

From: Farley Road Neighborhood Coalition <[REDACTED]>

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To: Jocelyn Shoopman <jshoopman@losgatosca.gov>; Alexa Nolder <ANolder@losgatosca.gov>; Planning <Planning@losgatosca.gov>; Chris Constantin <CConstantin@losgatosca.gov>; Gabrielle Whelan <GWhelan@losgatosca.gov>

Cc: Allen Meyer <AMeyer@losgatosca.gov>; Sean Mullin <SMullin@losgatosca.gov>; Joel Paulson <jpaulson@losgatosca.gov>; Town Manager <Manager@losgatosca.gov>

Subject: Petition of Appeal – CUP U-24-010 (16769 Farley Road)

Dear Members of the Town Council,

The Farley Road Neighborhood Coalition (FRNC) respectfully submits this formal appeal regarding the recently approved Conditional Use Permit (CUP U-24-010) conditions for the West Valley Muslim Association (WVMA) facility, 16769 Farley Road, Los Gatos, CA.

Our coalition submits this main appeal letter to request a comprehensive revision of these conditional terms and to pause adoption of the CUP until 3rd party studies producing statistically meaningful and objective data is available, to ensure objectivity, municipal compliance, long-term community harmony and fostering health equity and mental well-being for the residents.

1. The Asks from the Neighborhood

To resolve core technical, zoning, and safety gaps, the neighborhood coalition presents four definitive, legally protective demands to the Town Council:

- **Reinstate the 2020 CUP Baseline Hours:** Maintain the established, functional 2020 CUP baseline hours (10:00 PM standard cutoff, extended to 11:00 PM strictly for the month of Ramadan) and reject any un-capped "sunrise" clauses or late-night extensions. Under LGMC § 29.20.190, the applicant fails to meet the mandatory findings required to prove the expansion is "essential" or that it will not harm public health. Furthermore, according to the Town's own institutional database, no other landlocked facility with strictly "Residential" street access is permitted to operate past 10:00 PM.
- **Order an Independent, Data-Driven Peak Traffic & Sound Study:** Freeze any final decision on the application until the Town conducts a comprehensive, independent traffic, circulation, and acoustic study during maximum-attendance peak windows. While we acknowledge Commissioner Stump's excellent, detailed analysis modeling the five daily prayers and Ramadan, that model is incomplete because it excludes the limitless additional religious activities, educational programs, and community events now permitted under the new conditions. FRNC notes that both our coalition and WVMA agree on a critical underlying fact: the current record lacks objective, empirical data regarding the site's true, expanded operational impacts. This immense traffic volume creates severe environmental and public health strains on the immediate neighborhood.

- **Require a Comprehensive Environmental Impact Report (EIR):** Freeze any final decision until a full environmental review is conducted. By approving commercial-scale transportation modifications, including shuttle operations and off-site parking arrangements, without substantial empirical evidence or preparation of an EIR, the Town effectively bypasses the environmental review requirements mandated by the California Environmental Quality Act (CEQA) (Cal. Pub. Res. Code § 21000 et seq.). The applicant's reliance on external transportation infrastructure is objective evidence that the intensity of the proposed use exceeds the physical capacity of the site and is dependent upon off-site resources to function. Moreover, the record contains uncontroverted testimony regarding the adverse public health impacts associated with expanded late-night operations. Commissioner Burnett, drawing upon her professional expertise as both a nurse and environmental consultant, expressly identified the foreseeable and significant effects that year-round late-night activity would impose on neighboring residents. She noted that restorative sleep is a medically recognized necessity supported by guidance from the National Institutes of Health (NIH), the Centers for Disease Control and Prevention (CDC), and other authoritative sources, and warned that continuous late-night operations would negatively affect working families, young children, new mothers, elderly residents, individuals recovering from illness, and those with disabilities.

"But the big concern is we're looking at 365 days of late night activity. If there are different needs for restorative sleep, which is essential for one's well-being and longevity, documented in many studies published by the NIH, as the CDC, as well as many others. The direct impact on the extended hours for 13 families in the immediate as well as surrounding neighborhood will have a deleterious effect. The sleeping patterns of the working families... small children... new mothers... elderly as well as those recovering from an illness with disability concerns will be strained. Each resident, be it a baby to an elderly neighbor, have different needs when it comes to restorative sleep. There will not be one night during the year that this neighborhood can look forward to have what they have with the present CUP and the limited hours."

Because both parties explicitly state that objective evidence is required to assess the full scope of operations, FRNC formally requests that the Town conduct an independent, empirical impact study during peak-use timeframes. Rather than relying on narrow or incomplete calendar windows, this study must evaluate the comprehensive operational parameters of the facility. Specifically, real-world data collection must be conducted during maximum-attendance periods, including Friday congregational prayers, the month of Ramadan, and the additional newly permitted activities now included in the expanded operational calendar. Gathering actual traffic, parking, and acoustic metrics during these peak intervals will provide the objective facts necessary to validate, monitor, and enforce these conditions effectively.

- **Incorporate Objective Code Compliance Baselines:** Implement a self-executing, zero-tolerance penalty matrix directly into the text of the CUP. If Town Code Compliance validates three (3) distinct operational violations (such as curfew breaches Baseline: Municipal Code [Section 18.030.055](#), noise ordinance violations [Noise Ordinance of the Town of Los Gatos](#) and the [General Plan Noise Element](#), or unpermitted commercial vendors [Zoning](#)

[Regulations \(Chapter 29\)](#)) within any rolling 12-month window, the expanded privileges shall automatically revoke by operation of law, immediately reverting the facility to the standard 10:00 PM cutoff. This insulates the Town from future litigation by removing human administrative discretion from the enforcement process.

2. Justification: Violations of Local, State, and Federal Regulations

The approved operational framework creates direct, irreconcilable conflicts with the Los Gatos General Plan, local zoning codes, and standard land-use frameworks. By granting an unprecedented daily extension—a 5 to 6.5 hour daily increase in operational intensity over the 2020 baseline—the current resolution forces high-volume commercial transit logistics directly into sensitive residential sleep windows, disrupting late-night rest after 10:00 PM and early-morning sleep between 4:00 AM and 8:00 AM.

While extensive technical, zoning, and procedural arguments are fully detailed in our attached **Appendix A** (Full Document of Violations), we highlight our primary areas of concern and proposed Conditions of Approval below:

- **Building and Parking Lot Capacity Caps (Fire Safety):** On-site occupancy is strictly limited to the maximum building capacity or available on-site parking stalls, whichever is lower. Structural occupancy must be formally established by the Santa Clara County Fire Department based specifically on an active prayer layout rather than standard fixed seating. (Los Gatos Zoning Regulations (Chapter 29))
- **Absolute Vacate Time Limits (Sleep Protection):** Operating hours enforce strict, absolute boundaries. All members, guests, and vehicles must completely exit the structures, real property, and parking lot by the designated cutoff times. No post-occupancy egress buffers or operational variances are permitted. Municipal Code Sec. 16.20.010
- **Secular and Commercial Activities:** Use of the facility is restricted exclusively to low-impact religious worship and instruction. Commercial or secular programs—including, but not limited to, fee-based summer camps, movie nights, sports leagues, and social mixers—are strictly prohibited under LGMC § 29.20.200 and California Government Code § 65852.
- **Prohibition of Amplified Sound:** Outdoor amplification, loudspeakers, and PA systems are completely prohibited under LGMC § 29.20.190. All sound-producing activities must occur indoors and utilize professional acoustic soundproofing so audio emissions do not exceed legal residential decibel limits at the property line. (Ord. No. 1852, § II(11.20.010), 5-20-91) (Sec. 16.20.015), (Sec. 16.20.040. - Amplified sound.)
- **Light Pollution Mitigations:** In accordance with LGMC § 29.40.380, all exterior lighting must be fully downward-directed, shielded, and integrated with an automated timer. All parking lots and non-essential exterior illumination must undergo a complete shutdown exactly one hour after the designated vacate cutoff.
- **Traffic Infrastructure:** All parking, vehicle loading, and traffic generation must remain entirely self-contained within the physical on-site parcel boundaries under LGMC § 29.20.150. Off-site parking contracts, shuttle bus transit loops, valet services, and private street-traffic monitors are strictly prohibited.

3. Support for Approved Conditions and Institutional Precedents

While WVMA seeks to remove or revise protective conditions identified in the resolution, we strongly maintain that these conditions are necessary, fair, and legally sound. To support the conditions the Town has approved, we have compiled the Los Gatos Institutional Precedent Compatibility Matrix, attached as **Appendix B**. This matrix justifies each challenged condition by cross-referencing it against applicable Los Gatos Town Code (LGMC), compelling governmental interest, least restrictive means applied, and equal terms:

- Applicable Los Gatos Town Code (LGMC)
- Compelling Governmental Interest
- Least Restrictive Means Applied
- Equivalent Los Gatos CUP Precedent / Rule (Equal Terms)

Furthermore, our position is verified by the Town's own official institutional data (attached as **Appendix C**), which highlights two definitive planning precedents:

- **The Residential Access Precedent:** Under California Government Code Section 65852, the town is bound by statutory uniformity requirements to apply its zoning rules consistently. For every single comparable facility where the Streets to Site access is designated strictly as "Residential," no facility is permitted to open or operate past a 10:00 PM curfew or earlier than 8:00 AM. Holding this specific facility to standard R-1 constraints for its secular business operations is required to maintain zoning uniformity. If any other religious or secular institution zoned R-1-8 had sought a similar modification of use with similar impacts to the neighborhood, the zoning regulations would be applied similarly.
- **The Commercial Corridor Contrast:** High-capacity operations are only permitted extended hours because their access thoroughfares are built on major commercial arterial roadways specifically engineered to absorb high density and traffic volume. In contrast, forcing commercial-scale logistics, commercial shuttle operations, and off-site parking dependencies onto a landlocked, strictly residential street creates severe localized safety hazards, violates neighborhood R-1 zoning constraints, and undermines quiet residential enjoyment.

Conclusion

The neighborhood coalition is committed to fostering a transparent, fair, and collaborative process that serves the entire community. We look forward to working with Town staff and leadership to resolve these matters equitably.

Respectfully submitted,

Farley Road Neighborhood Coalition

Violation of Federal and Local Regulations (**Appendix A**)

I. Abuse of Discretion: Inconsistency with the 2020 and 2040 General Plans and Town Code

The Planning Commission erred and abused its discretion by failing to accurately apply LGMC § 29.20.190. This code mandates that any approved Conditional Use Permit must be *"in harmony with the various elements or objectives of the General Plan and the purposes of the Town Code."*

A. Violations of the 2020 and 2040 General Plans

The Modified Conditions of Approval directly contradict several core General Plan policies:

- Policy LU-1 (Neighborhood Preservation): Fails to maintain neighborhood quality by introducing excessive traffic and disruptions that unbalance the existing residential density. The staff guidance reads more like a promise of future conditions than the actual analysis or findings on whether the new pre-sunrise and late-night hours maintain neighborhood character and quality.
- Goal LU-1 & Policy LU-6.1 (Shielding Residential Areas): Fails to protect the town's small-town character and shield residential areas from the harmful impacts of nonresidential development. The finding was deficient because there was no real analysis of the added intensity.
- Policy LU-6.2 & LU-6.4: Authorizes intensive nonresidential activities that alter the neighborhood's residential character and threaten public safety.
- Goal ENV-18 (Protecting noise-sensitive land use): Failed to protect people from detrimental noise exposure and failed to maintain quiet, which is an essential element of the intended purpose of residential neighborhoods. Failed to pay particular attention to protecting noise-sensitive land use.
- Policy MOB-10.1 Traffic: Did not analyze or identify traffic intensification pursuant to the Town's Traffic Impact Policy, which explicitly applies to intensification of existing uses.
- Goal MOB-13 and Policies MOB-13.1 and 13.7: Did not ensure that adequate parking would be provided and did not minimize the impacts on surrounding residential neighborhoods.

B. Violation of R-1 Zone Intent (LGMC § 29.40.380)

The expanded operational footprint directly contravenes LGMC § 29.40.380, which states that the explicit intent of the R-1 zone is to:

"...create the best possible location and development standards for single-family dwellings, assure adequate light, air, privacy and open space for each dwelling, minimize traffic and parking congestion, and reduce hazards from encroachment of industry and commercial activity."

C. Unauthorized Substantial Intensification of Use (LGMC § 29.20.200)

To understand the severe environmental and operational impacts this modification imposes on the R1-8 single-family residential zone, a side-by-side analysis must be performed:

- **The Existing 2020 CUP Binding Language:** *"Maximum hours of operation shall not extend past 10:00 p.m., except for 30 days during religious services for the month of Ramadan, which shall not extend past 11:00 p.m."*

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- **The Requested Modification Language:** *"Maximum hours of operation shall not begin prior to 1.5 hours before sunrise, or extend past 10:30 p.m., except for 30 days during Ramadan until 11:30 p.m. (when sunset is prior to 7:30 p.m.) or until 12:00 a.m. (when sunset is after 7:30 p.m.)."*

Comparative Impact Matrix

Time Period	Existing 2020 CUP Baseline	Requested Modification	Vacate Hours	Hourly Operational Increase
Early Morning (Year-Round)	No Operations Authorized (Default 8:00 AM standard)	1.5 Hours Before Sunrise (As early as 4:15 AM)		~4 Hours daily
Standard Nights (11 Months)	10:00 PM	10:30 PM	11:00 PM	+1 Hour daily
Ramadan Nights (30 Days)	11:00 PM	12:00 AM Midnight (Sunset past 7:30 PM)	12:30 AM	+1.5 Hour daily

This request represents a substantial daily extension—adding up to 5 hours of unmitigated operations on a year-round basis, and up to 6.5 hours during the month of Ramadan—permanently dismantling the neighborhood's established zoning protections:

- Under LGMC § 29.20.200, any change that introduces a substantial departure from approved plans or creates a material adverse impact on the surrounding neighborhood requires formal denial if it cannot be mitigated. Pushing active vehicle arrivals, parking lot foot traffic, door slams, and running engines directly into a 4:00 AM to 8:00 AM early-morning window represents a severe, unmitigable environmental impact on residential sleep cycles.
- Because the 2020 CUP does not authorize early-morning operational hours, the applicant currently possesses zero legal rights to conduct assembly during these times. Forcing a massive 5 to 6.5 hour daily increase in daily operational intensity directly into a landlocked single-family neighborhood constitutes a direct encroachment under LGMC § 29.40.380, creating an indefensible neighborhood public nuisance.
- In an R1-8 single-family residential zone, institutional assembly is restricted to explicit conditional terms under the Los Gatos Zone Use Table Matrix (LGMC Chapter 29). A Conditional Use Permit (CUP) is the only legal mechanism that carves out a narrow, textually restricted exception to that default residential baseline. If an active CUP completely omits authorized operational hours for a specific timeframe (such as early mornings), the institution does not receive an open-ended pass to operate. Legally, the absence of written hours means the authority to operate outside standard residential expectations has not been granted.

In Los Gatos planning history, town planners utilize standard institutional defaults—specifically 8:00 AM to 8:00 PM, or a maximum cap of 10:00 PM for community facilities—as the foundational baseline during development reviews. If an applicant intends to operate during highly sensitive overnight hours like 4:00 AM, they bear the full administrative burden of explicitly requesting those hours and proving they cause zero neighborhood harm. Under LGMC § 29.20.200, an unmitigated 5 to 6.5 hour daily operational

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expansion that forces commercial-scale transit logistics directly into residential sleep windows constitutes a public nuisance and must be denied by the Town Council.

II. Procedural Failure: Absence of Traffic and Environmental Studies

The Planning Commission approved the modification without requiring an Environmental Impact Report (EIR) or data-driven traffic studies. This omission directly violates LGMC § 29.20.150 (*Conditional Use Modification considerations in review of applications*), which requires strict administrative review of traffic safety, vehicle maneuvering, entrance/exit layouts, and parking space adequacy before a permit can be modified.

Specific Violations of LGMC § 29.20.150

- **Commercial Vehicle Staging:** The Commission failed to analyze the location, arrangement, and dimensions of "truck loading and unloading facilities" by allowing a commercial food vendor to set up directly against residential property lines without empirical safety data.
- **Pedestrian and Circulation Hazards:** The site layout forces pedestrian attendees to walk along narrow driveways separated from vehicles only by caution tape. No circulation study was required to evaluate the safety risks to local children and cyclists on Farley Road—a narrow road with dark pockets and no sidewalks.

III. Failure to Address Prior Violations: Unapproved Expansion Bars Approval of the New 2026 Request

The Planning Commission erred by ignoring the fact that the applicant has actively operated in violation of its existing 2020 CUP conditions since 2021. Under LGMC § 29.20.200, a facility is strictly prohibited from altering or expanding its operations unless the Town formally approves a modification *first*. An applicant who is actively violating their current permit should not be rewarded with an expanded 2026 permit. The unapproved, ongoing expansions include:

A. Defying the Established 10:00 PM Curfew

The 2020 CUP explicitly mandated that standard daily operations must cease by 10:00 PM, with a minor exception until 11:00 PM restricted solely to the month of Ramadan. Since 2023, the facility has routinely operated past 11:00 PM during standard months and past midnight during Ramadan. This unauthorized expansion resulted in an official Town Code violation notice on July 5, 2024, which the applicant chose to ignore.

B. Launching Unpermitted Commercial and Secular Operations

Under the 2020 agreement, the property was approved strictly as a neighborhood house of worship for targeted religious observations. The applicant has since flagrantly violated LGMC § 29.20.200 by bypassing formal town approval channels and launching an array of non-permitted commercial and secular programs that far exceed any religious mandate:

- **Operation as a High-Intensity Community Center and Business:** The applicant has systematically expanded its operational footprint into a multi-use secular center, hosting all-day summer camps

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that charge commercial fees, neighborhood movie nights, basketball programs, women's circle meetups, and frequent social coffee chats.

- **Beyond the Scope of Religious Protection:** Because these activities—from fee-based summer camps to recreational sports and social mixers—are entirely secular and commercial in nature, they fall outside the boundaries of core religious exercise. This operational shift transforms a quiet neighborhood house of worship into a high-intensity, regional community business hub operating inside a low-density R1-8 zone.

Under LGMC § 29.10.015, the town is mandated to apply its zoning regulations uniformly. If a secular country club, private lodge, or commercial civic group attempted to run daily social chats, fee-based sports programs, and public movie nights that flooded an unimproved residential street with commuter traffic, the Town would deny their permit instantly. Holding this specific facility to standard R-1 constraints for its secular business operations is required to maintain zoning uniformity. Forcing these commercialized social logistics onto a landlocked street—without a mandatory traffic or acoustic study—creates an unmitigable public nuisance that bars approval of the 2026 modification. If any other religious or secular institution zoned R1-8 had sought a similar modification of use with similar impacts to the neighborhood, the zoning regulations would be applied similarly.

C. Creating Excessive Traffic Gridlock

The 2020 CUP was approved based on the commitment that the facility would not impair the residential corridor. Instead, the applicant's unapproved intensifications have flooded the area with 3,000 to 4,000 vehicle trips per day on narrow, unstriped streets, trapping residents in driveways and blocking emergency vehicle access on Farley Road.

D. Five-Year Timeline of Escalating Neighborhood Impacts

2021–2022: Initial noise and lighting concerns.

2024: Emergence of late-night activity patterns and unpermitted construction.

2025–2026: Escalation to life-safety hazards, including fire hydrant and driveway obstructions.

E. Summary of Validated Operational Challenges (2021–2026)

Evening Transitions: 13 incidents of activity past approved hours show a need for a more structured "closing protocol" for the facility.

Site Safety: 8 incidents of blocked fire hydrants and driveways demonstrate that the current parking management plan requires physical barriers to ensure public safety.

Facility Maintenance: 9 incidents of unpermitted or off-hours construction suggest a need for a pre-approved annual maintenance calendar.

F. Eliminate the Enforcement Gap

The neighborhood has historically faced an engineering and enforcement gap where more than 30 clearly documented violations of the existing code and permit terms resulted in no formal citations or fines from Town staff. Moving forward, non-discretionary penalties must be written into the permit conditions to

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ensure strict compliance. The Town Council must deny this 2026 modification application until the applicant brings its current operations into absolute compliance with the existing 2020 limits.

IV. Detrimental Impacts to Public Health, Safety, and Welfare: Failure to Meet Mandatory Findings (LGMC § 29.20.190)

Under LGMC § 29.20.190 (*Findings and Decision*), the Town Council cannot grant a permit modification out of goodwill or institutional convenience. The applicant bears the absolute administrative burden of proving that their proposed expansion is "*essential or desirable to the public convenience or welfare*" and "*will not be detrimental to public health, safety, or general welfare.*" This appeal establishes that the requested 5 to 6.5 hour daily operational expansion explicitly fails these mandatory municipal findings in the following ways:

A. Failure to Prove the Expansion is "Essential" or "Desirable" to Public Convenience

The legal baseline for what is truly "essential" to this property's use was already thoroughly vetted and established during the 2020 CUP process. At that time, the applicant actively negotiated and agreed to their operational hours. Nothing has changed regarding the tenets, requirements, or calendar of their faith since 2020. The applicant has successfully operated under those established hours for six years, proving that the existing limits are entirely sufficient to accommodate their religious practices. The applicant fails to provide any new justification as to why the hours established six years ago are suddenly no longer sufficient, or why an expansion into midnight hours is now suddenly "essential" to the Town.

Furthermore, the historical and administrative record proves that this late-night expansion is completely non-essential to the facility's baseline operations. As Commissioner Susan Burnett noted during deliberations, the West Valley Muslim Association purchased the property in 2018 with full, explicit knowledge of the existing CUP restrictions, which strictly mandated that hours of operation could not exceed 10:00 p.m. When the applicant subsequently requested a modification in 2020 to accommodate religious observations during the month of Ramadan, the Town accommodated them by extending the cutoff to 11:00 p.m.

At that time, the WVMA's own Community Outreach Director, Kareem Syed, explicitly testified to the Planning Commission that they only expected 5 to 10 cars to leave the facility prior to 11:00 p.m., and promised that for the remainder of the year, operations would strictly end at 10:00 p.m. A denial of this new 2026 modification would not impact the 2020 CUP, under which the WVMA has successfully operated for over six years.

Therefore, the WVMA's claim that modifying these hours merely accommodates standard calendar schedules without impacting daily life is structurally faulty and legally unsupported. Virtually all of the requested additional traffic, headlights, and noise occur outside of traditional business hours on a year-round basis, spiking critically during the month of Ramadan. By pushing intensive vehicular activity into the early morning and midnight hours, this modification directly disrupts the quiet enjoyment, safety, and general welfare of the surrounding residential neighborhood. Because the expansion actively causes public inconvenience and harms residential welfare, it fails the core requirements of LGMC § 29.20.190 and must be denied.

B. Severe Detriment to Public Health, Safety, and General Welfare

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The actual operational footprint approved by the Planning Commission has since illogically expanded even further, completely disregarding the public welfare of the surrounding neighborhood. The approved CUP includes a hidden extension allowing an additional 30-minute egress window for vehicles to exit the parking lot. Consequently, a "midnight" closure effectively becomes a 12:30 a.m. operational disruption. Shifting intensive vehicular activity into the ultra-late-night hours fundamentally erodes the quiet enjoyment mandated by the residential zone, rendering the modification a direct threat to public welfare and an escalation of public inconvenience.

As Planning Commissioner Susan Burnett emphasized during deliberations, the primary concern is that the approved modification subjects the community to 365 days of late-night activity. This permanent extension triggers a direct, detrimental impact on the neighborhood's ability to achieve restorative sleep. Restorative sleep is mathematically and biologically essential for human health, well-being, and longevity, as extensively documented in numerous peer-reviewed studies published by the National Institutes of Health (NIH) and the Centers for Disease Control and Prevention (CDC).

By shifting intense vehicular activity, headlights, and pedestrian dispersal into the late-night and early-morning hours, this modification will have a deleterious effect on local working families, small children, new mothers, the elderly, and those recovering from illness or managing severe disabilities. Each resident has distinct needs for undisturbed sleep. Under the approved CUP, there will not be a single night during the entire calendar year that this neighborhood can look forward to the baseline peace and quiet enjoyment they are entitled to under a standard R-1 residential zone.

This serious safety and health hazard is heavily exacerbated by the physical layout of the street. Unlike other institutions located on fully improved collector streets, Farley Road is a narrow, semi-rural residential road that entirely lacks sidewalks, centerline striping, and adequate street lighting. Forcing dozens of vehicles to navigate this unlit, sidewalk-deficient corridor during early-morning Fajr and late-night prayers creates an active hazard for any pedestrians, children, or cyclists sharing the narrow roadway.

The Town Code does not exempt the applicant from protecting neighborhood safety, nor does it allow the Planning Commission to sanction an arbitrary arrangement that concentrates a massive, 4,000-weekly-vehicle regional commuter burden onto a single, unimproved residential street. The Town Council should require a rigorous, independent analysis of the collective traffic, light, and public health impacts on the families of Farley Road. Without that comprehensive safety analysis, the decision to approve this modification is arbitrary, capricious, and a direct violation of the public welfare mandates of LGMC § 29.20.190.

C. Failure of Finding *"Will not impair the integrity and character of the zone"*

Forcing intensive transit infrastructure—including off-site parking contracts, shuttle bus loops, and private traffic controls—directly onto a landlocked, narrow single-family residential street fundamentally breaks the low-density, quiet character that the R-1 zone is legally designed to protect.

D. Failure of Finding *"In harmony with the elements of the General Plan and purposes of this chapter"*

The massive expansion directly conflicts with the town's primary land-use mandates, including Policy LU-1(Neighborhood Preservation) and Policy LU-6.1 (Shielding residential areas from the harmful impacts of nonresidential development).

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V. The Infrastructure Deficit: Legal Proof the Facility Has Outgrown the Space

The applicant's exploration of a traffic management plan—including potential off-site parking at the nearby Affordable Treasure, shuttle operations, and traffic monitors—indicates that the facility's operational demands are stretching beyond its current physical lot boundaries.

A. The Incompatibility Argument Under LGMC § 29.20.150

Under LGMC § 29.20.150, the Town is required to systematically review the *"adequacy of off-street parking facilities to prevent traffic congestion."* In municipal planning law, a property is expected to contain its operational impacts and parking demands *entirely within its own parcel lines*.

The instant an assembly facility requires an engineered web of off-site commercial parking contracts, private shuttle systems, and security guards just to manage its daily peak volumes, it has formally outgrown its space. This is a high-density, commercial-scale regional footprint attempting to operate on an unimproved R-1 lot. Because the physical site cannot supply the required infrastructure to safely support this 5 to 6.5 hour daily expansion, the Town Council is legally obligated to deny the modification under LGMC § 29.20.190.

VI. A Zoning Precedent, Not a Religious Issue: Mandatory Uniformity

A. Non-Discrimination and Uniformity Mandate Under State Statutory Frameworks

This appeal is guided strictly by objective, neutral land-use impacts, independent of the institutional status of the applicant. Under the statutory uniformity mandates of California Government Code Section 65852, the town is legally required to apply its zoning rules uniformly across each land-use district. Identical environmental damage—including shifting intensive transit logistics, blinding late-night vehicle headlights, and early-morning parking lot noise—must be held to the same restrictive standards regardless of whether it is generated by a secular civic auditorium or a house of worship.

A close audit of the town's official institutional data, attached as **Appendix C**, establishes two critical precedents that require a denial of this modification to preserve mandatory zoning uniformity:

- The "Residential" Access Precedent: Look closely at how the Town restricts other large assemblies on residential streets to protect neighborhood sleep windows. For every comparable facility on the municipal matrix where the Streets to Site access is designated strictly as "Residential," no facility is permitted to open or operate past a 10:00 PM curfew. Granting this specific site a midnight window that bleeds until 12:30 AM completely abandons zoning uniformity.
- The Commercial Arterial Contrast: High-capacity operations like Calvary Church of Los Gatos are only permitted extended hours because their Streets to Site access is designated as "Residential/Commercial." They are built on major commercial arterial thoroughfares specifically engineered to absorb high density and traffic volume.

B. Incompatible Infrastructure Under LGMC § 29.20.185

Comparable regional facilities are located on large, gated arterial thoroughfares, not landlocked, unimproved R-1 single-family streets. To accommodate its regional growth, the applicant is currently in escrow to purchase a facility in Cupertino properly zoned for high-density assembly.

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Under LGMC § 29.20.185, a Conditional Use Permit (CUP) is not an open-ended mechanism to authorize any activity. The Planning Commission exceeded its legal authority by approving commercial-scale transit conditions—such as permanent off-site parking contracts, shuttle bus transit hubs, and private security traffic redirection. These high-intensity operational activities are strictly prohibited in an R-1 single-family zone and belong exclusively in commercial (C-1/C-2) districts.

Furthermore, the utilization of private personnel to conduct traffic redirection or active traffic control on public municipal roadways is legally impermissible. Under California Vehicle Code Section 21100, the regulation and control of traffic on public town streets is an exclusive government police power. The Town Council cannot delegate public roadway enforcement or right-of-way management to private security or third-party monitors hired by a project applicant. Forcing an R-1 neighborhood to rely on unauthorized, private traffic monitors on public streets is an explicit admission of an unmitigated safety hazard.

WVMA Comparison Chart (Appendix C)

WVMA Comparison Chart

NAME	ADDRESS	CATEGORY	CAPACITY/ SEATING	HOURS	ZONING	# ACCESS POINT TO SITE	STREETS TO SITE	ACRES
West Valley Muslim Association	16769 Farley Rd	Religious Org	869 Seated	Not extend past 10 p.m.	R-1:8	1	Residential	2.76
St Mary's Catholic Church	219 Bean Ave	Church/School	654	7:30 a.m. - 9:30 p.m.	R-10:PD	4	Residential/Commercial	0.96
Center for Spiritual Living	15980 Blossom Hill Rd	Religious Org	CUP does not identify	CUP does not identify	R-1:8	1	Residential	0.51
Seventh Day Adventist Church	57 Broadway	Church/School	180	CUP does not identify	R-10:LHP	1	Residential	0.28
Congregation Shir Hadash	20 Cherry Blossom Ln	Church/School	250 (regular) 450 (special)	Office Staff & Admin 8 am - 5 pm (Mon-Thur) and 9 am - 4 pm (Fri) am - 1 pm Before/After Care 7:30 am - 9 am and 1 pm - 6 pm Religious School 9 am - 12 pm (Sun, Tues, Th), 4 pm - 6 pm (Th) and 7 pm - 9 pm (Tues), 4 pm - 6 pm (Th) Day School 8 am - 3 pm (Mon-Fri) Adult Education 9 am - 12 pm (Sun) Meetings 7:30 pm - 9 pm (Mon and Wed) 6 a.m. - 12 a.m. 8 a.m. - 3 p.m. (preschool) 5 a.m. - 10 p.m. (Mon-Sat) 7 a.m. - 5 p.m. (Sun) 8 a.m. - 3 p.m. (school) 3 p.m. - 6 p.m. (after school) 9 a.m. - 11:30 a.m.	R-1:8	2	Residential	3.68
Los Gatos United Methodist Church	111 Church St	Church/School	552	6 a.m. - 12 a.m.	R-M:5-12	1	Commercial	2.36
Faith Lutheran/Mariposa Montessori	16548 Ferris Ave	Church/School	220 Seated	8 a.m. - 3 p.m. (preschool) 5 a.m. - 10 p.m. (Mon-Sat) 7 a.m. - 5 p.m. (Sun)	R-1:8	1	Residential	2.22
Venture Christian Church/Los Gatos Christian School	16845 Hicks Rd	Church/School	1901 seats 2812 persons	8 a.m. - 3 p.m. (school) 3 p.m. - 6 p.m. (after school)	HR-1	2	Residential	13.03
First Assembly of God/Fountain of Life Church	16735 Lark Ave	Church/School	436	9 a.m. - 11:30 a.m.	R-1:8	2	Residential/Commercial	1.55
Calvary Baptist Church of Los Gatos (food pantry)	16286 Los Gatos Blvd.	Church	CUP does not identify	4:00 p.m. - 8:00 p.m. (Tue, Th, Sat)	R-1:8	3	Residential/Commercial	0.43
Calvary Church of Los Gatos/Global Community Church	16330 Los Gatos Blvd	Church/School	1680	7 a.m. - 10 p.m. (Sun-Thur) 7 a.m. - 12 a.m. (Fri-Sat)	R-1:8	3	Residential/Commercial	7.51
Holy Cross Lutheran & Children's Center	15885 LG-Almaden Rd	Church/School	Day Program: 22 Evening Program: 22 Extended Day Program: 45	6:30 a.m. - 3 p.m. (day) 3 p.m. - 11:30 p.m. (evening) 2:30 p.m. - 6 p.m. (extended)	R-1:8	1	Commercial	2.30
First Church of Christ Scientist-LG Church	238 E. Main St	Church/School	CUP does not identify	CUP does not identify	C-1	2	Residential/Commercial	0.73
St. Basil the Great Byzantine Catholic Church	14263 Mulberry Dr	Church/School	CUP does not identify	CUP does not identify	R-1:8	1	Residential	0.44
Addison-Pentak Jewish Community Center Preschool	14855 Oka Rd	Church/School	CUP does not identify	6 a.m. - 11 p.m. (Mon-Thur) 6 a.m. - 12 a.m. (Fri-Sun)	R-1:8	1	Residential/Commercial	8.86
The Church of Jesus Christ of Latter-day Saints	15985 Rose Ave	Church/School	300	Youth Activities 7:30 p.m. - 9 p.m. (Tues and Wed) Athletics 7 p.m. - 10 p.m. (Th) p.m. - 9 p.m. (Fri or Sat) Social 6 p.m. and 1 p.m. - 4 p.m. Worship 9 a.m. - 12 p.m.	R-1:8	1	Residential	3.86
Presbyterian Church of Los Gatos & Shannon	16575 Shannon Rd 25 Cherry Blossom Ln	Church/School	CUP does not identify	8:30 a.m. - 3:30 p.m.	R-1:8	2	Residential	5.25
St. Luke's Episcopal Church	20 University Ave	Church/School	176	CUP does not identify	C-2:LHP	1	Commercial	0.40
Mulberry School	220 Belgatos Rd	School	High School: 20	Pre-school: not beyond 6 p.m.	R-1:10	1	Residential	9.07
Los Gatos-Saratoga High School District Office	17421 Farley Rd W	School Dist Office	Continuation School: 70	CUP does not identify	LM:PS	1	Commercial	1.53
Stratford School	220 Kensington Way	School	440	8 a.m. - 3:30 p.m. (reg) 7 a.m. - 5:30 p.m. (ext)	R-1:8	1	Residential	9.76
Rainbow of Knowledge School	15080 Los Gatos Blvd	School	23	7 a.m. - 6 p.m.	R-1:8	1	Commercial	0.29
Peppertree Schools of Los Gatos	16035 LG-Almaden Rd	School	76	6:30 a.m. - 6 p.m.	R-1:8:PD	1	Residential	0.52
Hillbrook School	300 Marchmont Dr	School	414	7:30 a.m.-6 p.m. (Mon-Fri, Academic Year) For more school hours information, see Conditional Use Permit	HR-1	2	Residential	13.49
Los Gatos Union School District	17000 Roberts Rd	School	CUP does not identify	7 a.m. - 9 p.m.	R-1:8:PS	2	Residential	12.46
Kumon	15555 Union Avenue	School	15	8 a.m. - 8 a.m.	C-1	2	Commercial	5.77
Fusion	50 University Ave #300	School	63	7:30 a.m. - 9 p.m.	C-2:LHP:PD	2	Residential/Commercial	3.02
Marvegos Fine Art School	14103 Winchester Blvd., Ste. A	School	14	9:00 a.m. - 7:30 p.m. (Mon-Fri) 9:00 a.m. - 3:30 p.m. (Sat)	C-1	3	Residential/Commercial	4.42
La Rinconada Golf Club	14595 Clearview Drive	Golf Course/Fitness	571 Total Membership	Club from 7:00 AM - 1:00 AM Daily Pool + Fitness 6:00 AM - 10:00 PM Daily	R-1	2	Residential	125.00

Challenged Condition	Applicable Los Gatos Town Code (LGMC)	Compelling Governmental Interest	Least Restrictive Means Applied	Equivalent Los Gatos CUP Precedent / Rule (Equal Terms)
#7 Annual Compliance Reviews (3 years, ~\$10,000+ per review, chilling effect, significant consultant costs)	LGMC § 29.20.300 Allows conditional oversight for structural land-use changes.	Public Safety & Infrastructure: Verifying real-world traffic flows and compliance before modifications become permanent.	Utilizes a temporary 3-year monitoring window rather than denying the late-night hours extension.	Hillbrook School (CUP U-12-002): Mandates Condition of Approval #25 (Ongoing Compliance Review), which requires an initial six-month review followed by an annual review at the school's expense to check compliance, evaluate data collection, and allow modification/revocation under the Town Code. Faith Lutheran/Maripossa Montessori (CUP U-25-002): Condition 4, conditional use Permit Revocation/Authorized Uses-Any violation of the conditions imposed by this permit may constitute grounds for revocation of the CUP in the same manner in which it was approved.
#12(a), 13, 15 – Restriction to "Worship Services"	LGMC § 29.10.020 Explicitly defines a "Church" strictly as "buildings designed for, or used for, religious worship or religious services."	Residential Quietude: Isolating late-night operations to predictable, timed prayers rather than high-impact secular events.	Permits the core religious request while managing late-night social/festival footprints.	Faith Lutheran Church (Res. 2000-45 / CUP U-25-002): Explicitly isolates and restricts structural permissions solely to sanctuary activities via Condition of Approval #5. Center for Spiritual Healing U-91-1, Condition 1, The classrooms shall not be used for worship services.
#12(c), 13(a) – Sub-Fire Code Attendance Caps (720 general / 869 Ramadan; Fire Code maximum 1,217)	LGMC § 29.10.150(26) Explicitly enforces fixed structural off-street parking calculations: • Churches: 1 space per 4 seats. • Assembly: 1 space per 35 sq. ft.	Emergency Access: Preventing vehicular gridlock on narrow streets that lack the external capacity to support maximum indoor loads.	Capping attendance (720 general / 869 Ramadan) allows high-volume use within safe infrastructure limits.	Faith Lutheran Church (CUP U-25-002): Overrides internal structural maximums by capping main sanctuary assembly strictly at 220 people max via Condition of Approval #5. Along with: • St. Mary's Catholic Church ORD 2215 • Los Gatos Methodist Church U-07-152 This one explicitly states the attendance cap and the reason why in Condition of Approval #8: "CONGREGATION POPULATION: The congregation shall be limited to a maximum of 552 persons, due to the total number of available parking spaces being 138." • Venture Christian Church/Los Gatos Christian School U-02-02 • First Assembly of God/Fountain of Life Church U-70-13B • Calvary Church of Los Gatos/ Global Community Church U-02-09 • St. Luke's Episcopal Church S-69-63
#12(b) and 15 – Hours for "Other Activities" and Lot Closure Rule – "All Other Activities" by 10 PM	LGMC § 16.20.010 (Curfew Noise) Establishes the absolute town-wide nighttime curfew block prohibiting structural noise within 100 feet of a sleeping room.	Acoustic Protection: Minimizing car doors slamming, engines starting, and loud conversations near residential windows during sleeping hours	Keeps prayers active until 10:30 PM but moves secondary, auxiliary gatherings indoors or clears them by 10 PM.	Faith Lutheran Church (CUP U-25-002): Strictly limits Monday through Saturday operational facility use to 10:00 PM via Condition of Approval #5. Along with: • St. Mar 's Catholic Church ORD 2215 • Barre Method Studio U-16-002 • Congregation Shir Hadash U-07-154 • Los Gatos United Methodist Church U-07-152 • Venture Christian Church/Los Gatos Christian School U-02-04 • Faith Lutheran/Maripossa Montessori U-25-002
#18 – Food Vendor 20-Foot Setback	LGMC § 29.40.380 (The R-1 zone provides a means to create the best possible location and development standards for single-family dwellings, assure adequate light, air privacy and open space for each dwelling, minimize traffic and parking congestion, and reduce hazards from encroachment of industry and commercial activity.)	Nuisance Mitigation: Keeping commercial generator noise, odors, and crowd clustering away from shared property lines.	Establishes a minimal 20-foot spatial buffer rather than banning mobile food vendors entirely.	LGMC § 29.40.380, the Town is required to prevent the encroachment of commercial activity into R-1 zones. To meet the Town's commercial performance standards for noise and odor mitigation, a permanent, physical buffer condition of at least 20 feet is legally required to isolate the residential property borders from the food vendor's operations.

Challenged Condition	Applicable Los Gatos Town Code (LGMC)	Compelling Governmental Interest	Least Restrictive Means Applied	Equivalent Los Gatos CUP Precedent / Rule (Equal Terms)
#19, 22, 33 – Layered Member and Public Communication Requirements	LGMC § 29.20.145 Enforces rules to promote orderly neighborhood integration and eliminate traffic friction.	Traffic Friction Elimination: Ensuring advance scheduling transparency on a narrow residential corridor.	Uses informational transparency and digital scheduling calendars rather than blocking large events.	Faith Lutheran Church (CUP U-25-002): Mandates Condition of Approval #11 (Church Special Event Uses/Hours), requiring at least 90 days prior notice and preapproval from the Town Police and Planning Departments for any activity exceeding 100 people not specifically authorized by the permit.
#8, 20(a), and 21 – Laws and Noise Ordinance Incorporated into CUP	LGMC § 29.20.310 Governs standard CUP modification and revocation.	Standardization of Rules: Ensuring immediate, actionable compliance pathways by leveraging pre-existing town laws to protect public resident well-being.	Integrates the city's standardized, pre-existing noise limits directly into the permit framework instead of crafting arbitrary, custom decibel layers.	Faith Lutheran Church (CUP U-25-002): Explicitly states that any operational violation of the noise code or performance standards constitutes fast-tracked grounds for permit revocation under Condition of Approval #4.
#23 – Parking Lot Monitor with Training Requirement	LGMC § 29.10.150 Demands orderly on-site vehicular circulation patterns	Gridlock Prevention: Mitigating driveway bottlenecks, excessive idling, and horn-honking within the private lot.	Directs the applicant to manage its own traffic discharge internally via trained staff to avoid public street controls.	Chapter 15 - MOTOR VEHICLES AND TRAFFIC Sec. 15.20.020. - Directing of traffic by unauthorized persons. No person other than a designee of the Director of the Parks and Public Works Department, an officer of the Police Department, or a person authorized by the Chief of Police, or person authorized by law, shall direct or attempt to direct traffic by voice, hand or other signal (except that persons may operate any mechanical push button signal).(Code 1968, § 16-15; Ord. No. 2284, § 1, 6-18-19). Faith Lutheran/ Maripossa Montessori U-25-002 , Condition 12, CHURCH SPECIAL EVENTS TRAFFIC/PARKING CONTROL. If the Town determines that an on-site Special Event will generate more parking demand than can be reasonably accommodated by the existing on-site facilities, the property owner/church shall provide additional overflow parking which meets Town standards, stagger or modify activities/event times or days, provide an off-site park-n-ride program, and/or other measures to mitigate the impacts as required by the Town. The property owner/church shall provide uniformed sworn officers for traffic control during special events as required by the Chief of Police or Town designee.
#24 – Left-Turn-Only Sign at Egress Driveway and Ensuring Ingress and Egress to Neighboring Driveways	LGMC § 15.10.015 Authorizes the Town Traffic Engineer to place official traffic control devices and signs.	Pedestrian Safety & Flow Optimization: Directing exiting vehicles left via a short, direct ~400-foot path to Los Gatos Boulevard (a high-capacity arterial), thereby preventing shortcutting, vehicle stacking, and extended transit times down longer, narrow residential feeder streets.	Uses directional signage to guide vehicular routing without implementing physical street blockades or barriers.	Hillbrook School (CUP U-12-002): Mandates Condition of Approval #21 (Mandatory Turning Movements and Circulation Controls), enforcing strict turning restrictions and exit signage to route institutional traffic away from local roads and onto designated arterials.
#26, 28, 29, 30, 31, 32 – Capital Improvement Conditions (parking expansion, landscaping, portable screening, fencing, pedestrian opening, lighting)	LGMC § 29.10.155(f)(2) (Parking Lot Development) & § 29.10.090 (Residential Lighting)Absolute mandate requiring light shielding adjacent to residential zones.	Public Health & Nuisance Prevention: Mitigating direct light trespass, ambient glare, and nighttime headlight arcs from disrupting sleep patterns or invading the visual privacy of adjacent residential bedrooms.	Requires physical shielding and mature landscaping buffers while allowing full, uninhibited use of the parking spaces.	Los Gatos Design Guidelines / Title 29: Standard conditional requirement applied to institutional properties changing intensity to block headlight sweep from blinding immediate single-family residential windows.