

21 ATTORNEY WHELAN: One option would be to ask the
22 Applicant to pay, since this is coming out of an
23 application for a Conditional Use Permit modification.
24

25 CHAIR BURCH: Does the Maker of the Motion have a
comment on that?

1 COMMISSIONER STUMP: I'm sorry, did you say the
2 Applicant pay?

3 ATTORNEY WHELAN: Yes. There is no legal
4 requirement that the Applicant pay, but that seems logical,
5 since the Applicant is asking for the CUP modification.

6 COMMISSIONER STUMP: Okay. So, I move to continue
7 this hearing to a date certain in June, date to be
8 determined, assuming the medication would be completed,
9 with a mediator that is experienced with RLUIPA, and that
10 the Applicant will pay the cost of the mediation.
11

12 ATTORNEY WHELAN: I do recommend confirming with
13 the Applicant that they are open to pay, because otherwise
14 the mediation won't happen.

15 COMMISSIONER STUMP: I understand.

16 CHAIR BURCH: I'll open the public portion of the
17 public hearing, only to ask the Applicant this specific
18 question.

19 RAZI MOHIUDDIN: We would be willing to only
20 split it. I don't think it's fair for us to pay for it. If
21 we have to pay the entire thing, we would like to have a
22 decision today, if possible.

23 CHAIR BURCH: Right. Thank you. We'll reclose the
24 public portion of the public hearing. Vice Chair Barnett.
25

1 VICE CHAIR BARNETT: The problem I see with
2 splitting the fees is that the neighborhood is not bound
3 together, although you've commented together on a number of
4 matters, but there are disparate views within the community
5 and the neighbors. From my standpoint, it would be very
6 difficult for them to achieve an equal contribution.
7 Certainly, some could agree to pay all of it, but that
8 would be a concern of mine, and I don't have an answer to
9 it.

10
11 CHAIR BURCH: Commissioner Burnett.

12 COMMISSIONER BURNETT: Yes, I would just want
13 fairness. I would want representation for the neighborhood
14 as well as for the mosque, fair and balanced, that if you
15 have a lawyer or... I know there is like a neighborhood
16 alliance or group that have gathered and maybe have paid
17 the fees for their current legal representation, and maybe
18 that would be their source, and the source for representing
19 the mosque. I don't know, but it's necessary that it's fair
20 and equal in the mediation that they're represented
21 properly.

22 CHAIR BURCH: Commissioner Stump.

23 COMMISSIONER STUMP: I think it's a fair question
24 to ask. I mean, I realize there's a group that's called the
25 Farley Road Neighborhood Coalition, and I realize you're

1 not a legal entity. You certainly have invested money to
2 this point with your own legal counsel. And again, do we
3 have to open up public comment again if I'm going to ask
4 this question?

5 CHAIR BURCH: Yes. So, I guess I will open the
6 public portion of the public hearing again for a
7 representative of the neighborhood to speak to this. By the
8 way, you can have a minute to talk amongst yourselves about
9 this. You have a representative? Yes.

10 COMMISSIONER STUMP: I guess to ask my question,
11 would the Farley Road Neighborhood Coalition be willing to
12 agree to some split, and I guess we could leave that to the
13 parties, but to some split of the cost for mediation?

14 MICHELE S.: In this brief discussion, we are not
15 inclined at this time to answer yes or no, because we have
16 no idea how much an expert, as the Planning Commission has
17 alluded to, would cost for somebody who is extremely
18 specialized, and we'd like to also consider the fact that
19 the Applicant assume part of the burden, since they are
20 asking for the change and we are not; we're trying to
21 protect what we have. Does that answer your question
22 sufficiently?
23

24 CHAIR BURCH: Yes. Thank you. I will reclose the
25 public portion of the public hearing. I'm going to ask a

1 question of Staff. If we have some discussion and this
2 feels like the way the Commission wants to go, how do we
3 perhaps allow time for them to determine that cost and how
4 that split would come, and then come to Staff with the
5 solution to this that then comes up to a date certain
6 meeting? If we can even do that. You might say that's
7 impossible.

8 ATTORNEY WHELAN: I'll start, and others might
9 have other suggestions, but one option would be to continue
10 this meeting to give the Applicant and the neighbor group
11 and opportunity to look at options for a mediator and how
12 much it would cost, and to give further thought to whether
13 they think mediation would be fruitful, and then to return
14 to the Planning Commission at a date certain.

15 CHAIR BURCH: Does Mr. Paulson have anything to
16 add?

17 DIRECTOR PAULSON: Well, that's definitely one
18 path.

19 CHAIR BURCH: All right. So, we have a motion. I
20 think we need a second to continue in order to have further
21 discussion, correct?

22 ATTORNEY WHELAN: That's correct.

23 CHAIR BURCH: Okay, so is there a second?

24 COMMISSIONER BURNETT: I'll second that.

1 CHAIR BURCH: Seconded by Commissioner Burnett.
2 So, now let's have discussion. How do my fellow
3 commissioners feel about the motion on the table with the
4 idea that there could be a date certain to allow there to
5 be conversation between the neighborhood coalition and the
6 Applicant concerning this item? I'll go down the row.
7 Commissioner Stump.

8 COMMISSIONER STUMP: Yes, let me just clarify.
9 We're talking about the motion that I put forward, right?
10

11 CHAIR BURCH: Yes.

12 COMMISSIONER STUMP: Which doesn't sound like
13 it's going to be acceptable to the... The Applicant has said
14 they do not want to pay for the mediation.

15 CHAIR BURCH: However, as part of that there was
16 the question to Staff that if we wanted to...

17 COMMISSIONER STUMP: Is that a third motion
18 though, potentially?

19 CHAIR BURCH: Oh, would that be a third motion?

20 COMMISSIONER STUMP: That would be a third
21 motion.

22 ATTORNEY WHELAN: Yes, I thought I had heard
23 someone make that motion, but if not, a motion would be
24 required to continue this meeting to a date certain to
25

1 allow the two parties to discuss the possibility of
2 mediation.

3 COMMISSIONER STUMP: So moved.

4 CHAIR BURCH: Okay, there you go. Is there a
5 second to what is now the third motion? Commissioner Sordi,
6 thank you. All right, so now, some discussion. Commissioner
7 Sordi, anything to add?

8 COMMISSIONER SORDI: No, nothing to add.

9 CHAIR BURCH: All right. Vice Chair Barnett.

10 VICE CHAIR BARNETT: It seems like a reasonable
11 way to go forward if there is a possibility of having an
12 amicable agreement where both sides are unhappy, the mark
13 of a good settlement.

14 CHAIR BURCH: Commissioner Burnett.

15 COMMISSIONER BURNETT: Yes, I agree. I have
16 problems with the findings that I couldn't support, so I
17 think this is a good way to move forward on it based on my
18 observations (inaudible) CEQA questions (inaudible).

19 CHAIR BURCH: Okay. Commissioner Mayer.

20 COMMISSIONER MAYER: It's an unconventional
21 proposal, but I agree with it. I think it might be one of
22 the best paths forward to (inaudible) any way I think we
23 would vote tonight would not make everyone happy
24
25

1 (inaudible) more room and space to have discussion
2 (inaudible).

3 CHAIR BURCH: All right. So, do I need a call
4 before we set a date certain, if this was to pass?

5 ATTORNEY WHELAN: I recommend that the motion
6 include the date, and so perhaps the Director could give a
7 sense of when a reasonable time to return would be.

8 DIRECTOR PAULSON: I think probably April 22nd is
9 the earliest, and if we're not there yet, we can continue
10 it to a further date.
11

12 COMMISSIONER STUMP: So, is it okay if I just add
13 that date to the motion?

14 CHAIR BURCH: Please do, yes. All right, and the
15 Secunder of the Motion, is that acceptable?

16 COMMISSIONER SORDI: Yes, that's acceptable.

17 CHAIR BURCH: All right, so I'm going to call the
18 question. All in favor. All right, this passed unanimously,
19 and I assume since this is a continuance, there are no
20 appeal rights, any further follow-up?

21 DIRECTOR PAULSON: That's correct.

22 CHAIR BURCH: Thank you.

23 (END)
24
25