



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 03/25/2026

ITEM NO: 2

DESK ITEM

DATE: March 25, 2026
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: Consider a Request for Approval to Modify an Existing Conditional Use Permit for Expanded Hours of Operation in an Institution for Religious Observance (West Valley Muslim Association) on Property Zoned R-1:8. **Located at 16769 Farley Road.** APN 424-21-062. Categorically Exempt Pursuant to CEQA Guidelines Section 15301: Existing Facilities. Property Owner: West Valley Muslim Association, Osmar Ghafoor, President. Applicant: Razi Mohiuddin. Project Planner: Jocelyn Shoopman.

REMARKS:

Exhibit 14 includes supplemental information from the applicant.

Exhibit 15 includes a letter from the applicant's legal counsel.

Exhibit 16 includes additional public comment received between 3:01 p.m., Tuesday, March 24, 2026, and 11:00 a.m., Wednesday, March 25, 2026.

EXHIBITS:

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

1. Location Map
2. Draft Resolution Making the Required Findings and Approving the Application Subject to the Conditionals of Approval (Included as Attachment A)
3. Conditional Use Permit U-89-11
4. Conditional Use Permit U-20-001; March 11, 2020, Planning Commission Staff Report; and March 11, 2020, Planning Commission Minutes
5. Letter of Justification
6. Neighborhood Outreach
7. Noise Analysis
8. Site Map

PREPARED BY: Jocelyn Shoopman
Senior Planner

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

PAGE 2 OF 2

SUBJECT: 16769 Farley Road/U-24-010

DATE: March 25, 2026

- 9. Applicant's Response to Public Comments Regarding Noise
- 10. Additional Information from the Applicant
- 11. Public Comments Received by 11:00 a.m., Friday, March 20, 2026, with Attachment A, Videos Provided as Part of Public Comments

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

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

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

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

Received with this Desk Item Report:

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

From: Razi Mohiuddin <[REDACTED]>
Sent: Tuesday, March 24, 2026 10:24 PM
To: Jocelyn Shoopman <jshoopman@losgatosca.gov>
Subject: Desk items

Jocelyn,

Here are three desk items for the planning commissioners.

1. Updated Executive Summary
2. Updated Historical Context including 1990 Plans
3. Safety Report

Thanks,
Razi

WVMA CUP: Executive Summary

March 24, 2026

This is a summary of our request to modify the conditional use permit for our facility on Farley Road. We have submitted supporting documents that contain more detailed information.

What We Are Requesting

We are applying for a conditional use permit to extend hours to (1) offer pre-sunrise prayers beginning 1.5 hours before sunrise; (2) night prayers until 10:30 PM, especially in summer when the sun sets late; and (3) Ramadan nightly prayers. *A mosque's fundamental purpose is to offer prayers in congregation—this is not optional for our faith.*

The pre-sunrise and nightly prayer times are determined by the position of the sun. They cannot be changed by individuals or institutions. This is why we need this modification.

Ramadan is our holiest month—a time of fasting, reflection, and additional prayers. The nightly Taraweeh prayers are offered immediately following the night prayer and take about 2.5 hours to complete by reading one chapter of the Quran. During the 30 days of Ramadan, we are requesting extended indoor usage until 11:30 PM when sunset occurs at 7:30 PM or earlier, and until 12:00 AM when sunset occurs later. To comply with our existing CUP, we have sought unorthodox temporary special exemptions from our religious scholars to read only half a chapter of the Quran per night.

All of our prayer services are held indoors, with no amplified outdoor sound. Alcohol is strictly prohibited in our faith, and there is no music included in any of our services.

Why This Site, At This Scale, Is Appropriate

Thirty-six years ago, in 1990, the Town approved this 682-seat religious facility with 186 parking spaces at this location, on this street, in this residential neighborhood. Concentrated arrival and departure times, evening and night services for holy days, and occasional overflow parking are inherent characteristics of religious assembly—characteristics the Town accepted when it granted that approval. **The suitability of this site for religious use at this scale and intensity is a settled matter.**

WVMA purchased this facility for over \$11 million in 2018 specifically because it was an approved religious assembly facility with established capacity for this scale of operation. The question before the Commission is not whether Farley Road can accommodate this facility—that was decided in 1990. The question is whether extending hours creates new impacts.

Conditions We Are Accepting

The original 1990 CUP issued to Jehovah's Witnesses contained 7 conditions. A 2020 update had 10. As part of this modification, WVMA is agreeing to 24 conditions—a significantly expanded and more restrictive set that reflects our sincere commitment to being good neighbors.

What We Have Done to Accommodate Our Neighbors

We have actively reached out to every one of our 65 neighbors, listened to their input, and gathered meaningful feedback from everyone we could reach. Our relationship with the vast majority of our neighbors is positive and respectful. We personally invited all of our neighbors to a Ramadan Dinner on Feb 27, 2026, regardless of their views on our CUP applications. Our accommodations have included:

- Installing fences and planting trees to increase privacy (incl. \$4,300 for a new fence for our immediate neighbor)
- Redirecting parking lot lights away from neighboring homes

- Removing the track from our \$50,000 two commercial gates to reduce noise
- Installing signs throughout the facility reminding attendees to keep quiet
- Traffic guards and volunteers directing departures on busy nights
- Continuous education and reminders to our members to be respectful of neighbors
- Inviting neighbors to quarterly Café Open Houses and Ramadan dinners
- Sharing our contact information with all neighbors so they can reach us directly

We take the safety of our neighbors and our community very seriously. We have proactively requested Los Gatos Police to patrol Farley Road and surrounding streets, asked them to install speed radar signs, and sought their advice on improvements. We have not received any verbal or written concerns from either the Los Gatos Police or the Santa Clara County Fire Department.

Our Ramadan Experience

For both 2025 and 2026, we had higher attendance on weekends and the odd-numbered nights in the last 10 days of Ramadan—this is consistent with Islamic tradition. All prayers were held indoors in the three auditoriums. There were no outdoor prayers or activities except for arrival and departure.

Our busiest nights, with approximately 850 attendees (well within our building's fire code capacity when using all three auditoriums), were March 26, 2025 and March 13, 2026—both corresponding to the 27th night of Ramadan, the holiest night of the year for Muslims. In 2026, except for two nights, we had 600 or fewer attendees on all other nights.

Regarding street parking: In addition to 180 spaces in our parking lot, we secured permission to use 38 additional spots at Affordable Treasures.

Even on the busiest nights, at the end of services we cleared our parking lot in approximately 20 minutes, using both driveways, quietly and safely with traffic guards and volunteers.

Clarifying the 2020 Attendance Reference

We acknowledge that our Ramadan nightly prayer attendance has increased over the past six years, reflecting post-pandemic growth in religious participation across many faith communities. We also acknowledge that our 2020 letter of justification estimated "10 to 25 members" remaining until 11:00 p.m. We want to explain why the letter was worded that way, and provide the Commission with context on how Ramadan nightly prayers work in practice.

Ramadan nightly prayers (Taraweeh) are 2 to 2.5-hour services where attendees stand in rows – no conversation, just listening to the recitation of scripture in deep reflection. Standing at attention for 2+ hours is demanding even for the strongest and healthiest, especially over 30 consecutive nights. The Taraweeh service is divided into 20 cycles (*rak'at*), and as it progresses, congregants depart gradually at natural pause points – especially those who are fatigued, elderly, have young children, or have get up early for work or school the next day. On most nights, an estimated 60-70% depart by the halfway mark, and nearly 90% by the three-quarters mark. By the time the 20th cycle concludes, typically only about 10% of those who started remain – the most committed and able-bodied congregants.

Under normal circumstances where the full 20-cycle Taraweeh services are offered, the pattern is consistent night after night: gradual departure throughout, with only a small fraction remaining at the conclusion.

Regardless of how many remain at the end, as a mosque, we are obligated to offer the complete 20-cycle service. Our 2020 letter of justification, while accurate, lacked this context. It stated: *"Prayer services for the month of Ramadan would begin at approximately 8:30 p.m. and we would like to request use of the facility until 11:00 p.m. This is to allow **remaining** members*

of the congregation to finish services and leave the facility. We anticipate between 10 to 25 members using the facility until 11:00 p.m. for Ramadan." These figures described the approximately 10% who remain at the conclusion of the service, not how many attended at the start.

Under our current CUP, we have sought special religious exemptions to recite only half a chapter nightly. An unintended consequence is that truncating the service actually concentrates departures into a shorter window rather than allowing the natural, gradual exit that a full-length service provides.

Eid Prayers—Our Sacrifice

In 2025, we conducted our most important celebration, Eid-ul-Fitr, at an offsite location at Vallco Parking Garage. *Instead of using our own facility—the facility we purchased for \$11 million to serve our community—we inconvenienced ourselves and our members.* We prayed in an open garage, in rain and cold weather, where we had to set up prayer mats, a sound system, food stalls, and play areas for our children, at substantial cost and burden. In 2026, we will use the West Valley College gymnasium for our Eid celebration, with similar cost, organization and expense.

We did this because we wanted to be good neighbors. We did not want our most joyous celebration to create any burden on the surrounding community. There are very few such facilities available, and in future years and as celebrations move into the rainy season, we may have to hold it at our facility with staggered times.

Noise Compliance

We commissioned an independent noise study from Salter, a well-respected acoustical consulting firm with extensive experience in land use approvals. Their measurements and analysis concluded that our use would not violate the Town's noise standards. Specifically, they found that noise from vehicles arriving and departing was within 1-3 dB of ambient levels—a difference that acoustic experts consider unnoticeable. All measurements were below the Town's weekday nighttime criterion of 54 dBA.

A neighbor submitted a separate noise study. Our consultant reviewed it and identified two technical errors: the study applied the wrong noise standard and used an incorrect meter response setting. The neighbor's study has been professionally rebutted, and applying the neighbor's interpretation would result in ordinary driving being a civil infraction.

The Town's Noise Ordinance explicitly provides that noise is only prohibited if it is "not necessary in connection with an activity which is otherwise lawfully conducted." Vehicle traffic arriving at and departing from a religious facility, and congregants walking quietly to their parked cars, are inherently necessary to the lawful operation of a religious assembly.

Responding to Accusations

We have maintained excellent relations with most of our neighbors. From the time we purchased this facility, we have made a point of visiting with them, nurturing relationships, and inviting them regularly to community events. However, a small group of neighbors, through a law firm, have made several accusations. We believe these issues should be resolved based on objective evidence rather than subjective impressions.

Regarding CUP compliance: Our prayers end by the times in our existing CUP. In recent years, we obtained a temporary special religious exception to shorten our Ramadan prayers to ensure compliance. We have cleared our facility by 11 p.m. throughout Ramadan.

Regarding attendance claims: We have never had 1,000+ attendees during Ramadan. Most nights we had 600 or fewer. On our busiest nights we reached approximately 850 attendees—well within our building's fire code capacity when using all three auditoriums. No evidence of 1,000+ attendance has been provided.

Regarding outdoor services: We do not have outdoor services, and there is no outdoor amplification during Ramadan. A photograph purportedly showing outdoor Ramadan services was actually taken during the COVID-19 pandemic when social distancing required outdoor worship.

Regarding parking: Our facility was permitted with 682 seats and 186 off-street parking spaces—a 4:1 ratio of attendees to spaces, matching the Town code requirement for houses of worship.

Regarding noise: The professional noise study demonstrates that our use does not violate the Town's noise regulations. The Town's noise ordinance prohibits unreasonable noise; it does not regulate hours of operation.

We have been transparent with our usage and provided very detailed and thorough documents for review. We appreciate the recommendation of approval by the Town of Los Gatos Planning Department. Our usage of the facility meets all of the Town's ordinances including noise, occupancy, traffic, and safety requirements.

We are a community of families—parents, children, grandparents—who simply want to practice our faith in the facility we purchased for that purpose. We have worked hard to be good neighbors. We have made accommodations that go well beyond what is required. We have sacrificed the use of our own facility for our holiest celebrations to avoid burdening our neighbors.

We respectfully request that the Planning Commission approve this modification.

Other Documents Submitted:

- Letter of Justification
- Historical Context of Approval of 1990 Plans with 682 seating and 186 parking spots
- Ramadan 2026 Neighborhood Outreach
- Neighborhood Outreach
- Noise Study by Salter
- Response by Salter to Mr. Hongzhi Zhao's Noise Study
- Social Media Vitriol

WVMA CUP: Historical Context of 16769 Farley Road

March 19, 2026

Recent press coverage and comments by neighbors have raised the question of whether WVMA's usage of the 16769 Farley Road facility belongs in this neighborhood and on this residential street. The original 1990 approval of a church at 16769 Farley Road resolved this question decades ago. Specifically,

36 years ago, in 1990, the Town approved this 682-seat religious facility with 186 parking spaces at this location, on this street, in this residential neighborhood. Concentrated arrival and departure times, evening and night services for holy days, and occasional overflow parking are inherent characteristics of religious assembly — characteristics the Town accepted when it granted that approval to a church.

Hence, the suitability of this site for religious use at this scale and intensity is a settled matter.

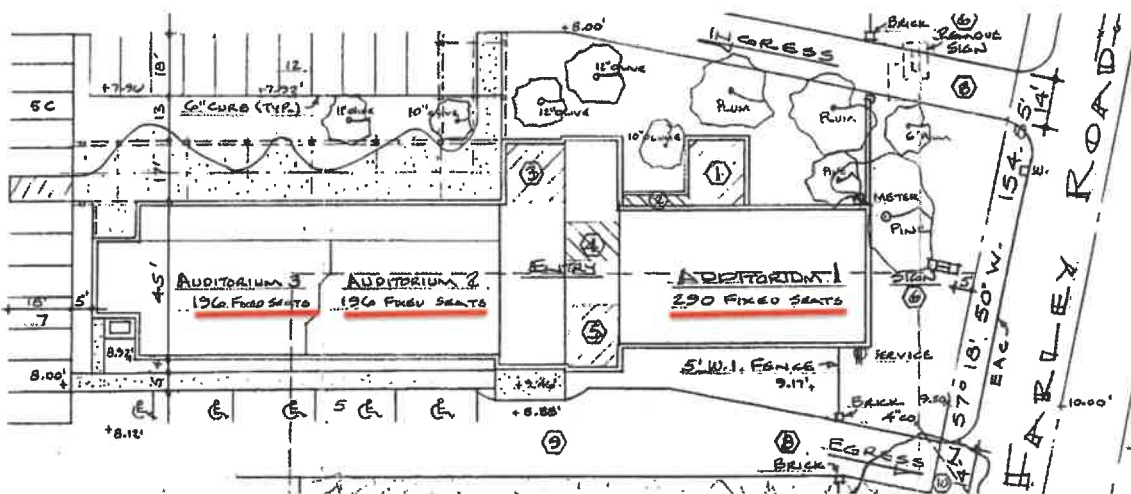
The attached site plan, located in the Town's Laserfiche archives, documents these facility specifications that the Town approved when granting the original Conditional Use Permit to the Los Gatos Congregation of Jehovah's Witnesses.

THE 1990 APPROVAL

On January 25, 1990, the Town of Los Gatos granted a Conditional Use Permit for construction of a religious assembly facility at this location. The site plan prepared by architect Frank Oldham (California License C-016122) was stamped approved on February 8, 1990. This plan was part of the due diligence materials provided by the Congregation of Jehovah's Witnesses at the time WVMA purchased the facility in 2018.

The approved site plan specified:

- Three auditoriums with a combined **682 fixed seats**
(290 in Auditorium #1, 196 in Auditorium #2, and 196 in Auditorium #3)
- Required parking of **171 spaces** to serve those seats
- Provided parking of **186 spaces** — exceeding the requirement
- Planned future expansion to **207 parking spaces** (shown on Page 36 of Planning archive)



①-⑤ SEE PAGE 2 FOR DETAILS ⑥ MOVE SIGN ⑦ MINISTERS QUARTERS ⑧ RE ALIGN DRIVEWAYS ⑨ REMOVE AC PAVING AND PLACE NEW 4" CONCRETE ⑩ STOP SIGN	SCALE 22x34 PRINTS 1" = 20' 11x17 PRINTS 1" = 40'
1082 TOTAL FIXED SEATS (171' REQUIRED PARKING SPACES) PROVIDED: 146 - 9x20 SPACES (18.82%) 35 - 8x18 COMPACT 5 - HANDICAP SPACES 186 TOTAL SPACES	PAGE 1
SEE PAGE 6 FOR LANDSCAPE PLAN.	JOB NO. 1917

INHERENT CHARACTERISTICS OF RELIGIOUS FACILITIES

Religious facilities have well-known operational characteristics that distinguish them from other land uses. These characteristics are inherent to religious assembly regardless of faith tradition:

Concentrated arrival and departure patterns. Services begin and end at specific times, resulting in vehicles arriving and departing within defined windows rather than distributed throughout the day. On those days when the facility is at full capacity, it can be expected that about 200 vehicles will arrive and depart, each within a short period of time.

Special holy days with evening and night services. Every major faith tradition observes periods of intensified worship that include services outside typical daytime hours. For example:

- Judaism: High Holy Days (Rosh Hashanah, Yom Kippur) with evening services
- Christianity: Holy Week services including Maundy Thursday, Good Friday, and Easter Vigil
- Islam: Ramadan nightly prayers (Taraweeh) for 30 days

While the duration of these holy periods varies by tradition, the type of usage — evening and night services with concentrated arrival and departure — is common to all. By approving this religious facility on Farley Road in an R-1:8 zone 36 years ago, the planning staff and Commission had already accounted for this type, volume, and intensity of usage.

WHAT REMAINS TO BE EVALUATED

WVMA's current application seeks only a modification to operating hours to accommodate night prayers determined by sunset, primarily during the month of Ramadan. What remains to be evaluated is not the scale or intensity of the existing use, but whether the same activity occurring during extended hours creates impacts that exceed applicable standards.

We have provided ample evidence that an extension of nighttime hours will not have significant impacts on the surrounding neighborhood. First, we submitted a noise study from a well-respected noise consultant with deep experience in land use approvals so that the impacts of our request to extend our hours could be reviewed objectively. As described below, the study showed that the coming and going of attendees from our facility during the hours in question would not be expected to cause a noticeable increase in noise over existing ambient noise levels, based on measurements taken by several monitors placed in locations designed to identify noise impacts. Second, in 2025 and

2026, public safety personnel were present during the most heavily attended nights and we are not aware of any concerns they had about noise, traffic, or safety.

NOISE STUDY

WVMA commissioned an independent noise study by Salter, a qualified acoustical consulting firm. Salter conducted measurements at three locations on the property between January 31 and February 11, 2025, comparing noise levels during WVMA events to ambient noise levels when no events were occurring. The noise study concluded:

- Noise from vehicles arriving and departing during the requested extended hours would not exceed Town Noise Ordinance standards.
- Measured event arrival and departure activity did not noticeably increase noise levels above ambient. Specifically, noise levels were within 1-3 dB of ambient — a difference that acoustic experts consider unnoticeable.
- At all measurement locations, noise levels from congregation departure were below the Town's weekday nighttime criterion of 54 dBA.

Importantly, the Town's Noise Ordinance (Section 16.20.010) explicitly provides that noise is only prohibited if it is "not necessary in connection with an activity which is otherwise lawfully conducted." Standard vehicle traffic arriving at and departing from a religious facility, and congregants walking quietly to their parked cars, are inherently necessary to the lawful operation of a religious assembly. The ordinance does not prohibit these normal incidents of lawful activity.

The Islamic faith mandates five daily prayers that must be performed within appointed times determined by the position of the sun — times that cannot be changed by individuals or institutions. A mosque's primary purpose is to offer these prayers and the Ramadan (Taraweeh) prayers in congregation at specified times. It is not a matter of scheduling preferences. Offering these congregational prayers at this facility is the very definition of a lawfully conducted activity.

In other words, the same number of vehicles, making the same types of sounds, creates no greater impact at 10:30 PM or 11:30 PM than it does at 9:00 PM — and in all cases, remains within applicable noise standards and is explicitly permitted as necessary to a lawfully conducted activity. The Salter study is submitted separately with our application materials.

CONCLUSION – A SETTLED MATTER

The expectation that potentially hundreds of vehicles would arrive and depart in concentrated time periods, at this facility, on this street, and in this neighborhood, is a settled matter from 36 years ago. The Town made this determination when it approved a 682-seat religious assembly facility with 186 parking spaces, and a future plan of 207, in an R-1:8 residential zone.

WVMA purchased this facility for over \$11 million in 2018 specifically because it was an approved religious assembly facility with established capacity for this scale of operation. The existence of this approval was a material factor in that purchase decision.

The question before this Commission is not whether Farley Road can accommodate concentrated vehicle traffic from a religious facility of this scale — that question was answered in 1990. The question is whether extending the hours for that same activity creates new impacts. The independent noise study demonstrates that it does not: the requested hours would comply with all applicable Town noise standards, and would not noticeably increase noise levels above ambient.

APPENDIX: TOWN RECORDS — LASERFICHE REFERENCES

Attachment: 1990 Site Plan — Frank Oldham, Architect (Approved February 8, 1990)

The exact copy of the attached document is also available in the Town's Laserfiche archival system from 1990:

Planning / Address Files / Farley Road / 16769 / 4. Microfiche

- Page 29: Site plan as attached showing auditorium capacities (682 total fixed seats)
- Page 36: Site plan with parking annotation showing future expansion to 207 total parking spaces

Building / Address Files / Farley Road / 16769 / Microfiche / All-Microfiche

- Page 157: Site plan as attached showing auditorium capacities (682 total fixed seats)
- Page 163: Site plan as attached with approval stamp dated February 8, 1990

Request for Modification of Conditional Use Permit – Safety Public Records Request

Address: 16769 Farley Road, Los Gatos CA 95032

Property Zoned: R-1:8

APN: 424-21-062

Owner and Applicant: West Valley Muslim Association (WVMA)

Conditional Use Permit Application: U-24-010

Planner: Jocelyn Shoopman, Senior Planner, Town of Los Gatos

In a recent San Jose Mercury News article, a neighbor Jim Ratcliff made the following statement regarding West Valley Muslim Association activities in Ramadan in February / March 2025.

“The couple said police could not get down Farley Road during Ramadan last year because of the traffic.”

WVMA made public records requests to both the Santa Clara County Fire Department and the Los Gatos-Monte Sereno Police Department for the Ramadan 2025 date range. The enclosed reports provided show that no such safety issue was recorded or reported by either institution.

Note the Police Report shows 3 citations issued during this period.

1. Thursday, 3/20/2025 at 12:04 PM at Los Gatos Blvd/Farley Road
2. Thursday, 3/27/2025 at 10:00 AM at Los Gatos Blvd/Farley Road
3. Thursday, 3/27/2025 at 1:05 PM at Camiellia Terrance/Farley Road

All three reports were during the afternoon. The third report shows Camiellia Terrace, which is on the east side of Los Gatos Blvd. None of these citations are related to Ramadan 2025 activities.

Hi Razi,

This email responds to your request below from March 10, 2026. Santa Clara County Central Fire Protection District ("District") does not have any records responsive to your request for records. Los Gatos-Monte Sereno Police Department would be the appropriate agency to address any concerns related to traffic in the specified area. This completes the District's response to your request.

Thank you,

Public Records

Santa Clara County Fire Department

Office: 408-378-4010 | Fax: 408-341-4422 | publicrecords@sccfd.org



**SANTA CLARA COUNTY
FIRE DEPARTMENT**
Internationally Accredited

On Tue, Mar 10, 2026 at 10:55 AM Razi Mohiuddin <[REDACTED]> wrote:

I am requesting this on behalf of the West Valley Muslim Association, 16769 Farley Road, Los Gatos, CA 95052.

In a recent San Jose Mercury News article, a neighbor Jim Ratcliff made the following statement regarding West Valley Muslim Association activities in Ramadan in February / March 2025.

"The couple said police could not get down Farley Road during Ramadan last year because of the traffic."

While this comment was specifically about the police, this can also apply to Fire Department. This is a serious allegation that we would like to validate with the Santa Clara County Fire Department, and include any findings to this effect. For example, it would be useful to document how frequently the Fire Department has had incidents on Farley Road, if there were any issues related to traffic on Farley Road as a result of the presence of West Valley Muslim Association. if there were any warnings issued related to traffic or blocking of the road (if any), or any other concern that may have caused harm to any of the neighbors due to the presence or traffic from West Valley Muslim Association.

Note: This is not a request for public records for anything related to the property itself at 16769 Farley Road, but specific to the traffic and its impact on the surrounding neighborhood.

Here is the link to the article and also a printout from Internet Archive with the quote highlighted:

<https://www.mercurynews.com/2026/02/18/los-gatos-mosque-seeks-extended-hours-amid-neighbors-complaints/>

Thanks,
Razi

Request Visibility:  Unpublished

Request 26-81 Closed



Dates

Received

March 10, 2026 via email

Requester

 Razi Mohiuddin

Invoices

No invoices due

Staff assigned

Departments

Planning

Police

Point of contact

Request

Jocelyn,

In a recent San Jose Mercury News article, our neighbor Jim Ratcliff made the following statement:

The couple said police could not get down Farley Road during Ramadan last year because of the traffic.

This is a serious allegation that we would like Planning to validate with the Los Gatos/Monte Sereno Police Department, and also with the Santa Clara County Fire Department, and include any findings to this effect. For example, it would be useful to document how frequently the PD has patrolled Farley Road, how many tickets or warnings they have issued, and if they have observed any safety concerns. If there are any co...

Show more

Timeline

Documents



Request closed

Anyone with access to this request



Dear Requester,

On behalf of the Town of Los Gatos ("Town"), this correspondence responds to your request for public records received on March 10, 2026, submitted pursuant to the California Public Records Act ("PRA") (Government Code § 7921.000 et seq.).

Pursuant to Government Code §7922.535, which requires that a determination be issued within 10 calendar days of receipt of a request, the Town is issuing its determination today, March 20, 2026.

After conducting a reasonable search, the Town has determined that it has records responsive to your request and they are now available to view and or download.

To view the records, please click the document link(s) below this message. Alternatively, you may click the "View Request" button, which will take you to the records request login page. After logging into your account, open the request and select the "Documents" tab to access the records.

If you experience any difficulty accessing the documents, please contact this office for assistance.

With this production, the Town considers your Public Records Act request complete.

If you have any questions or require further assistance, please contact the Town Clerk's Office at clerk@losgatosca.gov.



Los Gatos

Monte Sereno

POLICE DEPARTMENT

**CITATIONS ISSUED ON FARLEY ROAD
02/25/2025 TO 03/29/2025**

Issue Date	Issue Time	Location
03/20/2025	1204	LOS GATOS BLVD/FARLEY RD
03/27/2025	1000	LOS GATOS BLVD/FARLEY RD
03/27/2025	1305	CAMIELLIA TERRACE/FARLEY RD



Los Gatos
Monte Sereno

POLICE DEPARTMENT

Patrol Checks for Farley Road, Los Gatos 02/28/2025 to 03/29/2025

Type	Day of Week	Date	Recd Time	Inc #	Location	Place
PATCK	Friday	02/28/2025	03:38:41	2502280013	16769 FARLEY RD	WEST VALLEY MUSLIM ASSOCIATION
PATCK	Tuesday	03/04/2025	16:59:03	2503040073	16769 FARLEY RD	WVMA
PATCK	Wednesday	03/05/2025	14:01:53	2503050050	16769 FARLEY RD	WVMA
PATCK	Tuesday	03/11/2025	07:29:55	2503110011	16769 FARLEY RD	WVMA
PATCK	Tuesday	03/11/2025	13:59:56	2503110047	16769 FARLEY RD	WVMA
PATCK	Tuesday	03/18/2025	12:22:48	2503180060	16769 FARLEY RD	WVMA
PATCK	Wednesday	03/19/2025	12:43:24	2503190051	16769 FARLEY RD	WVMA
PATCK	Thursday	03/20/2025	09:31:15	2503200024	16769 FARLEY RD	WVMA
PATCK	Friday	03/21/2025	13:22:22	2503210087	16769 FARLEY RD	WEST VALLEY MUSLIM ASSOCIATION
PATCK	Monday	03/24/2025	09:38:22	2503240021	16769 FARLEY RD	WEST VALLEY MUSLIM ASSOCIATION
PATCK	Monday	03/24/2025	14:32:15	2503240056	16769 FARLEY RD	WVMA
PATCK	Wednesday	03/26/2025	14:26:01	2503260055	16769 FARLEY RD	WVMA

REUBEN, JUNIUS & ROSE, LLP

Matthew D. Visick

March 25, 2026

Delivered Via Electronic Mail Only (planning@losgatosca.gov)

Planning Commission
Town of Los Gatos
110 E. Main Street
Los Gatos, CA 95030

**Re: 16769 Farley Road
RLUIPA and the Evidence in the Record**

Honorable Chair and Members of the Planning Commission,

This office is counsel to the West Valley Muslim Association regarding its pending application to amend its use permit. The Staff Report for this item provides an overview of the relevant law and attaches hundreds of pages of potentially relevant documents. Many of the written and video comments in opposition lack evidentiary support. The application also implicates significant constitutional issues given the religious nature of the use. The Commission is left in a difficult position. The law is clear that the Commission's decision must be supported by actual, competent evidence in the record. (*Topanga Ass'n for a Scenic Community v. County of Los Angeles* (1974) 11 Cal.3d 506, 515.)ⁱ Federal law also requires that the Commission interpret the constitutional protections "in favor of a broad protection of religious exercise, to the maximum extent permitted . . ." (42 U.S.C. §2000cc-3(g).) This letter explains our understanding of how the law applies to the evidence.

RLUIPA

The Commission's discretion is significantly limited by the Religious Land Use and Institutionalized Persons Act ("RLUIPA"), which applies strict scrutinyⁱⁱ to land use decisions that substantially burden the exercise of religion. The attached appellate decision in *Harbor Missionary Church Corp. v City of San Buenaventura* overturning the denial of a conditional use permit for a soup kitchen in a residential area is instructive.ⁱⁱⁱ We urge the Commissioners to review it prior to the hearing. As explained on pages 6 and 7 of that decision:

To succeed on a RLUIPA claim, "the plaintiff must demonstrate that a government action has imposed a substantial burden on the plaintiff's religious exercise." *Int'l Church of the Foursquare Gospel v. City of San Leandro*, 673 F.3d 1059, 1066 (9th Cir. 2011); see 42 U.S.C. §

San Francisco Office
One Bush Street, Suite 600, San Francisco, CA 94104
tel: 415-567-9000 | fax: 415-399-9480

Oakland Office
492 9th Street, Suite 200, Oakland, CA 94607
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www.reubenlaw.com

2000cc(a)(1). Once the plaintiff has shown a substantial burden, the government must show that its action was “the least restrictive means of furthering [a] compelling governmental interest.” 42 U.S.C. § 2000cc(a)(1)(B).

Here, the applicant has clearly demonstrated that denial of the proposed use permit amendment would substantially burden its own interests and those of its membership.

Evidence: Agenda Packet, pp. 55-60 (Letter of Justification, April 29, 2025) [See “Reasons for Modifications” and “Conditional Use Permit Findings”]; Application, [Appendix](#) (Additional Educational Background).

In an effort to show a compelling governmental interest that would justify denial of the proposed use permit amendment, neighbors opposed to the project argue that approval would cause noise, safety, and other impacts. Their evidence is their subjective experience, videos taken on their personal phones, an informal noise analysis.

Evidence: See generally, Agenda Packet, Exhibit 11 (Public Comments); Addendum 1, Exhibit 12 (Public Comments); Addendum 2, Exhibit 13 (Public Comments).

Conspicuously, the neighbors fail to address the competent and relevant evidence in the record before you:

- The professional noise study by Salter, a highly regarded noise consultant, demonstrating the very minimal noise increase from the proposed use permit amendment and explaining why the neighbor’s noise analysis is not accurate.
Evidence: Agenda Packet, pp. 99-109 (Salter Noise Analysis); Agenda Packet, pp. 113-115 (Salter Acoustic Review of Public Comments).

and

- The past two years of abbreviated Ramadan prayers conducted under intense scrutiny and with oversight from public safety personnel, which demonstrated that these events could be held without frustrating a compelling governmental interest.
Evidence: Agenda Packet, pp. 72-74 (Letter of Justification, April 29, 2025) [See “Ramadan 2025 Experience”]; Agenda Packet, pp. 81-97 (Neighborhood Outreach).

and

- The Town’s 1990 determination that a 682-seat institution for religious observance with 186 parking spaces at this location is compatible with the surrounding neighborhood.^{iv}
Evidence: Agenda Packet, pp. 33-34 (1990 CUP, U-89-11); Agenda Packet, pp. 121-24 (Historic Context); Town Laserfiche References: Planning / Address Files

/ Farley Road / 16769 / 4. Microfiche, pp 29, pp 36; Town Laserfiche References: Building / Address Files / Farley Road / 16769 / Microfiche / All-Microfiche, pp 157, pp 163.

And

More recently, the personal observations of a neighbor formerly opposed to the application who has lived three houses down from the WVMA property for 50 years, that describe WVMA members as “respectful” and “orderly”, reinforce that they “arrive and depart quietly”, characterize traffic as “limited in duration”, and note “regular traffic from nearby commercial businesses, including the Jack in the Box and tire shop, is more constant and often involves higher speeds than what is observed during mosque-related activity.”

Evidence: Agenda Packet, pp. 432-33.

In sum, the evidence shows (1) a substantial burden if the use permit amendment were denied and (2) the absence of a compelling governmental interest to deny or impose conditions on the amendment.

We look forward to addressing these points in greater detail at the hearing.

Very truly yours,

REUBEN, JUNIUS & ROSE, LLP



Matthew D. Visick

ⁱ When acting in an adjudicatory capacity, a city must support its determination by written findings. *Topanga Ass'n for a Scenic Community v County of Los Angeles* (1974) 11 C3d 506, 515. Those findings must “bridge the analytic gap between the raw evidence and ultimate decision or order.” *Id.* at 515. The findings must be “sufficient both to enable the parties to determine whether and on what basis they should seek review and, in the event of review, to apprise a reviewing court of the basis for the board’s action.” *Id.* at 514. The findings are not sufficient if the reviewing court must “speculate as to the administrative agency’s basis for decision.” *Id.* at 515.

ⁱⁱ *Guru Nanak Sikh Society of Yuba City v. County of Sutter* (2006) 456 F.3d 978, 993 (strict scrutiny).

ⁱⁱⁱ The decision in *Harbor Missionary Church Corp. v. City of San Buenaventura* (unpublished) was long anticipated by land use practitioners. We understand that following the remand of the case to the trial court, the parties entered into a settlement agreement that allowed the soup kitchen use to continue at the site.

^{iv} The Town would find it difficult to make a different determination now. (See *Knickerbocker v. City of Stockton* (1988) 199 Cal.App.3d 235, 240 (administrative res judicata); see also RLUIPA (substantial burden)).

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

MAR 14 2016

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

HARBOR MISSIONARY CHURCH
CORPORATION,

Plaintiff - Appellant,

v.

CITY OF SAN BUENAVENTURA;
JEFFREY LAMBERT, in his official
capacity as Community Development
Director; MARK WATKINS, in his
official capacity as City Manager;
CHERYL HEITMANN, in her official
capacity as Mayor and presiding City
Councilmember; ERIK NASARENKO, in
his official capacity as Deputy Mayor and
City Councilmember; NEAL ANDREWS,
in their official capacities as City
Councilmembers; JAMES L. MONAHAN,
in their official capacities as City
Councilmembers; CARL E.
MOREHOUSE, in their official capacities
as City Councilmembers; MIKE TRACY,
in their official capacities as City
Councilmembers; CHRISTY WEIR, in
their official capacities as City
Councilmembers; DAN LONG, in his
official capacity as Chair of the Planning

No. 14-56137

D.C. No. 2:14-cv-03730-R-VBK

MEMORANDUM*

* This disposition is not appropriate for publication and is not precedent
except as provided by 9th Cir. R. 36-3.

Commission; NANCY FRANCIS, in her official capacity as Vice Chair of the Planning Commission; CHRISTOPHER BECK, in their official capacities as Planning Commissioner; SCOTT BOYDSTUN, in their official capacities as Planning Commissioner; LAURA DUNBAR, in their official capacities as Planning Commissioner; DAVID FERRIN, in their official capacities as Planning Commissioner; RONDIE GUTHRIE, in their official capacities as Planning Commissioner,

Defendants - Appellees.

Appeal from the United States District Court
for the Central District of California
Manuel L. Real, District Judge, Presiding

Argued and Submitted February 2, 2015
Pasadena, California

Before: PREGERSON, KLEINFELD, and NGUYEN, Circuit Judges.

In 2008, Harbor Missionary Church (“the Church”) commenced Operation Embrace to provide limited care and religious services for homeless men and women living in Ventura (officially the City of San Buenaventura) (“the City”). In January 2013, the City told the Church that it needed to obtain a conditional use permit to continue its homeless ministry. In February 2013, the Church applied for a conditional use permit, which the City denied. The Church then filed suit

claiming that the City's denial infringed on its religious practices and, pending the lawsuit, sought a preliminary injunction to keep open its ministry to the homeless. The district court denied the Church's request, holding that a preliminary injunction was not appropriate because the Church faced no substantial burden in having to move its "homeless services" to another location, and, even if it did, the complete denial of the permit was the least restrictive way to mitigate the City's safety concerns. We reverse the district court's substantial burden determination and its least restrictive means analysis, and remand.

BACKGROUND

In 2004, the Church purchased real property already permitted by the City to operate both as a church and a daycare center. In 2008, the Church started Operation Embrace on this property to provide spiritual guidance and other basic needs to the City's homeless men and women—offering religious teachings, worship music, prayer, clothing, food, showers, counseling, and other support. The Church believes that its homeless ministry is part of its religious duty to serve "the least of these" among us (citing Matthew 25:34–46). The Church also believes that providing showers and clothing and sharing meals with homeless men and women—when done within the walls of the Church under a religious mandate—constitute sacred duties.

Operation Embrace drew in homeless individuals from surrounding areas, which prompted concerns from the neighborhood. Residents reported incidents involving threats, trespassing, public nudity, and substance abuse. The Church took a variety of steps to address these concerns, including employing a security guard, enforcing a strict no-loitering rule, requiring identification, escorting out of the neighborhood anyone not admitted to Church services, coordinating regularly with social service agencies, strengthening its neighborhood patrols, maintaining a public hotline for complaints, and coordinating its hours of operation with the elementary school.

In January 2013, the City told the Church that it needed a conditional use permit to continue Operation Embrace. In February 2013, the Church applied for a permit. City staff members, after studying the issue, meeting with Church officials, and hosting a public meeting, issued a report recommending that the City grant the permit subject to conditions proposed by the staff. Despite these recommendations, the City Planning Commission denied the Church's request for a conditional use permit flat-out.

The Church then filed suit in the district court claiming that the City's denial of a conditional use permit violated the Church's rights under the Religious Land

Use and Institutionalized Persons Act (“RLUIPA”)¹ and the First Amendment of the United States Constitution.² The Church asked the court to preliminarily enjoin the City from enforcing regulations that would shut down the Church’s homeless ministry, pending the outcome of the lawsuit.

The district court determined that the Church was unlikely to succeed on its RLUIPA claim and therefore denied the preliminary injunction. The district court held that the Church failed to show that the denial of a conditional use permit constituted a substantial burden on its religious exercise because the Church could continue its traditional religious activities at the church, while conducting its “homeless services” at another location at a distance from the neighborhood. The district court also held that, even if the burden on the Church’s religious exercise were substantial, excluding Operation Embrace from the neighborhood was the least restrictive means of advancing a compelling governmental interest in public health and safety.

¹ RLUIPA provides that a government land-use regulation “that imposes a substantial burden on the religious exercise of a . . . religious assembly or institution” is unlawful “unless the government demonstrates that imposition of the burden . . . is in furtherance of a compelling governmental interest; . . . and is the least restrictive means of furthering that compelling governmental interest.” 42 U.S.C. § 2000cc(a).

² RLUIPA is more protective of religious practice than the First Amendment. *See Mayweathers v. Newland*, 314 F.3d 1062, 1070 (9th Cir. 2002). Accordingly, we only need to determine whether the Church established a likelihood of success on its RLUIPA claim.

The district court erred in its analysis by minimizing the burden imposed on the Church's free exercise of religion. The district court also erred in failing to properly consider the conditions recommended by the City's staff when it determined that a complete denial of the conditional use permit was the least restrictive means to achieve the City's compelling interest in public safety.

ANALYSIS

This court has jurisdiction over the Church's interlocutory appeal from the district court's order pursuant to 28 U.S.C. § 1292(a)(1). We review a district court's decision regarding a preliminary injunction for abuse of discretion. *Bay Area Addiction Research & Treatment, Inc. v. City of Antioch*, 179 F.3d 725, 730 (9th Cir. 1999).

A party seeking a preliminary injunction must establish that: (1) it is likely to succeed on the merits, (2) it is likely to suffer irreparable harm in the absence of preliminary relief, (3) the balance of equities tips in its favor, and (4) a preliminary injunction is in the public interest. *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008).

1. *Likelihood of Success on the Merits*

To succeed on a RLUIPA claim, "the plaintiff must demonstrate that a government action has imposed a substantial burden on the plaintiff's religious

exercise.” *Int’l Church of the Foursquare Gospel v. City of San Leandro*, 673 F.3d 1059, 1066 (9th Cir. 2011); *see* 42 U.S.C. § 2000cc(a)(1). Once the plaintiff has shown a substantial burden, the government must show that its action was “the least restrictive means of furthering [a] compelling governmental interest.” 42 U.S.C. § 2000cc(a)(1)(B).

a. Substantial Burden

The City’s denial of the conditional use permit prevents the Church from conducting its homeless ministry, an integral part of its religion, without suffering substantial delay, uncertainty, and expense. Therefore, the district court erred in determining that the Church’s religious exercise was not substantially burdened by denial of a conditional use permit.

In a declaration, the pastor of the Church, Sam Gallucci, cites to the Bible at Matthew 25:34–46 as one of the sources for the Church’s belief that its homeless ministry is part of its religious duty to feed the hungry and clothe the naked. Gallucci also cites to the mother Church’s position papers, which provide that the Church should exercise “Christian compassion” towards the oppressed, poor, and hungry. The Church asserts that its religion calls for it “to provide for both spiritual and temporal needs together.” The district court erred by questioning the validity of the Church’s religious beliefs and by determining that its homeless

ministry could be divided piecemeal when the Church insisted on the importance of keeping its homeless ministry as a whole at the same location. *See Int'l Church of the Foursquare Gospel*, 673 F.3d at 1069 (“[W]hile a court can arbitrate the sincerity of an individual’s religious beliefs, courts should not inquire into the truth or falsity of stated religious beliefs.” (citing *United States v. Ballard*, 322 U.S. 78, 86–87 (1944))).

Further, the City’s denial of a conditional use permit prevents the Church from conducting its homeless ministry at its current location. Currently, if the Church wishes to conduct its homeless ministry—a ministry the Church believes to be an integral part of its religious exercise—the Church must relocate. In addition to selling its current property, the Church would have to raise an estimated \$1.4 million to relocate, an expense the City does not dispute. The substantial cost associated with relocating the site of the Church demonstrates that the denial of the conditional use permit substantially burdens the Church’s religious exercise. *See id.* at 1068 (“[W]hen the religious institution has no ready alternatives, or where the alternatives require substantial delay, uncertainty, and expense, a complete denial of the [religious institution’s] application might be indicative of a substantial burden.” (alteration in original) (quotation omitted))).

b. Least Restrictive Means

Because the Church has shown a substantial burden, the City must show that it employed the least restrictive means available to further a compelling governmental interest. *Id.* at 1066. The district court did not err in finding that the City had a compelling interest in promoting public safety and in preventing crime. *See Schall v. Martin*, 467 U.S. 253, 264 (1984) (holding that protecting the community from crime is a compelling interest). But the district court failed to apply the proper analysis when it determined that the City used the least restrictive means to achieve this goal.

At the City's suggestion, the Church applied for a conditional use permit to continue its homeless ministry. The application detailed a wide variety of measures the Church had implemented to address the concerns of its neighbors. The City's staff charged with assessing the Church's application recommended that the use permit be approved, subject to additional conditions to further mitigate some of the outreach program's impacts on the local community. The City concedes that it considered such a conditional use permit as a potentially less restrictive way to achieve the City's interests. Though the record is mixed, evidence indicates that implementing these conditions might have achieved the City's health and safety interests, and that the Church was perhaps willing to comply with some of the suggested conditions. Nevertheless, the district court

failed to give appropriate consideration to the viability of such a conditional use permit when, in a single sentence, it concluded summarily that Operation Embrace was “so incompatible” with the neighborhood and so detrimental to public safety that outright denial was the City’s only option.

The district court abused its discretion when it concluded, without analysis, that a complete denial of the conditional use permit was the least restrictive means by which the City could further its compelling interest in public safety. On remand, the district court should make factual findings, after such proceedings as may be necessary, about what conditions, if any, the Church would or would not comply with if the City had granted a conditional use permit. The court should also detail why the conditional use permit recommended by the City’s staff would or would not sufficiently protect the neighborhood from any negative effects shown to be the result of the Church’s ministry to the homeless.

CONCLUSION

For the above reasons, we reverse the district court’s denial of the preliminary injunction and remand for further proceedings consistent with the views herein expressed.

REVERSED AND REMANDED.

United States Court of Appeals for the Ninth Circuit

Office of the Clerk
95 Seventh Street
San Francisco, CA 94103

Information Regarding Judgment and Post-Judgment Proceedings**Judgment**

- This Court has filed and entered the attached judgment in your case. Fed. R. App. P. 36. Please note the filed date on the attached decision because all of the dates described below run from that date, not from the date you receive this notice.

Mandate (Fed. R. App. P. 41; 9th Cir. R. 41-1 & -2)

- The mandate will issue 7 days after the expiration of the time for filing a petition for rehearing or 7 days from the denial of a petition for rehearing, unless the Court directs otherwise. To file a motion to stay the mandate, file it electronically via the appellate ECF system or, if you are a pro se litigant or an attorney with an exemption from using appellate ECF, file one original motion on paper.

Petition for Panel Rehearing (Fed. R. App. P. 40; 9th Cir. R. 40-1)**Petition for Rehearing En Banc (Fed. R. App. P. 35; 9th Cir. R. 35-1 to -3)****(1) A. Purpose (Panel Rehearing):**

- A party should seek panel rehearing only if one or more of the following grounds exist:
 - ▶ A material point of fact or law was overlooked in the decision;
 - ▶ A change in the law occurred after the case was submitted which appears to have been overlooked by the panel; or
 - ▶ An apparent conflict with another decision of the Court was not addressed in the opinion.
- Do not file a petition for panel rehearing merely to reargue the case.

B. Purpose (Rehearing En Banc)

- A party should seek en banc rehearing only if one or more of the following grounds exist:

- ▶ Consideration by the full Court is necessary to secure or maintain uniformity of the Court's decisions; or
- ▶ The proceeding involves a question of exceptional importance; or
- ▶ The opinion directly conflicts with an existing opinion by another court of appeals or the Supreme Court and substantially affects a rule of national application in which there is an overriding need for national uniformity.

(2) Deadlines for Filing:

- A petition for rehearing may be filed within 14 days after entry of judgment. Fed. R. App. P. 40(a)(1).
- If the United States or an agency or officer thereof is a party in a civil case, the time for filing a petition for rehearing is 45 days after entry of judgment. Fed. R. App. P. 40(a)(1).
- If the mandate has issued, the petition for rehearing should be accompanied by a motion to recall the mandate.
- See Advisory Note to 9th Cir. R. 40-1 (petitions must be received on the due date).
- An order to publish a previously unpublished memorandum disposition extends the time to file a petition for rehearing to 14 days after the date of the order of publication or, in all civil cases in which the United States or an agency or officer thereof is a party, 45 days after the date of the order of publication. 9th Cir. R. 40-2.

(3) Statement of Counsel

- A petition should contain an introduction stating that, in counsel's judgment, one or more of the situations described in the "purpose" section above exist. The points to be raised must be stated clearly.

(4) Form & Number of Copies (9th Cir. R. 40-1; Fed. R. App. P. 32(c)(2))

- The petition shall not exceed 15 pages unless it complies with the alternative length limitations of 4,200 words or 390 lines of text.
- The petition must be accompanied by a copy of the panel's decision being challenged.
- An answer, when ordered by the Court, shall comply with the same length limitations as the petition.
- If a pro se litigant elects to file a form brief pursuant to Circuit Rule 28-1, a petition for panel rehearing or for rehearing en banc need not comply with Fed. R. App. P. 32.

- The petition or answer must be accompanied by a Certificate of Compliance found at Form 11, available on our website at www.ca9.uscourts.gov under *Forms*.
- You may file a petition electronically via the appellate ECF system. No paper copies are required unless the Court orders otherwise. If you are a pro se litigant or an attorney exempted from using the appellate ECF system, file one original petition on paper. No additional paper copies are required unless the Court orders otherwise.

Bill of Costs (Fed. R. App. P. 39, 9th Cir. R. 39-1)

- The Bill of Costs must be filed within 14 days after entry of judgment.
- See Form 10 for additional information, available on our website at www.ca9.uscourts.gov under *Forms*.

Attorneys Fees

- Ninth Circuit Rule 39-1 describes the content and due dates for attorneys fees applications.
- All relevant forms are available on our website at www.ca9.uscourts.gov under *Forms* or by telephoning (415) 355-7806.

Petition for a Writ of Certiorari

- Please refer to the Rules of the United States Supreme Court at www.supremecourt.gov

Counsel Listing in Published Opinions

- Please check counsel listing on the attached decision.
- If there are any errors in a published opinion, please send a letter **in writing within 10 days** to:
 - ▶ Thomson Reuters; 610 Opperman Drive; PO Box 64526; St. Paul, MN 55164-0526 (Attn: Jean Green, Senior Publications Coordinator);
 - ▶ and electronically file a copy of the letter via the appellate ECF system by using “File Correspondence to Court,” or if you are an attorney exempted from using the appellate ECF system, mail the Court one copy of the letter.

United States Court of Appeals for the Ninth Circuit

BILL OF COSTS

This form is available as a fillable version at:

<http://cdn.ca9.uscourts.gov/datastore/uploads/forms/Form%2010%20-%20Bill%20of%20Costs.pdf>.

Note: If you wish to file a bill of costs, it MUST be submitted on this form and filed, with the clerk, with proof of service, within 14 days of the date of entry of judgment, and in accordance with 9th Circuit Rule 39-1. A late bill of costs must be accompanied by a motion showing good cause. Please refer to FRAP 39, 28 U.S.C. § 1920, and 9th Circuit Rule 39-1 when preparing your bill of costs.

v. 9th Cir. No.

The Clerk is requested to tax the following costs against:

Cost Taxable under FRAP 39, 28 U.S.C. § 1920, 9th Cir. R. 39-1	REQUESTED <i>(Each Column Must Be Completed)</i>				ALLOWED <i>(To Be Completed by the Clerk)</i>			
	No. of Docs.	Pages per Doc.	Cost per Page*	TOTAL COST	No. of Docs.	Pages per Doc.	Cost per Page*	TOTAL COST
Excerpt of Record			\$	\$			\$	\$
Opening Brief			\$	\$			\$	\$
Answering Brief			\$	\$			\$	\$
Reply Brief			\$	\$			\$	\$
Other**			\$	\$			\$	\$
TOTAL:				\$	TOTAL: \$			

* *Costs per page:* May not exceed .10 or actual cost, whichever is less. 9th Circuit Rule 39-1.

** *Other:* Any other requests must be accompanied by a statement explaining why the item(s) should be taxed pursuant to 9th Circuit Rule 39-1. Additional items without such supporting statements will not be considered.

Attorneys' fees **cannot** be requested on this form.

Continue to next page

Form 10. Bill of Costs - Continued

I, , swear under penalty of perjury that the services for which costs are taxed were actually and necessarily performed, and that the requested costs were actually expended as listed.

Signature

("s/" plus attorney's name if submitted electronically)

Date

Name of Counsel:

Attorney for:

(To Be Completed by the Clerk)

Date

Costs are taxed in the amount of \$

Clerk of Court

By:

, Deputy Clerk

From: ana Z <[REDACTED]>
Sent: Wednesday, March 25, 2026 10:46 AM
To: Planning <Planning@losgatosca.gov>
Subject: approve WVMA's CUP modification

Hello,

My name is Ana Zeiger and I shop, dine, and attend a support group in Los Gatos. I am writing today in support of granting the CUP for extended hours to the West Valley Muslim Association.

Especially as a Jewish person, I believe in a Los Gatos community where our diverse practices and faith traditions are celebrated and honored. For this reason, I am writing today to ask the Planning Commission to approve WVMA's CUP modification and grant extended hours so that our neighbors can pray and observe Ramadan together, and so Los Gatos can be a community where we all belong.

Thank you,
Ana Zeiger

From: Elisa Koff-Ginsborg <[REDACTED]>
Sent: Wednesday, March 25, 2026 10:46 AM
To: Planning <Planning@losgatosca.gov>
Cc: Rabbi Rafi Ellenson <[REDACTED]>
Subject: Public Comment Item #2

Honorable Members of the Los Gatos Planning Commission:

I am writing as a member of Congregation Shir Hadash in Los Gatos for the past 27 years to express my strong support for the revised Conditional Use Permit for the West Valley Muslim Association.

The proposed updates would allow the Los Gatos Islamic Center to extend its operating hours in a reasonable and meaningful way: outside of Ramadan, beginning 1.5 hours before sunrise for morning prayers and ending at 10:30 PM; and during Ramadan, permitting indoor nighttime prayer services until 11:30 PM when sunset is before 7:30 PM, and until 12:00 AM when sunset is later.

Over nearly three decades, I have attended religious services, celebrated family milestones, grieved losses, and volunteered alongside others in my Shir Hadash community. I am deeply grateful to have a religious home in Los Gatos.

In my visits to the Los Gatos Islamic Center, I have seen a similar sense of community—people coming together to pray, support one another, celebrate, and contribute to the broader community. I participated in a WVMA volunteer project preparing food for those who are unhoused, and I attended Iftar this year, where I experienced the rituals and spirit of Ramadan firsthand. On both occasions, the environment—including traffic and parking—felt comparable to what I experience at my synagogue and in my neighborhood.

WVMA has demonstrated that it meets the standards set by the Town of Los Gatos and has taken thoughtful steps to mitigate impacts on the surrounding neighborhood.

I respectfully urge you to approve the proposed revisions to the Conditional Use Permit so that Muslim residents can fully practice essential elements of their faith within our community.

Sincerely,
Elisa Koff-Ginsborg

From: Vivek Kembaiyan <[REDACTED]>
Sent: Wednesday, March 25, 2026 10:06 AM
To: Planning <Planning@losgatosca.gov>
Subject: Public Comment Item #2 - Approve WVMA CUP extended hours

Dear Members of the Planning Commission,

I am writing to express my strong support for the approval of the West Valley Muslim Association's Conditional Use permit modification, which I believe is item #2 on tonight's agenda. **I do this on behalf of Hindus for Human Rights and our Hindu members in and around Los Gatos.**

My name is Vivek Kembaiyan, and I am an organizer at Hindus for Human Rights, a US-based nonprofit organization founded in 2019. We advocate for pluralism and civil and human rights in South Asia and North America, rooted in the values of our Hindu faith: shanti (peace), nyaya (justice) and satya (truth). We provide a Hindu voice of resistance to caste, Hindu supremacy, racism, and all forms of bigotry and oppression. We have many members in Los Gatos, as well as throughout Santa Clara County and the Bay Area.

As members of a minority faith community in the United States, we understand how critically important it is for all people of faith to be able to worship in community. Los Gatos has a rich history of diversity and welcoming people of all backgrounds to join and contribute to their community, and West Valley Muslim Association is an important part of that. We want to see Los Gatos continue to set an example for other communities throughout the country of how people from many diverse backgrounds can live and pray alongside each other in peace and harmony.

It is with that in mind that I respectfully ask the commission to approve West Valley Muslim Association's conditional use permit modification at tonight's meeting. I would be very happy to talk more about why we support this important issue, and why it is critically important to our members and our community.

Sincerely,

Vivek Kembaiyan

--

Vivek Kembaiyan
Western Regional Organizer
Hindus for Human Rights
[REDACTED]

From: thanh tran <[REDACTED]>
Sent: Wednesday, March 25, 2026 7:59 AM
To: Michael Vroman <MVroman@losgatosca.gov>
Cc: Town PPW <ppw@losgatosca.gov>; Wife Tran <[REDACTED]>; Rob Moore <RMoore@losgatosca.gov>; Planning <Planning@losgatosca.gov>
Subject: Re: Speed bumps request

In addition, here's the research on traffic accidents on our street from the Town's official accident reports:

The Town Clerk's official accident reports reveal a documented safety crisis. In the last five years, there have been 13 recorded accidents in this immediate residential vicinity—specifically along Farley, Flintridge, and Chirco. These three narrow residential streets serve as the only primary egress for neighbors attempting to reach Los Gatos Boulevard.

According to Federal Highway Administration (FHWA) safety protocols, local roads are flagged for high-risk intervention when they exceed 4–5 crashes over a 5-year window. With 13 accidents, this neighborhood hasn't just met the threshold; it has nearly tripled the federal high-risk limit for safety mitigation.

01/01/2020 - 03/12/2026					
Date	Time	Location	Type of Collision (Note if Other)	Primary Collision Factor	Offense #1 Desc
10/21/2020	1836	FARLEY RD/FLINTRIDGE DR		22350 CVC	Collision Report No Injury
10/05/2021	1002	UNIVERSITY AVE/FARLEY RD	✗	VC 21804 (a)	Collision Report with Injuries
3/31/2023	2036	16769 FARLEY RD	1182	No Report Taken	Vehicle accident w/no injuries
01/11/2024	1340	LOS GATOS BLVD/FARLEY RD		21804(a) VC	Collision Report with Injuries
03/25/2025	1127	UNIVERSITY AVE/FARLEY RD W	✗	21460.5(c)	Collision Report No Injury
7/18/2025	2129	FARLEY RD/LOS GATOS BLVD	1182	No Report Taken	Vehicle accident w/no injuries

Date	Time	Location	Type of Collision (Note if Other)	Primary Collision Factor	Offense #1 Desc
04/24/2022	0	BENEDICT LN/CHIRCO DR		23152	Hit and Run property damage only
10/14/2022	2020	CHIRCO DR/BENEDICT LN		21658 VC	Hit and Run property damage only
12/21/2022	1453	BENEDICT LN/CHIRCO DR		22350 CVC	Collision Report No Injury
04/21/2023	1555	16760 CHIRCO DR		CVC 22013	Collision Report with Injuries
06/11/2024	910	LOS GATOS BLVD/CHIRCO DR			Collision Report with Injuries
12/17/2024	1140	LOS GATOS BLVD/CHIRCO DR		22350	Collision Report No Injury
02/02/2025	1101	LOS GATOS BLVD/CHIRCO DR		21801(a)	Collision Report with Injuries
08/02/2025	1127	LOS GATOS BLVD/CHIRCO DR		21658(a)	Collision Report No Injury
12/11/2025	1432	LOS GATOS BLVD/CHIRCO DR		21804	Collision Report with Injuries

Thanks,
Thanh

From: thanh tran <[REDACTED]>
Sent: Wednesday, March 25, 2026 6:03 AM
To: Michael Vroman <MVroman@losgatosca.gov>
Cc: Town PPW <ppw@losgatosca.gov>; Wife Tran <[REDACTED]>; Rob Moore <RMoore@losgatosca.gov>; Planning <Planning@losgatosca.gov>
Subject: Re: Speed bumps request

Hi Michael,

In light of tonight's WVMA CUP hearing at the Town Hall, more than 70 homeowners have formally objected to the CUP due to significant public safety risks associated with the expected surge in traffic on Farley Road, Flintridge Drive, Chirco, and Izorah Way. This collective opposition further underscores the Town's notice of escalating safety concerns. Accordingly, we request that the Town promptly revisit and reconsider our prior request for speed bumps. While we understand the NTCP criteria, we remain concerned that reliance on the 85th percentile speed alone may not fully capture the safety conditions on Flintridge Drive. The difference between the measured speeds and the program threshold is minimal, yet residents continue to observe intermittent speeding and conditions that present a real risk to pedestrians, children, and daily neighborhood activity.

We want to ensure the Town is aware that residents have consistently raised these concerns, as this may constitute notice of a potentially dangerous condition of public property under California Government Code §§830 and 835. As you know, once a public entity is on notice, there is an obligation to consider reasonable measures to reduce foreseeable risk.

We agree that enforcement can play a role, but as a temporary and resource-dependent solution, it may not adequately address ongoing conditions. For that reason, we respectfully request that the Town take a broader, safety-focused review of the situation, including consideration of alternative or preventative traffic calming measures.

Our goal is to work collaboratively with the Town to proactively address these concerns before a preventable incident occurs.

Thank you for your time and consideration.

Thanks,
Thanh & concerned neighbors

-----Original Message-----

On Oct 27, 2025, at 10:37 AM, Michael Vroman <MVroman@losgatosca.gov> wrote:

Hello Thanh & Cortney,

Please accept my apologies for not responding to your September 20, 2025, email sooner. Thanks again to you and your wife, Cortney, and your neighbors for submitting the Neighborhood Traffic Calming petition. As noted in the attached May 6, 2024 email to Cortney, the Town's Neighborhood Traffic Calming Program (NTCP) has criteria which the neighborhood must meet or pass to qualify for a traffic calming project review. The initial speed study conducted on Flintridge Drive between Farley and Chirco in April 2022 showed an 85th percentile speed of 25.1 mph, which does not exceed the posted speed limit by 5 mph or more and does not meet the NTCP criteria. We conducted another speed study before school was out in May 2024, which showed an 85th percentile speed of just over 26 mph in each direction. Unfortunately, Flintridge Drive does not meet the criteria and does not qualify for the Town's NTCP. Therefore, speed humps are not an option.

As the speed studies indicate, most motorists on Flintridge Drive are not speeding. For intermittent speeding vehicles, Police enforcement is the best solution. If you haven't already, please call the Los Gatos-Monte Sereno Police Dispatch at 408.354.8600 to report speeders/unsafe driving. The more information (such as vehicle description, time periods when the speeding most often occurs, etc.) you can provide makes it easier to direct enforcement and make more effective use of the Police Department's limited resources. I will forward a copy of this email to our Traffic Sergeant so he can add your street to the directed enforcement list. Please let me know if you have any questions.

Thanks again for your patience and understanding.

Mike Vroman, T.E. • Senior Traffic Engineer

Parks & Public Works Department • 41 Miles Avenue, Los Gatos CA 95030

Ph: 408.399.5777 • mvroman@losgatosca.gov

www.losgatosca.gov • <https://www.facebook.com/losgatosca>

Engineering Office Counter Hours: Monday-Friday 8:00am to 1:00pm

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From: thanh tran <[REDACTED]>
Sent: Saturday, September 20, 2025 11:31 AM
To: Michael Vroman <MVroman@losgatosca.gov>
Cc: Town PPW <ppw@losgatosca.gov>; Wife Tran <[REDACTED]>; Eric Christianson <EChristianson@losgatosca.gov>
Subject: Re: Speed bumps request

Hello Michael,

It has been more than 4 years since we have requested/submitted signed petition for PPW to address the ongoing speeding issue that the neighbors on Flintridge Drive, Los Gatos, are experiencing on a daily basis. Adding to the frustration is the heinous traffic caused by the Muslim Association located on Farley Rd (adjacent to Flintridge Dr). My children including myself have had many close calls where cars were zooming down Farley Rd, turning into Flintridge Dr, and almost hitting us when we were exiting our parked vehicle. Many people that don't live in this community is also using Flintridge Dr as a thoroughfare to get to the light on Chirco and Los Gatos Blvd, zooming passing our home and all the neighbors on Flintridge. We are experiencing high volume of traffic at least 2 Fridays a month due to the Muslim Association's gathering, it's ridiculous! We are asking the Town to please consider installing traffic calming solution/speed bumps on our street (Flintridge Dr) to slow down the speeders. It only takes one speeder to hurt/kill someone on our street. Please help us address this issue to prevent any future disaster causing pain and suffering, and even vehicular accidental death to our neighbors.

I'm attaching photos of cars from Muslim Association, lined up at the light on Chirco to turn on Los Gatos Blvd, to get to the freeway. It was taken on a Friday at 2p, 8/29/25.

Much appreciated,

Tran Family & Flintridge Neighbors

-----Original Message-----

On Sep 21, 2021, at 2:41 PM, thanh tran <[REDACTED]> wrote:

Thank you Michael for the information on the speed humps. Do you happen to have a blank copy of the petition that I can have? The one you sent is a sample one that has been filled out.

Thank you in advance,
Thanh Tran

-----Original Message-----

On Sep 20, 2021, at 1:37 PM, Michael Vroman <MVroman@losgatosca.gov> wrote:

Hi Thanh,

Thank you for your vm message and your email. We understand your concerns regarding speeding traffic on Flintridge Drive are very important to you, your family and your neighbors. As I mentioned in my vm message, the Town has a traffic calming policy for addressing speeding issues on residential streets and outlines the steps toward implementing traffic calming devices such as speed humps. Attached is a copy of the Town's Neighborhood Traffic Calming Program (NTCP) and two sample petitions.

If you are interested in pursuing this option, the next step is for you and your neighbors to prepare and submit a Neighborhood Petition with over 50% of the households on Flintridge Drive signing the petition. As I mentioned, there are four other neighborhoods who have submitted petitions and are pursuing the NTCP for their respective streets. Please note on your petition that "this process is first-come-first-serve and may take several years." Please see item 2 under Process for further details.

In the interim, for speeding vehicles, Police enforcement is the best solution. If you haven't already, please call the Los Gatos-Monte Sereno Police Dispatch at 408.354.8600 to report speeders/unsafe driving. The more information (such as vehicle description, time periods when the speeding most often occurs, etc.) you can provide makes it easier to direct enforcement and make more effective use of the Police Department's limited resources. I will forward a copy of this email to our Traffic Sergeant so he can add your street to the directed enforcement list, if it is not already on it.

Please feel free to contact me if you would like to discuss this further or have any questions.
Thank you.

Best regards,

Mike Vroman, T.E. • Senior Traffic Engineer
Parks & Public Works Department • 41 Miles Avenue, Los Gatos CA 95030
Ph: 408.399.5777 • mvroman@losgatosca.gov

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Please note the upcoming Town closure: November 25-26, 2021

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-----Original Message-----

From: Michael Vroman <MVroman@losgatosca.gov>

Sent: Monday, September 20, 2021 8:27 AM

To: Town PPW <ppw@losgatosca.gov>

Subject: RE: Speed bumps request

Good morning Meredith,

Thanks for forwarding the email. I'll let them know the NTC process.

Best regards,

Mike

-----Original Message-----

From: Town PPW <ppw@losgatosca.gov>

Sent: Monday, September 20, 2021 7:21 AM

To: Michael Vroman <MVroman@losgatosca.gov>

Cc: Town PPW <ppw@losgatosca.gov>

Subject: FW: Speed bumps request

Good morning Mike,

Please see the email below.

Best regards,

Meredith Johnston

-----Original Message-----

From: thanh tran <[REDACTED]>

Sent: Saturday, September 18, 2021 12:49 PM

To: Town PPW <ppw@losgatosca.gov>

Subject: Speed bumps request

Hi,

I have talked to some of my neighbors and we are all in favor of placing speed bumps on our street, [REDACTED] in Los Gatos. We have many families with young children, including my own kids (8 & 9 yr old) that live on that street. Flintridge Dr is a thoroughfare that is used in the neighborhood to get to the light on Chirco Dr and Los Gatos Blvd. We have been experiencing vehicles speeding down the street on a daily basis. I'm fearful when my kids are out in the street riding their scooters or playing in front of the house. Please advise on how we can proceed with a petition to initiate this traffic calming process.

My address: [REDACTED], 95032.

Contact #: [REDACTED]

Regards,
Thanh Tran

From: Michael Vroman <MVroman@losgatosca.gov>

Sent: Saturday, September 20, 2025 11:31 AM

To: [REDACTED]

Cc: Town PPW <ppw@losgatosca.gov>; [REDACTED] <jpu@losgatosca.gov>; Jessie Pu

Subject: Neighborhood Traffic Calming Request

Hi Cortney,

Thank you for your email and your patience. As you may recall, the Town's Neighborhood Traffic Calming Program has criteria which the neighborhood must meet or pass to qualify for a traffic calming project review. The initial speed study conducted on Flintridge Drive between Farley and Chirco showed an 85th percentile speed of 25.1 mph, which does not exceed the posted speed limit by 5 mph or more and does not meet the criteria. We have scheduled another speed study before school is out and will let you know the results next month. There are also three neighborhoods ahead of you in the queue at this time. Please let me know if you have any questions.

Thanks again!

Mike

Mike Vroman, T.E. • Senior Traffic Engineer

Parks & Public Works Department • 41 Miles Avenue, Los Gatos CA 95030

Ph: 408.399.5777 • mvroman@losgatosca.gov

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Please note the upcoming Town closure: May 27, 2024

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From: cortney bui [REDACTED]
Sent: Monday, May 6, 2024 1:32 PM
To: Michael Vroman <MVroman@losgatosca.gov>
Cc: Jessy Pu <jpu@losgatosca.gov>; Town PPW <ppw@losgatosca.gov>; Poopie Head [REDACTED]
Subject: Re: Neighborhood Traffic Calming Request

Hello, bumping this up! Do you have an update to this request we put in 2+years ago? thank you!

-----Original Message-----

On Monday, March 25, 2024 at 12:41:13 PM PDT, Cortney Bui <[REDACTED]> wrote:

Hi Michael,

I wanted to follow up and see where this request is in queue. Any updates is greatly appreciated!

Thanks!
Cortney's

-----Original Message-----

On Mar 9, 2022, at 5:55 PM, cortney bui <[REDACTED]> wrote:

Hi Michael and Jessy,

I walked down our street and counted 11 houses and not 15, some of them have Chirco or Farley addresses. In any event, 8 is >50% of 15 :). The 3 homes we didnt get signatures were not home at the time.

I hope this can get the process started.

Excited, and thank you!

-----Original Message-----

On Thursday, March 3, 2022, 06:23:48 PM PST, Michael Vroman <mvroman@losgatosca.gov> wrote:

You're welcome, Cortney. Based on Google Maps, there are 15 residences/households. Therefore, you will need signatures from 8 homes, but we recommend talking with as many neighbors as possible.

-----Original Message-----

From: Cortney Bui <[REDACTED]>

Sent: Thursday, March 3, 2022 6:06 PM

To: Michael Vroman <MVroman@losgatosca.gov>

Cc: Jessy Pu <jpu@losgatosca.gov>; Town PPW <ppw@losgatosca.gov>

Subject: Re: Neighborhood Traffic Calming Request

Thank you Michael! For 50%, how many household is it if you have that info handy?

-----Original Message-----

On Mar 3, 2022, at 6:01 PM, Michael Vroman <MVroman@losgatosca.gov> wrote:

Hello Cortney,

Thank you for your email regarding traffic calming on Flintridge Drive. The Town has a traffic calming policy for addressing speeding issues on residential streets and requires a petition initiated by the residents along the street. Attached is a copy of the Town's Neighborhood Traffic Calming Program (NTCP) and two sample petitions.

If you are interested in pursuing this option, the next step is for you and your neighbors to prepare and submit a Neighborhood Petition with over 50% of the households on Flintridge Drive signing the petition. The NTCP process is first-come-first-serve and there are currently three neighborhoods who have submitted petitions and are pursuing the NTCP for their respective streets. Please note on your petition that "this process is first-come-first-serve and may take several years." Please see item 2 under Process for further details.

Please feel free to contact me or Mr. Jessy Pu if you would like to discuss this further or have any questions.

Thanks again,

Mike Vroman, T.E. • Senior Traffic Engineer Parks & Public Works

Department • 41 Miles Avenue, Los Gatos CA 95030

Ph: 408.399.5777 • mvroman@losgatosca.gov www.losgatosca.gov •

<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.losgatosca.gov>

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Please note the upcoming Town closure: January 17, 2022

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-----Original Message-----

From: cortney bui <[REDACTED]>

Sent: Thursday, March 03, 2022 3:51 PM

To: Town PPW <ppw@losgatosca.gov>

Subject: Neighborhood Traffic Calming Request

Hello,

I would like to request a neighborhood traffic calming request for [REDACTED], Los Gatos, CA 95032.

Can you let me know the process/next steps, petition form please?

Thanks!

Cortney Bui

<1646877205633blob.jpg>

From: Lisa Murphy <[REDACTED]>
Sent: Wednesday, March 25, 2026 9:45 AM
To: planning@losgatos.ca.gov <planning@losgatos.ca.gov>
Cc: Jocelyn Shoopman <jshoopman@losgatosca.gov>; Alexa Nolder <ANolder@losgatosca.gov>;
[REDACTED] <[REDACTED]>; [REDACTED] <[REDACTED]>; Ellie
Hale <[REDACTED]>; Sblend Sblendorio <[REDACTED]>; Evann P.S. Addeo <[REDACTED]>
Subject: Agenda Item 2, March 25, 2026, Public Comment

Dear Ms. Kendra Burch and Planning Commission Members,

Please find the attached letter from Mr. Sblendorio of Hoge Fenton. Thank you.

Lisa Murphy

Litigation Legal Administrative Assistant

D:+1.408.938.3873 | 55 South Market Street, Suite 900
O:+1.408.287.9501 | San José, CA 95113 United States

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March 25, 2026

Ms. Kendra Burch, Chair
Los Gatos Planning Commission
planning@losgatosca.gov

Re: Meeting of the Town of Los Gatos Planning Commission
Meeting Date: Wednesday, March 25, 2026
Agenda Item No.: 2

Objection to Legally Deficient CEQA Analysis & Other Comments to Staff Report

Nature of Project: **Application for Modification of Conditional Use Permit No. U-24-010 to Allow Material Expansion of Intensity of Use and to Permit Unlawful Assembly Uses During Statutorily Mandated Quiet Hours in the Applicable Zone**

Nature of Objections: **Failure to Perform Appropriate Environmental Review as Required by the California Environmental Quality Act; and Unlawful Attempt to Either: (i) Amend the Zoning Ordinance to Eliminate Quiet Hours, without appropriate Legislative action on the part of the Town Council and/or to (ii) Entirely Ignore Applicable Zoning Ordinance.**

Subject Property Address: 16769 Farley Road, Los Gatos, California
Our Clients: James Ratcliffe and Kimberly Ratcliffe
Our Matter No.: 210148

Dear Chairperson Burch and Honorable Members of the Los Gatos Planning Commission:

This law firm represents James and Kimberly Ratcliff, who own and reside in a single family residence located immediately adjacent to 16769 Farley Road, Los Gatos, which property is the subject of the above referenced application for modification of a Conditional Use Permit (the "Subject Property.") Our clients submit this letter in response to the Town of Los Gatos' staff report regarding the above referenced agenda item.

It is California law that all discretionary Projects (as defined in the California Environmental Quality Act, including the issuing and/or modification of Conditional Use Permits) must undergo environmental review prior to final approval, unless a specific statutory or categorical exemption applies to the particular Project at issue. (Cal. Code Regs. Tit. 14, Sec. 15378.) The staff report in this matter (the "Staff Report") asserts, without factual basis or legal authority of any nature whatsoever, that the proposed expansion of the operating hours of house of worship located in an R1 Residential Neighborhood by approximately 30% per day – all of which occur during statutorily mandated quiet hours in

the middle of the night – and the proposed expansion of onsite parking facilities by a similar amount – will result in negligible or no expansion of use of the Subject Property, and, therefore, the Project will have no environmental impact for purposes of CEQA, and that, it is, therefore, exempt from environmental review. As described below, this assertion is conclusory and impermissibly frustrates the purpose of CEQA to review a proposed Project in order to determine whether or not there will be a significant environmental impact. If staff is correct, then appropriate environmental review will make a determination of No Impact in accordance with CEQA.

Our clients urge the members of the Planning Commission to deny the CUP application on the grounds that the proposal to amend the CUP to allow late night and early morning use and to later expand parking capacity by approximately 30 spaces is a project that is not categorically exempt from the California Environmental Quality Act ("CEQA"). Accordingly, approving the application without the required environmental review would violate State Law (Pub. Resources Code, Sec. 21000 et seq.; Cal. Code Regs. Tit. 14, Sec. 15000 et seq.). Additionally, approving an expanded use during quiet hours in a residential neighborhood is inconsistent with both the Town Code's noise curfew ordinance and the Town's General Plan, and thus would also constitute a violation of California law.

A. The Project's impacts are not negligible, and therefore not categorically exempt from CEQA.

The Staff Report asserts, at pages 2, 9 and 10, that the Project is exempt from CEQA environmental review pursuant to Cal. Code Regs. Tit. 14, Sec. 15301 ("Existing Facilities"). However, this Project does not closely resemble any of the examples of types of exempt Projects listed in the regulation, all of which relate to minor amounts of physical construction, where this project instead contemplates an expansion of the intensity of use..

"[A]n agency's finding that a particular proposed project comes within one of the exempt classes necessarily includes an implied finding that the project has no significant effect on the environment." (*World Business Academy v. California State Lands Commission* (2018) 24 Cal.App.5th 476, 496.) "The key consideration is whether the project involves negligible or no expansion of an existing use." (Cal. Code Regs. Tit. 14, Sec. 15301.)

Expansion of use does not merely mean a "change in use", it also includes an expansion of the intensity of an existing use (see *Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310.) Further, the findings should factor not only increases to physical use but also increases to operating hours. (see *Sustainability, Parks, Recycling & Wildlife Defense Fund v. Department of Resources Recycling & Recovery* (2019) 34 Cal.App.5th 676, 697 fn. 30 .)

Under the holding in *World Business Academy v. California State Lands Commission*, *supra*, the Staff Report's assertion that the Project qualifies for an exemption implies that staff certifying that the changes in permitted use contemplated by the Project cannot possibly have any significant environmental effect. This assertion is made despite the fact that staff has not conducted any actual environmental review sufficient to make such a factual determination.

The fact is this CUP modification would increase the applicant's permitted hours of operation by over 30%. The applicant seeks to expand its current permit which allows 14 hours operations per day, from 8:00 a.m. to 10:00 p.m., to over 18 hours per day, beginning as early as 4:16 a.m. extending to 10:30 p.m. and to even later at night than that during Ramadan (Applicant's Revised Justification Letter, at pages 11-12.)

This 30% increase is not only significant, its approval would be a violation of California law. To permit an exemption purely on ground that there is no expansion of physical square footage would mean that a community center or private sports club with a CUP in the Town's R1 zoning could also expand from a 10:00 p.m. CUP specified closing time to a 24 hour per day operation without environmental review.

B. The Town may not rely on mitigations and conditions to qualify the project for categorical CEQA exemption.

"An agency may not evade CEQA by adopting mitigation measures simply to qualify a project for a categorical exemption." (*Sunflower Alliance v. Department of Conservation* (2024) 105 Cal.App.5th 771, 789; citing, *Salmon Protection & Watershed Network v. County of Marin* (2004) 125 Cal.App.4th 1098, 1102) In the *Salmon Protection & Watershed Network v. County of Marin* case, Marin County "found that the project [in question], as conditioned and mitigated, would not have significant adverse environmental effects." (*Salmon Protection & Watershed Network v. County of Marin* (2004) 125 Cal.App.4th 1098, 1104.)

California's Court of Appeal held that the "County erred in relying upon mitigation measures to grant a categorical exemption from CEQA" because "[o]nly those projects having no significant effect on the environment are categorically exempt from CEQA review. [citations] If a project may have a significant effect on the environment, CEQA review must occur and only then are mitigation measures relevant." (*Salmon Protection & Watershed Network v. County of Marin* (2004) 125 Cal.App.4th 1098, 1102.)

The Staff Report dated March 20, 2026, declares the project is categorically exempt from CEQA as an existing project with a negligible expansion of use under Cal. Code Regs. Tit. 14, Sec. 15301 (staff report at pages 2 and 9.) However, to arrive at this conclusion, staff impermissibly finds specific environmental mitigations are necessary to avoid impacts. Specifically, the staff report finds that, if approved, the expanded use:

1. "will not impair the integrity and character of the residential zone in that conditions of approval regarding occupancy limits, general hours of operation, seasonal late-hours, noise, signage, communication, parking lot monitoring, landscaping, delivery hours, and a one-year compliance review will be included;"
2. "will not be detrimental to public health, safety, or general welfare because the conditions of approval address any potential noise, traffic, and safety impacts to the surrounding residential neighborhood;" and
3. "is required to comply with the noise mitigation, parking lot monitoring, and overflow parking plan set forth in the conditions of approval."

(staff report at page 7.) These impact findings are not based merely on conditions ensuring compliance with existing Town Code standards but are based on mitigations specific to reducing *noise, traffic and safety impacts to the surrounding residential neighborhood*.

As in *Salmon Protection & Watershed Network v. County of Marin*, the staff report here explicitly relies on findings that the Project, *as conditioned and mitigated*, would not have significant adverse environmental effects rather than that the project has no impact. Should the Town approve the project based on mitigations, it subjects itself to reversible error, just as the County of Marin did.

Our clients urge the Planning Commission to reject the staff report's recommendations and protect the Town's interests by insisting that the Town conduct the necessary environmental review as required by CEQA.

C. California law prohibits the Planning Commission from making land use decisions which Violate the Zoning Ordinance and/or which are Inconsistent with the Town's General Plan

Under Government Code Section 65852, zoning regulations must be uniform "for each class or kind of building or use of land throughout each zone," but regulation in one type of zone may differ from another type of zone. This uniformity requirement prevents municipalities from allowing uses within a zone not permitted to other parcels.

In *Neighbors in Support of Appropriate Land Use v. County of Tuolumne* (2007) 157 Cal.App.4th 997, reversible error was found where Tuolumne County permitted landowners to host weddings and similar events, which was not an allowed use under the zoning ordinance, and therefore violated the uniformity requirement.

Here, approval of the CUP modification would necessarily violate the uniformity requirement because it would allow hours of operation not allowed by any other parcel in R-1 zoning, which explicitly does not allow operations between the hours of 2:00 a.m. and 6:00 a.m. (Town Code, Sec. 29.20.185) or allow noise generation impacting residents outside the hours of the noise curfew from 10:00 p.m. to 8:00 a.m. (Town Code, Section 16.20.010).

Each city and county in California must have a general plan for development (Gov. Code, § 65300) and local land use decisions, including zoning ordinances and land use permits, must be consistent with it. (*Id.*, § 65860, subd. (a); *Save Lafayette v. City of Lafayette* (2022) 85 Cal.App.5th 842, 850.)

The Los Gatos General Plan establishes goal ENV-18 to:

Consider existing and future noise levels when making land use decisions in order to protect people from exposure to excessive noise levels, as defined for each land use type. Particular attention will be given to protecting noise sensitive land uses.

(Town of Los Gatos, 2040 General Plan, 8.11 Noise, at page 8-25.) The General Plan further defines noise sensitive land uses to include residences. (Town of Los Gatos, 2040 General

Plan, Key Terms, at page 8-3.) Additionally, the Town Code establishes a noise curfew from 8:00 a.m. to 10:00 p.m. (Town Code, Section 16.20.010).

The applicant's proposed expanded use is entirely within the Town's quiet hours. Permitting this use goes against the principles of the General Plan and the Town Code and would deprive the residents of the neighborhood of the benefits of their residential zoning. The Town does not have the authority to permit a use that so flagrantly violates the provisions of the General Plan, not merely for the applicant's current use, but all future uses in perpetuity.

D. To determine a project's impacts, the Town must measure a baseline for environmental analysis.

The staff report conclusively declares that because the site is currently used for religious observance and proposes no increase to square footage it would not result in an increase in traffic or other environmental impacts. (staff report at page 6 and 7.) It does this, inexplicably while noting "neighborhood concerns;" and while ignoring the Notice of Violation regarding noise, hours of operation, and number of attendees, which the Town issued to the applicant on July 5, 2024.

Additionally, the staff report both cites Town Code describing an intensification of use as an "increase of five (5) or more peak hour trips," (staff report at page 6) and declares there will be no intensification of traffic (staff report at page 10) despite acknowledging the applicant's plan to increase the number of parking spaces from 180 to 203 (staff report at page 8).

The conclusions of the staff report are not merely illogical, but are illegal in violation of CEQA:

A project may have a significant effect on the environment if it has the potential to degrade the quality of the environment, ... or to achieve short-term, to the disadvantage of long-term, environmental goals; is cumulatively considerable, such that its incremental effects are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects; or will cause substantial adverse effects on human beings, either directly or indirectly.

(*World Business Academy v. California State Lands Commission* (2018) 24 Cal.App.5th 476, 498.)

The staff report's acknowledgment of the "neighborhood concerns" alone is sufficient to meet the threshold of a significant impact. Regardless, however, the Town has an obligation to

use some measure of the environment's state absent the project, a measure sometimes referred to as the "baseline" for environmental analysis. [Citation.] The baseline must reflect the existing conditions at the time of the analysis, even if those conditions deviate from the level of development or activity authorized at a site.

(*World Business Academy v. California State Lands Commission* (2018) 24 Cal.App.5th 476, 498.)

Here, the staff report makes no mention of such baseline measurements. It simply assumes conformance with the existing permitting (e.g., assuming “[u]nder the current conditions, vehicles enter and exit the property for multiple services until 10:00 p.m. for most of the year,” (staff report at page 8)) without having studied the actual use characteristics, ignoring prior violations notices, and ignoring neighbor complaints and numerous reports of violations.

For these reasons, our clients request the Planning Commission deny the conditional use permit application, and that the Town proceed with necessary environmental review under CEQA, in order to avoid inevitable and protracted litigation.

To that end, our clients encourage the Town to engage in workshops with the residents of the neighborhood to ensure that impacts are well understood, even if that results in a mitigated negative declaration. By working with the residents, the mitigations will be targeted at solving the *actual, measurable*, impacts existing in the neighborhood. Such mitigations may include:

1. Prohibiting or significantly limiting non-residential street parking on Farley Road, and other connecting local streets, by issuing residential parking permits, prohibiting street parking for non-residents after 9:00 p.m.
2. Limit the number of attendees before 8 am to less than 25, as contemplated in the 2020 CUP approval documentation.
3. Limit weekend events, including festivals, weddings, receptions, and the like, to four per year, with a requirement to provide two-weeks notice to all residents within 1,000 feet and others who request notice. Parking should be limited to only on-site parking for such weekend events as well.
4. No amplification outside, at all times. And no amplification inside before 8:00 a.m. and after 10:00 p.m.
5. The applicant must block portions of the parking lot adjacent to our client’s property on weekends, weeknights, and at night when the lot is not at full capacity.
6. The applicant must provide traffic management for egress when the parking lot at all times of years, so that Farley Road is not overly congested or obstructed to residential and emergency vehicle access. The traffic management must ensure there are breaks in the traffic such that residents may enter or exit their own driveways and otherwise access Farley Road.
7. The applicant, at its own expense must provide for traffic control during Ramadan to alleviate congestion and obstructions of Farley Road.
8. Require the applicant to provide the Town’s fire marshal with daily number of attendees and certification that occupancy limits were not exceeded. Allow the fire marshal

Ms. Kendra Burch, Chair
March 25, 2026
Page 7

on-site to audit occupancy and require the applicant to reimburse Town for cost of the fire marshal's audit.

9. Require the applicant to engage a light and noise pollution consultant, approved by the Town, to evaluate how to reduce light and noise impacts upon our clients' home as well as the other immediately adjacent homes. This evaluation should include consideration of planting a uniform significant hedge 8 feet surrounding the property lines between neighbors, installing more robust barriers at the exit driveway, and repairing the pavement cracks in the driveways that cause loud booming noises when vehicles pass over.

Sincerely,

HOGUE, FENTON, JONES & APPEL, INC.



Sblend Sblendorio
Attorney

SAS

cc: Jocelyn Shoopman, jshoopman@losgatosca.gov
Alexa Nolder, ANolder@losgatosca.gov
Jim Ratcliff, [REDACTED]
Kim Ratcliff, [REDACTED]

From: sarah <[REDACTED]>

Sent: Tuesday, March 24, 2026 6:34 PM

To: Planning <Planning@losgatosca.gov>

Subject: Public Comment Item #2 - Approve WVMA CUP extended hours

Dear Planning Commission,

My name is Sarah Hollingsworth, and I am a former teacher in Los Gatos. I am writing in support of granting the CUP for extended hours to the West Valley Muslim Association. As I am sure you are aware, Ramadan has just come to an end this past week. Showing your support and solidarity with our Muslim neighbors would be a beautiful way to help them celebrate Eid this year.

While I was teaching in Los Gatos, I taught students of all cultural and religious backgrounds - Christians, Jews, Buddhists, Sikhs, and Muslims - just to name a few! Los Gatos is a multi-faith community that sets an example of what it means to respect and support a diverse array of religious practices. Each person in our community deserves a safe space to pray in accordance with their traditions. I am saddened by the biased remarks I have seen on social media and want to make it clear that we stand stronger together. There is no room for bigotry in Los Gatos. I urge you to uphold that standard and grant the CUP request.

Thank you,
Sarah Hollingsworth
(she/her)

Sent with [Proton Mail](#) secure email.

From: Emma Hartung <[REDACTED]>
Sent: Tuesday, March 24, 2026 9:31 PM
To: Planning <Planning@losgatosca.gov>
Subject: Public Comment Item #2 - In support of WVMA extended hours

Dear Los Gatos Planning Commission,

I'm writing to you today as an educator, community member, and Jewish woman who believes deeply in the importance of repairing the world together and respecting and supporting our neighbors.

I hope you will act to grant the modification of the CUP and to grant extended hours to WVMA.

The right of a religious community to use their religious facilities for prayer is one of the most fundamental rights we have, and I hope that you will be able to take a clear, fact-based and values-based decision to approve the modified CUP so that the WVMA community members who have been so conscientious in their efforts, can properly practice their faith together at the Farley Road location. Let's strive to be a community where everyone belongs, where neighbors address concerns neighbor to neighbor, and where the planning commission acknowledges and supports our faith communities.

Thank you,

Emma Hartung

From: Dorah <[REDACTED]>

Sent: Tuesday, March 24, 2026 10:39 PM

To: Planning <Planning@losgatosca.gov>

Subject: Public comment #2, Approve WVMA CUP extended hours

My name is Lee Rosen and I'm writing as a congregant of an area synagogue to support my Muslim friends and neighbors in Santa Clara County in their request for extended hours at WVMA for Ramadan and the pre-sunrise prayers, evening and night prayers called for in the Muslim faith. Obviously, a house of worship needs to be open for all the prayer times of the faith being practiced; that is the key reason to have a church, synagogue, masjid (or mosque), temple, zendo etc. In this violent, turbulent time, there is a huge need for prayer.

I've been to WVMA masjid several times and know the solace that it brings to the Muslim community. I've also been there for interfaith events and know how the congregants value being good citizens and neighbors.

Santa Clara County is enriched by being a multifaith community. Though it is majority Christian, there is a lot of interfaith solidarity to serve the needy, reduce violence, engage in cultural activities, celebrate our elders and protect children. I sincerely hope that the County will respect the practices of its Muslim citizens and grant the CUP modification for the West Valley Muslim Association.

Sincerely,

D. L. Rosen

From: Leslie <[REDACTED]>

Sent: Tuesday, March 24, 2026 9:03 PM

To: Planning <Planning@losgatosca.gov>

Subject: Public Comment Item #2 - Approve WVMA CUP extended hours

Hello Planning Commission members,

I'm a local area resident writing in support of granting the CUP for extended hours to the West Valley Muslim Association. I believe that every person should be supported to observe their faith. I want the Bay Area -- including Los Gatos -- to be a place where we support our neighbors.

It is for that reason that I'm asking the Planning Commission to approve WVMA's CUP modification and grant extended hours so that our neighbors can pray and observe Ramadan together, and so Los Gatos can be a community where we all belong.

Sincerely,

Leslie

From: Jessica Koehler <[REDACTED]>
Sent: Wednesday, March 25, 2026 8:15 AM
To: Planning <Planning@losgatosca.gov>
Subject: Public Comment Item #2

My name is Jessica and I am a local community member writing in support of granting the CUP for extended hours to the West Valley Muslim association. I believe in a Los Gatos community where everyone is free to engage with their faith traditions, including gathering together for religious practices. Moreover, I see that WVMA has done their due diligence in engaging with their neighbors to hear and address concerns directly, demonstrating their respect for and commitment to working with their neighbors.

I remember attending midnight mass as a child with my family and grandparents, watching them engage in practices with our larger community, and feeling moved by the swell of people coming together on a holy day. Everyone deserves to have that experience within their faith community. That is why I am writing today to ask the Planning Commission to approve WVMA's CUP modification and grant extended hours so that our neighbors can pray and observe Ramadan together, and so Los Gatos can be a community where we all belong.

Thank you,

Jessica

From: Scott Koopmans <[REDACTED]>
Sent: Tuesday, March 24, 2026 9:20 PM
To: Jocelyn Shoopman <jshoopman@losgatosca.gov>
Cc: Scott Koopmans <[REDACTED]>
Subject: Neighbor input regarding the proposed expansion at 16769 Farley Road

Good afternoon Jocelyn,

I'm writing to you today regarding the proposed expansion at 16769 Farley Rd. I live on [REDACTED]
[REDACTED] which intersects Farley Rd.

Let me begin by emphasizing that I have no issue whatsoever with the WVMA being a neighbor. The issue I have is about their request to operate as if they are in a much larger facility and in a non-residential zone. This expansion would involve an increase in vehicles far in excess of their parking capacity, and in expanding hours in a way that is not aligned with a residential area. A safe and quiet neighborhood is a priority for all. The proposed expansion, if allowed, would negatively impact our neighborhood.

Thank you.

Sincerely,
Scott Koopmans
Sent from my iPad

From: Alison Brunner <[REDACTED]>
Sent: Tuesday, March 24, 2026 9:16 PM
To: Planning <Planning@losgatosca.gov>
Cc: Abigail Coven <[REDACTED]>; Rabbi Rafi Ellenson <[REDACTED]>; Jocelyn Shoopman <jshoopman@losgatosca.gov>; cup@wvmuslim.org <cup@wvmuslim.org>
Subject: Planning Comm Item #2 - Approve CPU Modifications by WVMA

March 24, 2026

Los Gatos Planning Commission
110 E. Main Street
Los Gatos, CA 95030
Sent via Email: planning@losgatosca.gov

Subject: Planning Commission Public Comment Item #2

Dear Planning Commission Members,

We strongly urge you to approve the proposed modifications to the West Valley Muslim Association's Conditional Use Permit. Extending its hours of operation is essential to accommodate members who observe religious prayer services both during Ramadan and throughout the year.

Approving these modifications supports the community's ability to practice their faith, ensures compliance with legal protections for religious institutions, and reflects the Town's stated values of inclusivity, equal treatment, and respect for all residents.

Moreover, WVMA worked to mitigate impacts to the neighborhood surrounding the Los Gatos mosque during the recent holy month. As a Los Gatos High School sophomore and staff member of the school newspaper, El Gato, I covered this issue in a recent article. Through my reporting, I observed members quietly directing traffic with flashlights to ensure safety and minimize disruption. I also understand that the property has long been zoned for religious use and was previously occupied by the Kingdom Hall of Jehovah's Witnesses.

For these reasons, we respectfully ask the Commission to approve the requested modifications. Doing so will support a longstanding religious use, reflect the community's demonstrated commitment to being a good neighbor, and uphold the Town values of fairness, inclusion, and respect for all. Thank you for your consideration.

Sincerely,

Abigail Coven, Town Resident & LGHS Sophomore
Alison Brunner, Town Resident
[REDACTED]
Los Gatos, CA 95030

From: Sarita Kincaid <[REDACTED]>

Sent: Tuesday, March 24, 2026 8:29 PM

To: Jocelyn Shoopman <jshoopman@losgatosca.gov>; Alexa Nolder <ANolder@losgatosca.gov>

Subject: FORMAL OBJECTION: Incompatibility and Safety Hazards of CUP U-24-010 (16769 Farley Road)

Dear Los Gatos Planning Commission,

I am writing to formally oppose the Conditional Use Permit expansion for [16769 Farley Road](#).

Under Town Code § 29.20.190, a CUP may only be granted if the use is "ordinarily compatible" with the neighborhood. The following points demonstrate that this project fails that standard:

1. Mid-Block Location vs. Arterial Access

Standard urban planning dictates that high-intensity facilities should be located on major arterial roads (like Los Gatos Blvd) or corner lots to allow for efficient traffic dispersal. 16769 Farley Road is trapped in the middle of a residential block. Forcing 1,700 potential occupants through a single residential corridor—Farley Road—creates a dangerous bottleneck that the street was never designed to handle.

2. Documented Neighborhood Incompatibility

The vast majority of direct neighbors on Farley Road, Chirco Drive, and Flintridge Drive are in active opposition. This is not a "vocal minority"; it is a near-unanimous consensus of the residents who share property lines with this facility. The proximity of this high-intensity use to so many R-1 homes makes noise, light, and privacy impacts unavoidable and irreparable.

Religious status does not grant an exemption from the zoning laws that protect our community's safety. I urge the Commission to deny this expansion and uphold the integrity of our residential neighborhood.

Sincerely,

Sarita Kincaid

[REDACTED]

Los Gatos, CA 95032

From: Julie Griffin <[REDACTED]>
Sent: Tuesday, March 24, 2026 4:11 PM
To: Planning <Planning@losgatosca.gov>
Subject: Public comment opposing CUPU - 24 -010

I am in complete agreement that the West Valley Muslim Association should not have its conditional use changed.

It is quite clear from the neighborhood videos that the area is being significantly impacted by the traffic, headlights shining into houses and congestion on the residential streets.

It is really not right that the residents should have to deal with this and the late night / early morning traffic situation could impact the value and sales of the houses.

As we ourselves live near a place of worship we would not like to see our own neighborhood changed if this passes.

Julie Griffin

From: Pastor Sara Pearson <[REDACTED]>
Sent: Tuesday, March 24, 2026 3:57 PM
To: Jocelyn Shoopman <jshoopman@losgatosca.gov>
Cc: Tooba Ahmed <[REDACTED]>
Subject: letter of support from members of Saratoga Ministerial

Greetings Jocelyn.

This letter is submitted as a show of support for our friends and neighbors at WVMA. Unfortunately, due to the scheduling of tonight's meeting, many of our Christian churches are not able to attend due to Lent.

I submit this on behalf of our colleagues who have a long and wonderful relationship with the leadership of WVMA.

Peace,
Pr. Sara

Rev. Sara Pearson, Lead Pastor (*she/her*)
Prince of Peace Lutheran Church, ELCA Lutheran
propeace.org
cell phone: [REDACTED]
Fridays are my Sabbath.

We, the members of the Saratoga Ministerium (an interfaith clergy group that has been in solidarity for peace and care for our Saratoga/Los Gatos/South Bay communities), would like to submit a strong word of support for our Muslim neighbors, friends and community members of the West Valley Muslim Association as they seek a modification to their Conditional Use Permit

As leaders representing the diverse faith traditions that weave the fabric of our region, we are writing to you at a critical moment. We live in a time when negative rhetoric and division are on the rise. In such a climate, the role of local government transcends mere administration; it becomes a matter of moral leadership. We urge the Council to meet this moment by choosing inclusion over exclusion and courage over complacency.

The West Valley Muslim Association is more than a house of worship; it is a vital organ of our community, providing service, education, and compassion. To thrive, they require the same fundamental right to gather that our churches, synagogues, and temples enjoy.

The Necessity of These Accommodations

The permit modifications under your consideration are not extra requests—they are the basic requirements for practicing the Muslim faith with dignity. They include:

- **Daily Rhythms:** Accommodating early morning and late evening prayers that align with the natural solar cycle.
- **Sacred Seasons:** Providing the necessary space and time for the holy month of Ramadan, a period defined by charity and community reflection.

A Test of Our Values

When we allow any group of residents to be pushed to the margins of our city, we diminish the safety and belonging of all residents. Supporting these modest adjustments is a tangible way for Los Gatos to push back against the current of intolerance. It is an opportunity to prove that "religious freedom" and "pluralism" are not just buzzwords in a mission statement, but lived realities in our streets.

A city's vibrancy is measured by how it treats its minority communities during challenging times. We stand in unwavering solidarity with our Muslim neighbors and respectfully insist that the Council approve these permit modifications. Let us ensure that Los Gatos remains a place where every resident—regardless of how they pray—can contribute to our shared civic and spiritual life.

Signatories

Rev. Sara Pearson, Prince of Peace Lutheran
Rev. Erik Swanson, Westhope Presbyterian Church
Rabbi Nathan Roller, Congregation Beth David
Rev. Joel Martinez, St Andrew's Episcopal Church
Rev. Maly Hughes, St Andrew's Episcopal Church
Rie Collett, Executive Director, Connect Silicon Valley
Michael Wright, Sacred Heart Parish
Rev. Nathan Winterhof, St Andrew's School

From: Mike Castro <[REDACTED]>

To: "jshoopman@losgatosca.gov" <jshoopman@losgatosca.gov>, "Nolder@losgatosca.gov" <Nolder@losgatosca.gov>, "Planning@losgatosca.gov" <Planning@losgatosca.gov>

Cc: Libby Castro <[REDACTED]>

Date: 03/24/2026 3:28 PM PDT

Subject: Farley Road Application for Conditional Use Permit (U-24-010)

Dear Jocelyn, Alexa, and LG City Planners,

Please review my attached letter regarding the Conditional Use Permit for exceptions to residential codes on Farley Road (U-24-010). Your decision on this matter will have a serious impact on the Farley Road residents and I hope you will prioritize their needs in this matter before allowing exceptions to standard town regulations.

Thank you for your consideration

Michael L Castro

[REDACTED]

Los Gatos, CA 95030

Michael Castro
[REDACTED]
Los Gatos, CA 95030

March 24, 2026
Jocelyn Shoopman
Alexa Nolder Planning
Commission Town of
Los Gatos 110 E. Main
Street Los Gatos, CA
95030

Re: Modification of Conditional Use Permit U-24-010
West Valley Muslim Association / Los Gatos Islamic Center 16769
Farley Road, APN 424-21-062
Expanded Hours of Operation in Residential Neighborhood

Dear Jocelyn, Alexa, and Members of the Planning Commission:

I am a lifelong resident of Los Gatos writing regarding the West Valley Muslim Association's (WVMA) request to modify their existing Conditional Use Permit (U-24-010) to allow limited expanded hours of operation, particularly during Ramadan, for religious observances such as pre-dawn Fajr prayers and evening Taraweeh prayers/iftars.

I am strongly against approval of this Conditional Use Permit. There should be no use on this property except during regular hours from 8:00 a.m. to 8:00 p.m. This is a quiet residential neighborhood. This impacts many people's schedules, lives and property values. However, if the applicant meets standard CUP expectations for any institutional use in a residential zone—specifically addressing parking enforcement, and noise through clear, verifiable, and enforceable conditions you could allow the use to until NLT 10:00 p.m. and not before 8:00 a.m.

1. Parking Requirements and Enforcement

The facility has 180 onsite parking spaces, which is obviously insufficient for peak attendance.

- The applicant shall fully accommodate additional parking needs **onsite, or through a definitive, enforceable off-site parking plan**. Perhaps a shuttle bus from a remote public parking lot could be a solution.
- **No street parking** shall be permitted in the surrounding residential neighborhood at any time by the applicant.
- The Town shall install and maintain appropriate **permanent "No Parking" signs** on affected streets.
- The Police Department shall enforce these restrictions through regular patrols, similar to other residential parking rules or CUP conditions.

These measures ensure compliance mirrors what is required of any other applicant generating traffic in similar zones.

2. Noise Compliance and Monitoring

Expanded hours must adhere strictly to the Town's noise ordinance (Chapter 16), including the 10:00 p.m. curfew for disturbing noises and property-line dBA limits in residential areas. Additionally, no use before 8:00 a.m. No exemptions should apply—the applicant is subject to the same standards and enforcement as any other entity. There should be no special exceptions allowed for religious organizations of any type.

To verify compliance proactively: **Sound Level Monitoring and Reporting Requirement**

To verify ongoing compliance with Chapter 16 (Noise Ordinance) of the Los Gatos Municipal Code—including the 10:00 p.m. curfew for disturbing noises (§ 16.20.010), exterior property-line noise limits (§ 16.20.015), and prohibitions on excessive or unreasonable sounds—the applicant shall implement a sound level monitoring program during periods of extended or high-attendance operations (e.g., Ramadan nights or any events extending beyond 10:00 p.m.).

- Monitoring shall use a calibrated Class 2 or higher sound level meter (meeting IEC 61672-1 or ANSI S1.4 standards, with A-weighting and slow response time).
- Spot measurements at representative property line locations closest to residences, during peak departure/activity times after 10:00 p.m.
- Submit a **Noise Monitoring Report** quarterly (within 30 days after quarter-end) with data tables, compliance summary, any exceedance explanations/corrections, and certification under penalty of perjury.
- Failure to monitor/report/address issues shall constitute a CUP violation.

These measures ensure compliance mirrors what is required of any other applicant generating sound or noise in similar zones.

Promotion of Fairness: By adopting the measures any applicant would have to abide by, the applicant is able to serve its congregation during key religious times, and the legitimate concerns of neighbors who have been impacted by the applicant's use, would certainly be calmed. This is the only fair solution. If the organization cannot accept operation during standard 8:00AM to NLT 10:00PM operating hours, they should consider a different location for their gatherings outside of a quiet residential neighborhood.

There should be no special considerations for religious organizations that are located in residential neighborhoods. Period. We need to maintain a separate between church and government.

Thank you for your consideration. I am hopeful that the Planning Commission will not allow exemptions to residential neighborhood regulations that have negative impact on the residents.

Sincerely
Michael L Castro