

RESOLUTION 2026-

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN
OF LOS GATOS DENYING APPEALS OF THE DECISION OF THE PLANNING
COMMISSION TO APPROVE CONDITIONAL USE PERMIT U-24-010 FOR A
REQUEST TO MODIFY AN EXISTING CONDITIONAL USE PERMIT FOR
EXPANDED HOURS OF OPERATION IN AN INSTITUTION FOR RELIGIOUS OBSERVANCE
(WEST VALLEY MUSLIM ASSOCIATION) ON PROPERTY ZONED R-1:8 AND UPHOLDING
THE APPROVAL.**

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

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

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

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

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

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

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

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

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

1. Intensification of use. Changes of use that will result in an increase of five (5) or more peak hour trips.

ATTACHMENT 28

2. Commencement of new activities that could have a material adverse impact on the surrounding area.
3. Any change that is a substantial departure from plans which were the basis of the conditional use permit approval; and

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

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

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

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

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

WHEREAS, on May 21, 2026, the Planning Commission held a public hearing, considered all testimony and materials submitted along with all subsequent reports and materials submitted regarding the planning application, and added conditions of approval to address the impacts to neighboring residences resulting from the added hours of operation. The Planning Commission voted four-to-one to approve the modification to an existing Conditional Use Permit; and

WHEREAS, on June 1, 2026, the appellant, an interested person and the applicant, filed a timely appeal of the decision of the Planning Commission to approve a modification to an existing Conditional Use Permit on property zoned R-1:8, located at 16769 Farley Road; and

WHEREAS, on June 1, 2026, a second appellant, an interested person, filed a timely appeal of the decision of the Planning Commission to approve a modification to an existing Conditional Use Permit on property zoned R-1:8, located at 16769 Farley Road; and

WHEREAS, on June 16, 2026, the Town Council continued the matter to a date certain of August 18, 2026; and

WHEREAS, this matter came before the Town Council for public hearing on August 18, 2026, and was regularly noticed in conformance with State and Town law; and

WHEREAS, the Town Council received testimony and documentary evidence from the appellants and all interested persons who wished to testify or submit documents. The Town Council considered all testimony and materials submitted, including the record of the Planning Commission proceedings and the packet of materials contained in the Council Agenda Report for their meeting on August 18, 2026, along with any and all subsequent reports and materials prepared concerning this application; and

WHEREAS, Town Code Section 29.20.295 provides that an appellants bear the burden of proof to demonstrate that there was error or abuse of discretion (including decisions that are not supported by substantial evidence in the record) by the Planning Commission.

NOW, THEREFORE, BE IT RESOLVED:

In accordance with Town Code section 29.20.295, the Town Council finds that:

1. The appellants have not demonstrated that the Planning Commission's decision to approve a modification to an existing Conditional Use Permit was in error or an abuse of discretion.
2. The appeals of the decision of the Planning Commission to approve a modification to an existing Conditional Use Permit on property zoned R-1:8, located at 16769 Farley Road, are denied, and the application approval is upheld.
3. The decision constitutes a final administrative decision pursuant to Code of Civil Procedure section 1094.6 as adopted by section 1.10.085 of the Town Code of the Town of Los Gatos. Any application for judicial relief from this decision must be sought within the time limits and pursuant to the procedures established by Code of Civil Procedure section 1094.6, or such shorter time as required by state and federal Law.

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

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

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

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

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

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

(C) Findings required for a Conditional Use Permit:

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

- 1) The proposed use of the property is essential or desirable to the public convenience or welfare because the use will continue providing an existing facility for religious observance; and
- 2) The proposed use would not impair the integrity and character of the residential zone in that conditions of approval addressing the impacts to the neighboring residences of night-time light intrusion from light standards and vehicle headlights, overflow parking, noise, pedestrian safety, and traffic are included; and
- 3) The proposed use would not be detrimental to public health, safety, or general welfare because the conditions of approval address the impacts to the neighboring residences of traffic, pedestrian safety, overflow parking, and night-time light intrusion in that the hours of operation shall not begin

prior to one and one-half hours before sunrise nor extend past 10:30 p.m., seven days a week to accommodate indoor, morning and nighttime prayer services; and during the 30-day month of Ramadan, indoor nighttime prayer services shall not extend past 11:30 p.m. whenever sunset is prior to 7:30 p.m., or until 12:00 a.m. whenever sunset is after 7:30 p.m.; and the use is required to comply with the noise mitigation, light mitigation, parking lot monitoring, traffic monitoring, and overflow parking plan set forth in the conditions of approval; and

- 4) The proposed use of the property is in harmony with the various elements or objectives of the General Plan and the purposes of the Town Code, because it will continue an existing use for religious observance; there is no additional building square footage being proposed; and the facts and evidence that support this finding are also contained and explained in the record of proceedings for the proposed request, including without limitation the staff report for the Planning Commission hearing.

(D) RLUIPA Findings:

The conditions of approval listed below do not constitute a “substantial burden” to the permittee in that the parking lot expansion is already planned to address existing parking overflow and the costs of pavement repairs, plantings, and increased fencing are manageable in light of the permittee’s large size. Even if any of these conditions were to constitute a “substantial burden,” they are the least restrictive means to address a compelling government interest in that they are the least expensive means by which the impacts to the neighbors of night and day-time activities can be mitigated. As demonstrated on the comparison chart distributed as a desk item for the May 13, 2026, Planning Commission meeting, the conditions of approval treat this use on “equal terms” with nonreligious uses and in a non-discriminatory manner with regard to other religious uses to the extent this use is similarly situated to those uses. The conditions of approval have been developed to address the unique impacts of night and day-time services in a residential zone on a parcel surrounded by thirteen single-family residences and the traffic and pedestrian safety issues affecting the larger neighborhood, more particularly identified in paragraphs i through v, as seen below. The conditions addressing serious vehicle and pedestrian safety risks in the neighborhood and those crafted to mitigate material sound and light pollution adversely affecting the lives of certain neighbors do not require significant costs to the mosque and are the least expensive means to address the compelling town’s governmental interest in neighborhood preservation and protection as set forth in land use element of the general plan

- i. Conditions of approval #7, 12, 15, 28, 29, and 30 address the impacts to neighbors of light intrusion from vehicle headlights and light standards.

- ii. Conditions of approval #7, 10, 11, 12, 13, 15, 16, 17, 18, 19, 20, 23, 25, 26, 27, 28, 29, and 30 address the impacts to neighbors of noise from vehicles before and after night and day-time activities.
 - iii. Condition of approval #7, 12, 13, 19, 23, 25, and 26 addresses the impacts to neighbors of parking overflow.
 - iv. Condition of approval #7, 12, 13, 19, 23, 24, 25, and 26 addresses the impacts to neighbors of vehicle queuing which impedes access to residential driveways.
 - v. Conditions of approval #19, 23, 24, 25, 26, 31, and 33 addresses the impacts to pedestrian safety.
3. The Town Council of the Town of Los Gatos approves Conditional Use Permit Application (U-24-010) for expanded hours of operation in an institution for religious observance (West Valley Muslim Association) on property zoned R-1:8, located at 16769 Farley Road; and Assessor Parcel Number 424-21-062, subject to the attached Conditions of Approval included in Attachment A .
4. If any section, subsection, sentence, clause, or phrase of this resolution is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this resolution.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 18th day of August 2026, by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:

TOWN CLERK OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

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