

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

Los Gatos Planning Commissioners:	Kendra Burch, Chair Jeffrey Barnett, Vice Chair Susan Burnett Adam Mayer Joseph Sordi Rob Stump
Community Development Director:	Joel Paulson
Town Attorney:	Gabrielle Whelan
Transcribed by:	Vicki L. Blandin (619) 541-3405

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

13

14

15

16

17

18

19

20

21

22

23

24

25

LOS GATOS PLANNING COMMISSION 4/22/2026
Item #3, 16769 Farley Road

1 Addendum reports and Desk Item reports that were published
2 after the Staff Report with additional public comments, as
3 well as information from the Applicant and their legal
4 counsel.

5 CHAIR BURCH: Thank you so much. Are there any
6 questions of Staff? Oh, I'm sorry. The Town Attorney would
7 like to make a brief statement.

8 ATTORNEY WHELAN: Just briefly, I wanted to state
9 something regarding items that have been submitted into the
10 record.

11
12 The Town did receive a letter saying that one of
13 the speakers at the last meeting had said, "Stop the
14 Islamification," and Staff has reviewed the meeting video
15 and that statement was not made.

16 Then I also wanted to comment on a submission of
17 Next Door comments into the record, and I wanted to clarify
18 that the comments on Next Door do not reflect the views of
19 the Planning Commission or any of the public discussion
20 that has taken place on this topic to date.

21 CHAIR BURCH: Thank you so much for that
22 clarification, Ms. Whelan. All right, at this time are
23 there any questions of Staff? Commissioner Burnett.

24 COMMISSIONER BURNETT: Yes, I have a question for
25 Staff. If an applicant comes before the Town and is

1 requesting a Conditional Use Permit, and they do not ask
2 for any morning hours, they only ask for evening hours like
3 the 1990 CUP, which was 10:00pm, and the 2020 CUP, which
4 was 10:00pm, are you to assume that the Applicant would be
5 following the Town's Noise Ordinance or the Quiet Hours?
6 Would that be basically accepted that that would be the
7 hours that they would work with, even though they didn't
8 mention morning hours?

9
10 ATTORNEY WHELAN: Yes. Under the existing CUP,
11 there is no language addressing morning hour operations,
12 which means that the Town's ordinance governs, and the
13 Town's Noise Ordinance speaks to, noise disturbances, and
14 that has a very specific definition and it does not include
15 cars entering and exiting.

16 So, when the Applicant came forward for this
17 modification, Staff and the Applicant viewed it as a good
18 opportunity to make the new CUP match what is actually
19 occurring onsite, meaning address it, because the existing
20 CUP is entirely silent, which means that the activity is
21 permitted, because there are no restrictions on morning use
22 at this time.

23
24 COMMISSIONER BURNETT: I see. That's a little
25 confusing. If it's not asked for in the first place, you

1 would assume that an applicant would go by the Town's Noise
2 Ordinance.

3 ATTORNEY WHELAN: Yes. I mean, what's interesting
4 about the Town's Noise Ordinance is the Quiet Hours
5 prohibit noise disturbances during Quiet Hours, and it's
6 important to look at how the term "noise disturbances" is
7 defined in the ordinance.

8 COMMISSIONER BURNETT: And the hours, then, if
9 there were no hours requested?
10

11 ATTORNEY WHELAN: You can't have a noise
12 disturbance prior to 8:00am and subsequent to 10:00pm.

13 COMMISSIONER BURNETT: Thank you.

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

16 VICE CHAIR BARNETT: I'm not sure quite how to do
17 this. For the Town Attorney. The request from the NAACP was
18 that those inappropriate comments on Next Door not be
19 considered as part of the hearing. I certainly take that to
20 heart. I think I speak on behalf of other Commissioners to
21 that point, but is there a way that we can confirm that?

22 ATTORNEY WHELAN: Confirm that they won't be
23 considered? I think my statement was intended to confirm
24 that those aren't part of the discussion that's in front of
25 the Planning Commission. This is a land use decision.

1 VICE CHAIR BARNETT: Thank you.

2 CHAIR BURCH: Thank you. Commissioner Stump.

3 COMMISSIONER STUMP: At our last meeting the
4 Commission unanimously recommended that the parties pursue
5 mediation, and so I would like to move to reopen the public
6 hearing to allow both the Applicant and a representative
7 for the Farley Road Neighborhood Coalition to update us on
8 the Commission's recommendation that the parties agree to
9 mediation. I don't know which party would like to step up
10 first, but that's my motion.
11

12 CHAIR BURCH: We do need to get a second. Is
13 there a second? All right, Commissioner Mayer. Is there any
14 discussion among the Commissioners? Before we vote on this,
15 I'm going to be extraordinarily clear that this is not a
16 dialogue or a negotiation, this is a succinct question
17 ask/question answered. All right, all in favor. All right,
18 passes 4-2.

19 We will now open the public portion of this
20 public hearing for Item 3 for the specific purpose of
21 answering questions related to the mediation efforts. Does
22 the Applicant want to come to the podium?
23

24 RAZI MOHIUDDIN: Yes, thank you, Commissioners.
25 We submitted a Desk Item today which actually highlights

1 that. I'm happy to go over that, if you want, but we can
2 talk about that.

3 Following the March 31st hearing we immediately
4 requested a meeting, as well as proposed equal cost sharing
5 for the mediation, and then also followed that up with a
6 free mediator that was available to conduct a mediation
7 session on April 17th. The neighbors declined that request.
8

9 We also had proposed four additional no- or low-
10 cost government mediation services as well as three
11 professional mediators as well. The neighbors came back and
12 they did not accept the low-cost options, or they never
13 acknowledged that, declined the cost, and they submitted an
14 updated list of professional mediators, but also indicated
15 that their lack of availability until fall of 2026. Later
16 we found that that request was actually for a pro bono
17 request for those mediators, that they would not be
18 available until fall of 2026.

19 We did meet with the neighbors on April 16th,
20 evening, and no meaningful progress was made.

21 COMMISSIONER STUMP: Just one clarification
22 question. There was an email that was sent to you and Osmar
23 on April 16th from the neighbors, and it basically said, "As
24 discussed, we are open to participating in an initial no-
25 cost mediation session in May with a mutually agreed upon

1 mediator as a constructive first step." That sounds like
2 agreement, was it not?

3 RAZI MOHIUDDIN: There was no mention of that on
4 the meeting on October 16th, and it was in the email, but it
5 was already past the time that the free mediation was
6 available.

7 COMMISSIONER STUMP: Thank you.

8 CHAIR BURCH: Is there a representative of the
9 neighbors that would like to come forward?
10

11 MICHELE S.: Thank you for this opportunity. What
12 is the neighbors' update on mediation? We have been
13 actively working on soliciting options, given our task from
14 the motion of the last meeting, with researching and
15 understanding what mediation means, and have provided an
16 update tonight to the Commission to consider the
17 feasibility of mediation, and come back tonight with a date
18 certain of April 22nd.

19 We were not in the mental mindset that we had to
20 mediate before getting back here on the 22nd, so I just want
21 to clarify that confusion was to consider the feasibility
22 of mediating. We continue to actively investigate the
23 mediation. We have met with the neighbors and WVMA to
24 discuss a potential path forward as an initial step.
25

1 We are discouraged to hear that the WVMA
2 leadership says they would reluctantly consider mediation
3 in the last meeting, and that they are asking the
4 Commission to make a decision today, even prior to
5 discussing the mediation feasibility.

6 We also understand they are unwilling to assume
7 the full financial responsibility by choice as the
8 Applicant who is actually requesting the modification to
9 the CUP.

10 We have contacted nine mediation services and
11 individuals, including some of the same JAMS affiliated
12 mediators, and Jeff Blum, who was actually referred to the
13 WVMA leadership over a year ago when they reached out and
14 had a conversation a year ago with him. We've also spoken
15 with Mr. Blum.

16 We've identified one pro bono, or free, option,
17 however, they said their earliest availability would be in
18 the fall of 2026, and this may be later at this point,
19 since several weeks have passed since we engaged with them.

20 We did identify the nonprofit Center for Human
21 Development with a couple of different options, which have
22 been submitted under public comment.

23 We are waiting on one Peninsula conflict
24 resolution center to get back to us and review our
25

1 mediation request and discuss the free or low-cost options.

2 We have not had that meeting with them yet.

3 We have actively engaged in good faith and done
4 our research. As a neighborhood, we are constrained by
5 financial hardships, so the options are limited, but again,
6 the Applicant has not the inability to pay, but has chosen
7 not to pay or be financially responsible.

8 I believe somebody also asked us how much time we
9 would need, and there are several factors which would
10 determine the answer to that question, depending on the
11 Applicant's willingness to pursue mediation, which they
12 told us at our meeting with them that they did not want to
13 pursue it, depending on the Applicant's commitment to pay
14 for mediation, and depending on finding a balanced mediator
15 who would represent both sides equally. Any questions?

16 CHAIR BURCH: All right, thank you. I will now
17 reclose the public portion of the hearing and ask again if
18 my fellow commissioners have questions of Staff, or if
19 anyone wants to venture a motion. All right, Commissioner
20 Stump, then Vice Chair Barnett.

21 COMMISSIONER STUMP: Since we're not moving down
22 the path of mediation, which I find—I'm sorry, I've got to
23 say—very regrettable, because the hope was that we would
24 bring two parties together that could come to us with
25

1 agreement, and with understandably some open items
2 remaining, but that's not to be.

3 So, I would also like to move to reopen the
4 public hearing to allow the Commission to ask additional
5 questions relevant to the CUP under consideration, since we
6 are moving forward tonight.

7 CHAIR BURCH: Question to the Maker of the
8 Motion, to whom are these questions directed?

9 COMMISSIONER STUMP: To the party requesting the
10 CUP, to the Applicant.

11 CHAIR BURCH: Okay. Is there a second?
12 Commissioner Barnett. Is there any discussion? Again, I'm
13 going to make the statement that I would like for this to
14 be a succinct question and answer, not a dialogue or a
15 negotiation. I'll call the question. All in favor?

16 COMMISSIONER SORDI: (Inaudible).

17 CHAIR BURCH: Yes, you can.

18 COMMISSIONER SORDI: So, that is to say that the
19 Maker of the Motion is limited to his only question, or can
20 we also ask questions? I didn't have the opportunity to
21 clarify. There were some additional things that were put
22 into the public record that I have at least one question.
23

24 CHAIR BURCH: I would like the Town Attorney to
25 weigh in on this.

1 ATTORNEY WHELAN: If the public hearing is opened
2 for an express purpose, any Commissioners can ask a
3 question related to that express purpose. And my
4 understanding of the motion is it's for the express purpose
5 of asking questions of the Applicant.

6 CHAIR BURCH: Commissioner Sordi, does that
7 answer your question? Okay. All right, are there any other
8 questions? All right; I will call the question. All in
9 favor? Passes 4-2.

10 I will now reopen the public portion of the
11 public hearing, and I will ask the Applicant to please come
12 to the stand and answer the questions.

13 COMMISSIONER STUMP: Thank you, again. At the
14 last hearing, when you answered the question for what your
15 typical average daily service is, which is about 500
16 participants, I wanted to ask about a couple of services,
17 particularly the Fajr, the prayer service that is in the
18 morning that. Today I say your requested start time is
19 4:20am, so somewhere between 4:55am and 5:30am. How many
20 people typically attend the Fajr? You can certainly do this
21 during a non-Ramadan period of time. What is your typical
22 attendance?
23

24 RAZI MOHIUDDIN: Sure. Thank you so much,
25 Commissioner Stump, for asking that question. Generally, it

1 depends on weekdays and weekends. Weekends it could be as
2 much as about 100 or a little bit more on that one. On
3 weekdays, typically it's anywhere from about 20 to 50 here.

4 COMMISSIONER STUMP: Do you expect that to grow
5 over time?

6 RAZI MOHIUDDIN: Possibly, yes.

7 COMMISSIONER STUMP: What about during Ramadan?
8 How do those numbers change for that particular service?

9 RAZI MOHIUDDIN: They typically increase by at
10 least 50%, or a little bit more possibly, especially on
11 weekends.

12 COMMISSIONER STUMP: Okay, thank you. Let me go
13 to the other end, which is Isha, and this prayer service
14 begins I'm going to say between 8:45pm and 9:15pm. How many
15 congregants on average attend Isha? And again, let's start
16 with outside of Ramadan.

17 RAZI MOHIUDDIN: Sure. Just to clarify, it's
18 called Isha prayer, and the Isha or the nightly prayer
19 service, it does not always start at 9:15pm. Coming up in
20 May, June, July, and August it will get closer to 10:00pm,
21 and in fact, on the longest days of June it will occur
22 after 10:00pm. The start time itself is after 10:00pm, so
23 keep in mind that even when its start time is 9:40pm,
24 typically it takes us in and out about half an hour or
25

1 longer, and that's the reason we were asking for 10:30pm.
2 Typically, for the Isha prayer, what happens is because
3 most people are out, it is after work, we see actually an
4 increased attendance on the Isha prayer. When it is closer
5 to 8:00pm during winter months, we might get 80 to 100
6 people on weekdays, and maybe about 150 to 200 people on
7 weekends.

8 COMMISSIONER STUMP: Sorry, what was the number
9 on weekends again?
10

11 RAZI MOHIUDDIN: About 150 to 200 on there, and a
12 lot of times on the weekends we typically have a Friday
13 night program or a Saturday night program of seminars of
14 some kind or the other, and if that happens, then typically
15 that would increase the attendance to about 300 to 500
16 people, depending on who the speaker is and what the topic
17 is, and so on.

18 COMMISSIONER STUMP: How about during Ramadan?

19 RAZI MOHIUDDIN: Ramadan typically is, as I
20 mentioned to you, it is on the peak days we have seen 800
21 and some odd folks that I mentioned, 850 or so. During the
22 first week or so there are approximately about anywhere
23 from 500 to 600, and that goes up and down, but that's just
24 typically the attendance over there.
25

1 The last ten days of Ramadan are considered the
2 holy days, so we see an increased attendance during the
3 holy days, and especially the two odd nights. The 25th and
4 the 27th night of Ramadan, are considered especially
5 relevant to our faith, and that's when we see a lot more
6 attendance on that one.

7 COMMISSIONER STUMP: But again, to be clear, just
8 specifically talking about Isha, what is your attendance
9 during Ramadan in the evening?
10

11 RAZI MOHIUDDIN: So, the way the Ramadan prayers
12 work is that it's the Isha prayer followed immediately by
13 the recitation of the Ramadan things, so when we talk about
14 the Isha prayer and the Ramadan prayers, they are one and
15 the same thing from our perspective, because it's the Isha
16 prayer immediately followed by the Ramadan prayer.

17 COMMISSIONER STUMP: But the number of people you
18 would normally see during that timeframe?

19 RAZI MOHIUDDIN: Are the same numbers I gave you,
20 because people will come for Isha, Isha ends, and then
21 Ramadan Tarawih prayer starts, so it's one and the same.

22 COMMISSIONER STUMP: So, you said normally it's
23 80 to 100 on the weekdays, and 150 to 200 on the weekends.
24

25 RAZI MOHIUDDIN: Yes.

1 COMMISSIONER STUMP: And so, you're saying
2 similar for Ramadan?

3 RAZI MOHIUDDIN: No, Ramadan it would be 500, and
4 going up to a peak of about 850 on a few days, for that
5 month.

6 COMMISSIONER STUMP: For that particular prayer
7 time or prayer service?

8 RAZI MOHIUDDIN: Yes.

9 COMMISSIONER STUMP: Great, thank you.

10 RAZI MOHIUDDIN: So, in Ramadan, Isha prayer
11 precedes immediately before the Ramadan prayers.

12 COMMISSIONER STUMP: I do have a couple more
13 questions, but I want to just pause and say if there's
14 another Commissioner that has a question, I would like to
15 give an opportunity.

16 COMMISSIONER SORDI: Thank you. I just wanted to
17 go back to some of the correspondence from the last few
18 days. I think there was an exchange between you and a
19 member of the neighborhood group, and you said, "We've
20 already made 20-plus changes addressing traffic, lighting,
21 and noise, and reviewed and responded to each of the 11
22 items from our closest neighbor that they submitted," and I
23 think the Commission is at a little bit of a disadvantage
24 because we don't see that specific list. I was wondering if
25

1 you would be willing to share the list, and if you'd be
2 willing to incorporate those as Conditions of Approval?

3 RAZI MOHIUDDIN: We have shared that list as part
4 of our first submission that came in, so if you look at the
5 Letter of Justification as well there is a neighbor
6 feedback document that we had submitted. All of those were
7 already included in the original submission, and I can
8 point to that thing. I don't have it in front of me. I can
9 look it up and give that to you, if you want; I can provide
10 that.
11

12 COMMISSIONER SORDI: Sort of a question for
13 Staff, and then a follow-up. I just want to make sure that
14 we are catching these items as Conditions of Approval, and
15 I will say that's not necessarily required of the Applicant
16 that they agree that they all do so, but it could be that
17 they've already been caught in the Conditions of Approval.
18 I just want to make sure we're not missing anything.

19 JOCELYN SHOOPMAN: Thank you for the question.
20 What the Applicant is referring to is Exhibit 6 of the
21 March 25th packet. It's titled, "Neighborhood Outreach," and
22 starting on page 1 of Exhibit 6 there are 20 items that the
23 Applicant has listed that were concerns from the
24 neighborhood that they've responded to.
25

1 COMMISSIONER SORDI: Okay, but they're concerns.
2 It says, "We've already made 20-plus changes."

3 JOCELYN SHOOPMAN: That's correct. I can start
4 reading. Number one is titled, "Feedback reviewed. Reduce
5 noise from gate track." And then they've responded with
6 their actions that they've done, and they say, "We
7 temporarily removed the gate track to reduce noise, which
8 rendered our commercial grade gate inoperable." And they do
9 that for the next 20 of these.

10
11 COMMISSIONER SORDI: Okay. Maybe in Staff's
12 opinion, you could just let us know if there is anything in
13 there that would be appropriate to incorporate as a
14 Condition of Approval, or is it simply just issue brought
15 up, issue addressed.

16 JOCELYN SHOOPMAN: I can review it now and get
17 back to the Commission.

18 COMMISSIONER SORDI: Thank you.

19 CHAIR BURCH: Commissioner Burnett.

20 COMMISSIONER BURNETT: I just want to clarify the
21 parking lot. If you could give me both times. During the 30
22 days of Ramadan, and I know you deal with the sunset and of
23 course that changes the hours, what time would the parking
24 lot be vacant after the Ramadan services for the different
25 time steps, and then when you don't have Ramadan?

1 RAZI MOHIUDDIN: Sure. What we are asking for in
2 Ramadan is that we be allowed to use the facility until
3 11:30pm, and clear the parking lot in the half an hour
4 after that, so it would be midnight.

5 COMMISSIONER BURNETT: It would be cleared by
6 midnight.

7 RAZI MOHIUDDIN: That's right. That's the lot
8 closure rule that's included in the draft Conditions of
9 Approval, and just to clarify that, that would be during
10 the time when sunset is before 7:30pm, which would be the
11 case until approximately the year 2041, because Ramadan
12 keeps moving 11 days, and then eventually it will come back
13 before the November timeframe here in about 2041-2042. Then
14 it would be that the request is for until midnight for
15 operations, and then a half an hour clearing after that.

16 COMMISSIONER BURNETT: Then when we don't have
17 Ramadan, when would the parking lot be cleared?

18 RAZI MOHIUDDIN: During the other 11 months, we
19 are requesting 10:30pm operations, and half an hour to
20 clear the parking lot, so 11:00 o'clock.

21 COMMISSIONER BURNETT: It would be empty by 11:00
22 o'clock.

23 RAZI MOHIUDDIN: That's right. Yes.

24 COMMISSIONER BURNETT: Thank you.

1 CHAIR BURCH: Commissioner Stump.

2 COMMISSIONER STUMP: I have two other questions
3 just about your services. How does your Friday prayer
4 service fit into your schedule, and what's the average
5 attendance at a Friday prayer service?

6 RAZI MOHIUDDIN: I'm not sure I understand the
7 schedule part of that thing.

8 COMMISSIONER STUMP: The one of 1:30 on Friday
9 afternoon.
10

11 RAZI MOHIUDDIN: Typically, the Friday is equal
12 to the Sunday for the Christian faith, or the Saturday for
13 the Jewish faith, as an example. It is considered the holy
14 day. The Friday prayer is a required prayer in
15 congregation. You have to pray it in congregation, and it's
16 called Jumuah. Jumuah essentially means Friday actually, to
17 be honest with you, and it actually replaces the midday
18 prayer, the Dhuhr prayer, effectively. And depending on
19 whether it is daylight savings time or daylight regular
20 time, it occurs either at 1:30 or 12:30 here.

21 We typically have up to three prayers in our
22 Saratoga Prospect Center, and currently only have one
23 prayer in Los Gatos at 1:30pm. There is a sermon portion of
24 the prayer, which is about 20-25 minutes, and then the
25 prayer portion... The entire thing is considered prayer, it

1 is approximately half an hour long, so it goes from 1:30 to
2 2:00-2:05, something to that effect.

3 COMMISSIONER STUMP: What's your typical Friday
4 attendance for that service?

5 RAZI MOHIUDDIN: Typically, it's on the order of
6 about 400-500 people.

7 COMMISSIONER STUMP: I'm just going to put it in
8 the category of events, and I don't know if I've got all of
9 your events properly identified, but maybe focusing on
10 weekend events, how many do you host? And as I understand
11 it, it could be a community or charitable event, it could
12 be a festival, it could be a wedding, receptions, maybe
13 rental of your facility under the terms that are under the
14 CUP. How many events would you say you're holding per month
15 that would fall into that category?

17 RAZI MOHIUDDIN: This is a very important
18 question that I think I would like to answer in the
19 following way.

20 If you look at generally congregations, any kind
21 of congregations, they're busy at work, they're busy at
22 school, and they're busy at other things, so generally what
23 happens is we as a mosque can really offer any kind of our
24 services, usually on the evenings and on the weekends, over
25 here. One of the things I always say is that we try to

1 essentially make sure that there is something or the other
2 is happening in the mosque every Friday and every Saturday
3 evening on there. So, from our perspective we would like to
4 have actually events on Fridays and Saturdays on a regular
5 basis, and then we of course have Sunday School on Sunday,
6 as well as other activities on the Sunday on the day.

7 We also currently have a number of other programs
8 that happen, like for example, Tuesday evenings there is a
9 program called Siraat, which is for young professionals.
10 That happens every Tuesday, and then there are other
11 smaller or bigger programs that happen on an ongoing basis
12 in the evenings.

13
14 COMMISSIONER STUMP: You definitely have a full
15 schedule. I have a few more questions, promise.

16 This one is just about growth. Obviously, you
17 look at the people who are here. You've got a vibrant,
18 growing community, and so as you take a look at your mosque
19 here in Los Gatos, what sort of growth rate are you looking
20 at on an annual basis? Obviously, you've got history from
21 when you started here in 2020, but 2024, 2025, and so
22 forth, what do you expect to see in the way of growth?
23 Percentage is fine. I don't need to have numbers, but what
24 sort of growth do you see over the next two to three years?
25

1 RAZI MOHIUDDIN: I don't have a particular number
2 in mind, to be honest with you, Commissioner Stump. I think
3 generally what happens is that mosques, when they become
4 full, they spawn off other mosques in there, which is kind
5 of what has happened across the board.

6 Like I mentioned, I used to actually be president
7 of MCA 25 years ago, and realized that there is a community
8 that was growing in the West Valley area, and founded the
9 West Valley Muslim Association.

10 So, if these mosques get full, effectively,
11 whenever their capacity gets full, they will spawn off
12 different additional, but at some point we will essentially
13 hit that ceiling and we'll actually have to move to make
14 sure that the other things get spawned off.

15 COMMISSIONER STUMP: I guess a follow-up to that
16 would be looking at an average daily attendance of 500
17 people, at what point would you have to consider spinning
18 off based on that type of attendance daily?

19 RAZI MOHIUDDIN: I don't think we have a max at
20 the daily level basically, right? The way that I would look
21 at where we would hit that cap is when we can no longer
22 accommodate people for our biggest Ramadan activities. And
23 I can tell you that at about 850, we probably are reaching
24 kind of the max. It's not quite there. Twelve hundred is,
25

1 of course, the Fire Code max, but I think we cannot
2 probably go further than maybe about 900 or 950 or so. So,
3 at that point in time we are already maxed out, and then
4 they will actually have...

5 Now, I have actually already heard from our
6 congregation that a lot of people are not coming to our
7 mosque because of the traffic, because of all of the
8 concerns around the neighbors, and things of that nature.
9 So, we are already seeing a movement toward community
10 members potentially talking about finding another location
11 in addition to that, not as a replacement, as an addition
12 to the Los Gatos facility.

14 COMMISSIONER STUMP: Thank you for that. And my
15 last question, as we've seen in the documentation, there
16 has been discussion from time to time about what if the
17 neighbor's pursue permit parking? That's not our decision
18 here, I'm just saying what if they pursue permit parking
19 and get permit parking, I'll say, in that neighborhood
20 surrounding your mosque? What would you do at that point in
21 time from a parking perspective?

22 RAZI MOHIUDDIN: We, of course, would not like
23 that, but if that's what the condition is, we'll have to
24 figure out how to accommodate that. On Sunday I was driving
25 by Mission College and there's a big church there next to

1 it, and I can tell you that every surrounding street was
2 filled with parking of people that were going in there.
3 Every religious facility that I know of actually has some
4 level of overflow in terms of especially on their holy days
5 that happens, so restricting us in that sense is actually
6 denying the ability for us to actually practice our faith
7 to the full possible things.

8 For the most part, we are actually within our
9 usage over there. On Fridays, there may be some amount of
10 spillover, so one day of the week, and then of course
11 Ramadan, we are spilling over a little bit during some of
12 the days, and a lot more on a couple of days.

13 I think to put an enforcement thing in place for
14 a permit parking for 365 days a year is doing a disservice
15 to the community and to our ability to practice our faith
16 there.

17
18 COMMISSIONER STUMP: Let me just ask one follow-
19 up, since I guess we would say it is primarily Ramadan that
20 creates the biggest congestion. Would you consider
21 voluntarily, during Ramadan, looking at alternate parking
22 accommodations that would not involve on-street parking?

23 RAZI MOHIUDDIN: We have already done that.
24 Affordable Treasures was actually exactly for that reason:
25 we wanted to actually work with them and negotiate with

1 them and talk to them about getting additional parking
2 spots, and we'll continue to do that. We'll go talk to
3 Sunbelt Rentals. Next time around we'll go talk to some
4 other ones down the street for that.

5 What we want to avoid is any kind of shuttle or
6 anything like that, because that creates essentially an
7 undue burden on us. We have limited time between sunset and
8 Ramadan prayers, so that's the reason we are looking for a
9 nearby parking lot where we can actually have parking, and
10 then people are allowed to come in. We, of course, will
11 continue to do that, yes.

12 COMMISSIONER STUMP: Thank you very much.

13 CHAIR BURCH: All right, do any of my other
14 Commissioners have questions? Seeing none, thank you. I
15 will again close the public portion of the public hearing
16 and ask again of my fellow commissioners are there any
17 questions of Staff, or does anyone want to venture a
18 motion? Commissioner Stump.

19 COMMISSIONER STUMP: Of course, me. I'd like to
20 ask three questions about the CUP, the draft. I'm speaking
21 specifically to number 13, Noise Mitigation, and let me
22 give you a chance to locate it. Do you have it? Great,
23 thank you.

1 Can you clarify what the first paragraph means,
2 "amplified outdoor sound, which would be in violation of
3 Town Code, is prohibited unless..." Do that mean no outdoor
4 amplification? Because it's not really that clear in this
5 statement.

6 JOCELYN SHOOPMAN: It's referring back to
7 Sections 16.20.015, which is the Noise Ordinance of the
8 Town, and so it would be directing Staff to review that
9 section regarding amplified outdoor sound, which I can look
10 up right now unless the Town Attorney... 16.20.015.

11 COMMISSIONER STUMP: I guess what I would
12 probably add right at this point is the response we
13 received from WVMA today. They're interpreting it as no
14 amplified outdoor sound, so I'm trying to figure out are we
15 clear on amplified sound? And their interpretation of it is
16 no outdoor amplified sound.

17 CHAIR BURCH: Could I ask a question of Public
18 Works while Ms. Shoopman and Mr. Mullin look up that
19 answer? I noticed in some of the information that we
20 received there were, again, some questions regarding fire
21 safety and emergency vehicle access, and I just like if you
22 could again share the interactions that you did have with
23 the Police and Fire regarding this application.
24
25

1 MIKE VROMAN: Good evening, Commissioners. Mike
2 Vroman, Town Traffic Engineer. Thank you for the question.

3 We did not interact with Police, but we asked
4 Fire to go out and to assess Farley Road between Flintridge
5 and Los Gatos Boulevard. They confirmed that they have no
6 access issues. They agreed that there are a few pinch
7 points, but overall, the street width is 36' or better in
8 most locations, and there is no problem with parking on
9 both sides of the street, and there are no concerns with
10 emergency access. Staff did go out and follow-up and take
11 initial measurements, and confirmed the pinch points, as
12 was noted by some of the Neighborhood Coalition, and there
13 are pinch points, but there wasn't a concern to Fire, and
14 for the most part the street is 36' or more in width.

16 CHAIR BURCH: All right, thank you very much. Are
17 there any other questions for Parks and Public Works?
18 Right. Then we will wait.

19 SEAN MULLIN: Through the Chair, just for a point
20 of clarification, Commissioner Stump, are you asking if
21 there is ample information in the Town Code to determine
22 what amplified sound is?

23 COMMISSIONER STUMP: No, it's just whether
24 amplified outdoor sound can be used, period. Outdoor sound.
25 And again, as I said, I'm referring to the memo sent in by

1 West Valley Muslim Association today that basically in the
2 right-hand column stated, "No amplified outdoor sound," so
3 I just want to make sure we're on the same page with them.

4 DIRECTOR PAULSON: I'll jump in just anecdotally.
5 They may have looked at if they use amplified sound they
6 wouldn't be able to turn it up enough to be effective
7 without exceeding the Noise Ordinance could be a potential
8 issue that they're raising. I read it as you potentially
9 could have amplified sound, but you've got to comply with
10 the Noise Ordinance, so there just may be a practicality
11 perspective, but I haven't had that conversation with them.

12 COMMISSIONER STUMP: I assume that we could make
13 it a Condition of Approval that there be no amplified sound
14 used outdoors.

15 DIRECTOR PAULSON: I'd defer to the Town Attorney
16 on that.

17 COMMISSIONER STUMP: Okay, thank you. My final
18 question here was on number 22, Deliveries. It says,
19 "Delivery by vehicles exceeding 26,000 pounds," I'm not
20 sure how big a truck it is, but it sounds pretty big to me,
21 "shall occur between 8:00am and 8:00pm, Monday through
22 Saturday." My question is why that many days or weekend,
23 and that timeframe, 8:00am to 8:00pm? Was that a request,
24
25

1 or is that just something we're providing on kind of a
2 standard basis?

3 SEAN MULLIN: I can start, and others can jump
4 in, but I don't believe it was a request, and I think the
5 Monday through Saturday may coincide with typical
6 residential deliveries. If you think about Fed Ex, Amazon,
7 and other carriers, typically they don't operate on
8 Sundays.

9
10 COMMISSIONER STUMP: But how big is a 26,000
11 gross vehicle weight rated?

12 SEAN MULLIN: I can try to look up something.

13 COMMISSIONER STUMP: I mean, it seems like it
14 would be a 24' truck or something like that, so I was just
15 trying to understand what's being allowed here and why it's
16 being allowed, because it seems like potentially a pretty
17 big vehicle going down Farley Road six days a week, 8:00am
18 to 8:00pm. The other thing is it may not be that big a
19 deal. They may not have trucks coming to their property
20 that are that size and have those kinds of deliveries.

21 SEAN MULLIN: Just based on a quick view, that's
22 about the maximum size truck that you could rent without
23 having a Class A license, so any of us could rent that.
24 It's the size of a large Ryder truck, single rear axle.
25

COMMISSIONER STUMP: Thank you.

1 CHAIR BURCH: As it is nearly 8:00 o'clock, we
2 are going to take a brief break, and then we will come back
3 for further discussions. Thank you.

4 (INTERMISSION)

5 CHAIR BURCH: All right, thank you, everybody. We
6 are now back in session. I believe we were pending a
7 response to a question, or do we have that response
8 finalized? Ms. Shoopman.

9 JOCELYN SHOOPMAN: Yes, thank you for that. In
10 Exhibit 6 the Applicant listed 20 concerns that they'd
11 heard from the neighborhood, and then they responded to
12 each of those. Some of them, Staff was able to incorporate
13 Conditions of Approval to address, others, Staff did not. I
14 can kind of get into the ones where there were Conditions
15 of Approval that were not included.

16 The first being the request to refinish the
17 parking lot to reduce noise. There was not a Condition of
18 Approval to address this.

19 The next was changing the gardener timings to
20 avoid evenings and weekends, so there is not a Condition of
21 Approval specific to the frequency of a gardener.

22 The next was removing the Right Turn Only sign on
23 the exit driveway. There is not a Condition of Approval
24 addressing this.

1 The next was implementing a shuttle during
2 Ramadan. There is not a Condition of Approval regarding
3 this.

4 Parking away from neighbors' fences when
5 possible. Again, not a condition specific to this.

6 Using the Saratoga Prospect Center instead of the
7 Farley Road facility.

8 And then finally, providing advance notice of
9 special events.

10 So, those specifically Staff did not incorporate
11 Conditions of Approval in response to.

12 CHAIR BURCH: Any further questions to Staff?

13 COMMISSIONER SORDI: I guess in hindsight, or I
14 guess just revisiting those items, is there any particular
15 reason? I can see how in some cases it was appropriate not
16 to include as a Condition of Approval, but some of them are
17 pretty simple, like refinishing the parking lot. I don't
18 know if that's something we could leave as a private
19 commitment between the two parties, or whether we want to
20 add a Condition of Approval.

21 JOCELYN SHOOPMAN: I can start with refinishing
22 the parking lot. Staff did look at that, but typically when
23 you include it as a condition, you're going to include a
24 time that it needs to be completed by, and so Staff wasn't
25

1 able to come up with a specific time, but it's certainly a
2 conversation that the Commission could have this evening.

3 CHAIR BURCH: As a follow-up to that, we were
4 told that there was a plan in the future to rework part of
5 that parking lot. Would it be acceptable to state as part
6 of that future project all of the parking and drive aisles
7 are repaired?

8 ATTORNEY WHELAN: Yes, that is legally
9 defensible.

10 CHAIR BURCH: All right. Any other questions of
11 Staff? Commissioner Burnett.

12 COMMISSIONER BURNETT: Thank you. I had a follow-
13 up question on the noise mitigation, number 13. We only had
14 one Town Code Section, 16.20.015. Why did we not add in
15 16.20.010 and 16.20.030? Could those be part of... Because
16 that would address other noise.

17 ATTORNEY WHELAN: We always debate what code
18 sections to specify that people have to comply with,
19 because really, they have to comply with all Town Code
20 sections. I think we did talk about referencing the Noise
21 Ordinance as a whole, and so that could be done. We opted
22 against it, but it could be done.

23 Then I just wanted to follow-up on the question
24 about the interpretation of the first sentence. Right now,
25

1 it reads, "Amplified outdoor sound, which would be in
2 violation of Town Code Section 16.20.015, is prohibited
3 unless specifically authorized by the Community Development
4 Director." That is not prohibiting amplified sound
5 altogether, it's saying amplified sound that exceeds the
6 Town's decibel limits is prohibited.

7 COMMISSIONER BURNETT: Thank you.

8 CHAIR BURCH: As a follow-up to that, if the
9 Commission felt inclined, there could be an additional
10 statement added to that condition just stating that no
11 amplified noise is allowed on the site?
12

13 ATTORNEY WHELAN: Yes, and it would be important
14 to put facts into the record explaining how it's not a
15 substantial burden, how it serves a compelling interest,
16 and that it's the least restricted means of serving that
17 interest. So, basically, what problem is being solved, and
18 that it's the best way to solve that problem.

19 CHAIR BURCH: Okay, because ultimately the Noise
20 Ordinance solves the problem then, if I understand this
21 correctly.

22 ATTORNEY WHELAN: Although I don't believe we
23 have a Noise Ordinance section that prohibits amplified
24 sound altogether, and so if the Commission is interested in
25

1 adding that as a condition, I would recommend that it be a
2 standalone condition.

3 CHAIR BURCH: Okay, thank you. Are there any
4 other questions of Staff right now, or does anyone want to
5 venture a motion? Vice Chair Barnett. It's okay, it's
6 probably a lot, so take a moment to get your thoughts
7 together.

8 VICE CHAIR BARNETT: A little lengthy, but bear
9 with me. This motion relates to Item 3 on tonight's agenda,
10 which is a request to modify an existing Conditional Use
11 Permit for expanded operations for a religious institution,
12 West Valley Muslim Association, on property zoned R-1:8
13 located at 16769 Farley Road, APN 424-21-062.

14 I move to approve the draft resolution, Exhibit 2
15 of the original Staff Report at pages 23-26, which includes
16 the required findings to grant the request to modify the
17 existing use permit for extended hours of operation,
18 including the findings required for CEQA for compliance
19 with the zoning regulations and for those required for a
20 Conditional Use Permit.
21

22 Approval of this resolution constitutes approval
23 of the application, subject to the conditions found in
24 Attachment A, at pages 27-31 of the Staff Report. I note
25 that this is the recommendation of Staff. Additionally, I

1 move the following conditions of approval and modifications
2 be added:

3 1) That the Applicant provide offsite parking
4 during Ramadan.

5 2) That Condition 17 concerning the driveway
6 operation be amended by adding that the applicant may
7 remove the Right Turn Only sign at the exit driveway.

8 3) That the Applicant provides contact
9 information for multiple board members and staff at all
10 times, and explore setting up a single phone number that
11 routes all of them to neighbors' inquiries, comments, and
12 complaints. The contact information shall be posted on the
13 Applicant's website.

14 4) The Applicant shall submit its application for
15 the parking lot expansion it references in the Staff Report
16 within six months, and complete construction within one
17 year. The parking improvements shall add at least 23 new
18 parking spaces. Additionally, within six months the parking
19 lot shall be repaired so that cracks, bumps, or other
20 anomalies do not contribute to noise generation during the
21 passing of vehicles, and that thereafter the parking lot
22 shall continue to be maintained to avoid conditions
23 resulting in such noise generation.
24
25

1 5) The Applicant shall, within one year, complete
2 its application process to construct a door for the purpose
3 of allowing pedestrian ingress and egress without walking
4 through the parking lot, and complete such construction
5 within that year.

6 6) That Condition F-21 be amended to require
7 notice that the specified calendar provide at least 60-
8 days-notice in advance of events and activities rather than
9 one month.

10 7) The Applicant shall submit to staff within six
11 months an application for a Fence Height Exemption for the
12 purpose of adding two feet to the height of the fences
13 around the perimeter of the property for the purposes of
14 mitigating noise and light pollution.

15 8) The Applicant shall plant a hedgerow adjacent
16 to all of its perimeter fences, or alternatively, plant a
17 variety of native trees and shrubs for the purpose of sound
18 and light mitigation additionally. The specific plants and
19 their box size at time of planting shall be based on
20 discussions between the Applicant's representative and
21 Staff. The objective of these plantings is that they be
22 maintained at a height of eight feet.

23 9) That only the interior of the lot be used for
24 food vendors.
25

1 10) Compliance with the conditions of approval
2 shall be annually reviewed by the Planning Commission.

3 11) That Staff request County Fire to confirm the
4 occupancy limit for the mosque and evaluate whether its
5 present and proposed use is as described in the application
6 in the Staff Report and during the hearings on this
7 application, and is or is not in compliance with the
8 occupancy limit. Further, that Staff request County Fire to
9 provide a written report concerning traffic safety on
10 Farley Road and surrounding streets during Ramadan
11 observances.
12

13 12) That the applicant provides a written notice
14 to the congregants in the window of five to ten days prior
15 to events anticipated to draw 100 or more persons reminding
16 them of the speed limit on Farley Road and neighboring
17 streets, and of the recommendation for carpooling, and to
18 avoid speaking or otherwise generating noise while using
19 the public street for ingress and egress. Car beeps from
20 locking and unlocking doors are exempted, as are the
21 opening and closing of car doors. Additionally, activities
22 that may be related to funerals are exempted from the
23 requirement of notice to the congregants under this
24 condition.
25

1 13) That the applicant shall request that the Los
2 Gatos-Monte Serreno Police Department provide increased
3 patrols during Ramadan, and that it posts an electric sign
4 on Farley Road during Ramadan showing the speed limit.

5 14) That there be no amplified sound outside the
6 buildings constituting the mosque.

7 15) That deliveries be limited to Monday through
8 Friday, 8:00am to 6:00pm.

9 17) That the Noise Ordinances of the Town of Los
10 Gatos are specifically adopted as conditions in the CUP,
11 and as a request and not a condition that the applicant
12 consider the use of the portable planting beds and screens
13 as proposed by Mr. Zian Zuatren (phonetic) in his letter of
14 April 20th, which was distributed by Staff yesterday.

15 My motion is based on full consideration of the
16 Staff Report, including all supplements, and which includes
17 the report and letter from Salter and Associates. My motion
18 is further based on consideration of all of the oral
19 testimony that has been presented in these chambers.

20 My proposed condition that notice of events be
21 provided to the neighbors 60 days in advance is to provide
22 them the opportunity to plan their personal activities,
23 which could be affected given limited street parking and
24 possible noise generation.
25

1 My proposed condition requiring annual review of
2 the CUP compliance is based on the unique situation
3 presented here where a residential community is located
4 directly adjacent to the mosque, and that the size of the
5 congregation has expanded greatly over the years.

6 My motion is further based on the Town Attorney's
7 explanation that the Conditions of Approval in the Staff
8 Report were vetted by outside counsel.

9 Also, I find that the opinion of the Town
10 Attorney and of the Applicant's legal counsel regarding the
11 applicability of the CEQA exemption to be persuasive.

12 I wish to note that a number of the suggestions
13 by the neighbors are already addressed in the Town Code,
14 and that there was no need to add those.

15 We need to make the findings regarding no
16 amplified noise, and I would say, again, the consideration
17 there is the proximity of the mosque to the residences and
18 their need for quiet enjoyment of their home, and I would
19 also note that the Applicant indicated that that is, I
20 believe, not something that they do anyway.

21 Finally, my motion is based on the consideration
22 of the legal consequences of a RLUIPA violation that must
23 be carefully considered.

24 So, that's my motion. Thank you, Chair Burch.

1 CHAIR BURCH: I will second the motion, but I
2 would like to ask for a couple of amendments to the motion,
3 if I may.

4 I don't know if Condition of Approval 17 is the
5 correct one for this, but as far as vehicle traffic and
6 driveway operations, I would like, as part of the traffic
7 plan put together specifically for high volume events, that
8 consideration be made to ensure that ingress and egress of
9 neighboring driveways is considered, and people are allowed
10 ingress and egress of their homes.

11
12 On Condition 8 of yours I would like to specify
13 that the shrubs or hedges are three-gallons or larger to
14 ensure that initial plantings are large, and that the
15 plants selected grow 2'-4' per year.

16 Than as far as on Condition of Approval 20, I
17 would specifically like to make sure that we address the
18 property directly across from the facility, and that the
19 Applicant work with that neighbor specifically to either
20 provide plantings, or moveable planting barriers, or
21 something, to reduce headlight intrusion into their home.
22 Is that acceptable to the Maker of the Motion?

23 VICE CHAIR BARNETT: Absolutely. Thank you for
24 adding those.
25

1 CHAIR BURCH: In addition, fellow Commissioners,
2 I thought what might be the most prudent now would be to
3 start going through the Conditions of Approval. I'm just
4 going to start at the beginning and move down and ask with
5 each one if there are comments, questions, or any proposed
6 additions that would be made to the motion. Is that
7 acceptable to my fellow Commissioners? All right.

8 General Condition 1: Approval and Substantial
9 Conformance. Are there any comments?
10

11 Condition 2: Expiration.

12 Condition 3: Lapse for Discontinuance.

13 Condition 4: Compliance Memorandum.

14 Condition 5: Interpretation and Implementation.

15 Condition 6: Town Indemnity.

16 Condition 7: Permitted Use.

17 Condition 8: Living Quarters.

18 Condition 9: Occupancy Limits.

19 Condition 10: General Hours.

20 Condition 11: Seasonal Late-Hours Exception.

21 Condition 12: Windows and Doors.

22 Condition 13: Noise Mitigation, with the
23 additional comments. I'm sorry, Commissioner Stump.
24
25

1 COMMISSIONER STUMP: Just a quick check with the
2 Maker of the Motion. I think that I heard no amplified
3 outdoor sound in your motion. Thank you.

4 CHAIR BURCH: Correct. Commissioner Burnett.

5 COMMISSIONER BURNETT: Yes, and I would like also
6 the other two Noise Ordinances added in.

7 CHAIR BURCH: Specifically written into the
8 conditions?

9 COMMISSIONER BURNETT: I'd like all three of
10 them.

11 VICE CHAIR BARNETT: I incorporated the Noise
12 Ordinance.

13 CHAIR BURCH: He did. He incorporated the Noise
14 Ordinance into this. That is one of his conditions.

15 COMMISSIONER BURNETT: I just want to make sure
16 they are all covered.

17 CHAIR BURCH: Yes.

18 COMMISSIONER BURNETT: Thank you.

19 CHAIR BURCH: Thank you for clarifying. Anything
20 else on Condition 13: Noise Mitigation? Commissioner Stump.

21 COMMISSIONER STUMP: I would like to recommend
22 during the Quiet Hours, which encompasses two of the prayer
23 services, that there be attendance ceilings for those
24 particular times. Something that would look like during
25

1 general hours the Fajr prayer service would be 75
2 participants on the weekday, 125 on the weekends. For Isha,
3 125 on a weekday, 250 on a weekend. And then seasonal late
4 hours, Fajr prayer service, 175, and this is during
5 Ramadan, the Isha service maximum occupancy for their
6 facility.

7 CHAIR BURCH: To the Maker of the Motion, is that
8 an acceptable addition?

9 VICE CHAIR BARNETT: I'm inclined against it, but
10 I'd like to ask the Town Attorney if that would be
11 consistent with federal law?

12 ATTORNEY WHELAN: Any condition that we add will
13 have to pass that three-part test, and the first question
14 will be does it pose a substantial burden? In my opinion,
15 based on the testimony that that's the present number of
16 attendees, I don't believe it would be consistent with a
17 substantial burden. Then if a court were to find that it
18 was a substantial burden, the Town will need to explain
19 what the compelling interest is that's being served. Then
20 we'll need to explain why that's the least restrictive
21 means of serving that interest, and so it might be good for
22 the Commission to have a discussion on what interest is
23 served by limiting the number of attendees.
24
25

1 CHAIR BURCH: I would take advisement. So, do you
2 want to discuss what your thought process is, and what that
3 is mitigating?

4 COMMISSIONER STUMP: Well, the thought process is
5 just being sensitive to the neighbors in their Quiet Hours,
6 and what volume of people are going to be traversing to and
7 from the mosque at those periods of time. The figures that
8 they gave, I increased them by probably 25% of weekdays,
9 weekends, to give a buffer. You know, the number may not be
10 perfect, and maybe it's something there could be further
11 discussion about as the Staff finalizes the final draft for
12 us, but those numbers I specifically asked about tonight,
13 and then like I said, added about 25% to the number.

15 CHAIR BURCH: Vice Chair Barnett.

16 VICE CHAIR BARNETT: I'm not prepared to adopt
17 that, and presumably we could vote separately on it.

18 CHAIR BURCH: If the Maker of the Motion does not
19 wish to adopt that.

20 ATTORNEY WHELAN: Remind me, does the original
21 motion have a second? That's what's under discussion right
22 now.

23 CHAIR BURCH: Correct.

24 ATTORNEY WHELAN: And so, Commissioner Stump was
25 proposing an amendment, and the Maker of the Motion was not

1 open to that, and so the discussion of the original motion
2 can continue.

3 CHAIR BURCH: Right. Thank you.

4 COMMISSIONER STUMP: So, then, the amendment is
5 not accepted by the Maker of the Motion?

6 VICE CHAIR BARNETT: Correct.

7 CHAIR BURCH: All right. Anything further?

8 ATTORNEY WHELAN: I should say, Commissioner
9 Stump does have the ability to propose an alternative
10 motion, and there can be up to three motions under
11 consideration at any time.
12

13 CHAIR BURCH: Understood, understood. Anything
14 further on Noise Mitigation. All right.

15 Condition 14: Lot Closure Rule.

16 Section D: Condition 15: Monthly Communication.
17 Commissioner Stump.

18 COMMISSIONER STUMP: Sorry, I missed this under
19 Noise Lighting, which I didn't expect lighting to be under
20 noise. But I would like to see that we're talking about
21 full cut-off, downward directed, motion activated, because
22 those lights do stay on all night in a dim mode, however,
23 if they are motion active, it still would provide the
24 mosque with the security they desire, because if someone
25 walks through that parking lot or enters the property, the

1 lights will come on, so I'm asking that motion activated be
2 added.

3 CHAIR BURCH: I would like to ask a quick
4 question then first of Parks and Public Works, because it
5 is my understanding that the California Building Code
6 requires that there be a minimum foot candle level on at
7 all times during dark hours, is that correct?

8 SEAN MULLIN: I can't speak to that code. You
9 probably know it better than I do. I will note that if
10 that's the case, the Town's lights out front do something
11 similar where there's a dim mode, and then as you approach
12 them with motion, they come to full on, so the technology
13 is out there, I'm just not sure about the Building Code
14 requirements for foot candles.

16 CHAIR BURCH: I would say what you're doing
17 actually meets the code minimum, and the motion sensor
18 brightens it more. Obviously, they have to meet code no
19 matter what. Would a note more that they are at a dim level
20 and then anything more is based on a motion sensor, or how
21 would you like to word that?

22 COMMISSIONER STUMP: I guess I would certainly
23 follow the code. I mean, if the code requires lights to
24 remain on, a big concern of the neighbors, understandably,
25 lights even in the dim mode are still going to come into

1 their sphere, at least for the 13 people that share
2 property lines with them.

3 CHAIR BURCH: Understood.

4 COMMISSIONER STUMP: Thank you.

5 CHAIR BURCH: Perhaps we could craft something
6 stating that lights during the night will be at the code
7 minimum level to ensure that there is no brighter allowed
8 during the night. Would that be acceptable to the Maker of
9 the Motion?

10 VICE CHAIR BARNETT: Absolutely.

11 CHAIR BURCH: All right. I was, I think, on
12 Condition 15. Was there anything on Monthly Communication?

13 Condition 16: Parking Lot Monitoring.
14 Commissioner Stump.

15 COMMISSIONER STUMP: One area of concern, and it
16 just depends, if there is literally offsite parking during
17 Ramadan, it reduces a lot of the issues, but it's really
18 important that we either have professional people that are
19 going traffic management out there, or specific training
20 for volunteers, because it can be a dangerous situation out
21 there for all concerned, and so I would be asking that
22 parking attendants will be hired or will be trained
23 volunteers to ensure adequate knowledge and safety. And the
24
25

1 same thing with the folks that are doing traffic
2 monitoring, that they be either hired or they be trained.

3 CHAIR BURCH: Is that acceptable to the Maker of
4 the Motion?

5 VICE CHAIR BARNETT: Well, no, because I spent a
6 lot of time researching this issue, and the Police
7 Department would be the only resource to do that, and if
8 they're willing to do it, fine, but I have my severe doubts
9 about that, and there is no other private local safety
10 service that can do that; there is only certification for
11 school traffic monitors. I guess there's no harm in saying
12 training by the police, but I think it might be impossible
13 to comply with a more general statement of training. I
14 don't think it's out there, and I really wanted to find it.

16 COMMISSIONER STUMP: Yes, at minimum I would ask
17 that we put in training by the police. At least we're
18 identifying it as an issue. Thanks.

19 VICE CHAIR BARNETT: I would agree to training by
20 the police, if available.

21 CHAIR BURCH: Yes. Obviously, it's going to be up
22 to the police, but I do think we should encourage the
23 training, and I agree with that addition. Commissioner
24 Burnett.
25

1 COMMISSIONER BURNETT: I have a question for the
2 Chair. We will be able to add additional conditions of
3 approval?

4 CHAIR BURCH: Yes, I just wanted to take the
5 opportunity now to go through these, and then I have an
6 assumption that there are a few people that may have
7 additions.

8 COMMISSIONER BURNETT: Okay. Thank you for
9 clarifying.

10 CHAIR BURCH: All right. Condition 17: Driveway
11 Operations.

12 Condition 18: Event Parking Overflow Plan. Ms.
13 Whelan.

14 ATTORNEY WHELAN: I did hear Chairperson Burch
15 mention consider ingress and egress in relation to
16 Condition 17.

17 CHAIR BURCH: Yes.

18 ATTORNEY WHELAN: If the Commission is going to
19 add a condition, in order for it to be enforceable, it
20 should be very specific about what is required. We don't
21 have to solve that problem right now, but at some point
22 when we finally prepare the condition, there should be some
23 discussion of what needs to happen with regard to ingress
24 and egress.

1 CHAIR BURCH: Okay. Thank you for that
2 clarification.

3 Condition 18: Event Parking Overflow Plan.

4 Section E: Facilities and Site Design.

5 Condition 19: Electric Gate. Commissioner Stump.

6 COMMISSIONER STUMP: I don't know if this is a
7 big deal, but obviously the electric gate has been an
8 issue, and I know we've used the words sound reducing, but
9 it really should be a sound dampening that is employed in
10 whatever gate replacement goes on.
11

12 CHAIR BURCH: Is that acceptable?

13 VICE CHAIR BARNETT: Yes.

14 CHAIR BURCH: I'm actually just thinking about
15 the meaning of dampening versus reducing, but okay. Is that
16 acceptable?

17 VICE CHAIR BARNETT: Yes, thank you.

18 CHAIR BURCH: All right, that is acceptable to me
19 also.

20 Condition 20: Landscape Plantings. Commissioner
21 Stump.

22 COMMISSIONER STUMP: I agree with everything that
23 has been put forward, but one of the challenges we heard
24 from at least one neighbor that's on the fenceline is that
25 because of the condition of the fence, when headlights come

1 on, they do go through, and it will take quite a while for
2 shrubs to take care of that. A couple of options that we
3 would look to obscure the headlights would be with a
4 privacy mesh or windscreen, and then today we did receive a
5 very unique proposal from a member of the mosque that shows
6 a planter with effectively the same material I'm talking
7 about, like a windscreen that would obscure lights from
8 going through, and that they could just actually be rolled
9 into place. So, either one of those options until shrubbery
10 or other actions will remove headlights from going through,
11 penetrating fencing into neighbors' yards.

13 CHAIR BURCH: Is that acceptable to the Maker of
14 the Motion?

15 VICE CHAIR BARNETT: Yes, I think it's a good
16 idea to look into screening or some other way of addressing
17 that, mitigating the light issue pending the growth of the
18 plants.

19 CHAIR BURCH: That is acceptable to me too. I
20 wasn't sure, Commissioner Burnett, did you have your hand
21 raised for Condition 20, Landscape Plantings? Maybe not.

22 All right, on to Section F: Community Interface.

23 Condition 21: Activity Calendar and Community
24 Interface. Any comments?
25

1 Condition 22: Deliveries. Obviously, there was a
2 modification made by the Maker of the Motion. Are there any
3 comments?

4 Condition 23: Compliance Review.

5 Section G: Other Conditions.

6 Condition 24: High Attendance Guidelines.

7 Condition 25: Compliance with Laws.

8 All right, that gets us through the Staff's
9 recommended Conditions of Approval with, obviously, the
10 modifications made by the Maker of the Motion and the
11 Secunder of the Motion. Are there additional comments or
12 additions? Commissioner Stump.

13
14 COMMISSIONER STUMP: I would like to put forward
15 a second motion, and it would be the same motion with
16 amendments that Commissioner Barnett has put forward, but
17 with the prayer service maximum attendance guidelines that
18 I proposed for both their general hours and their seasonal
19 late hours.

20 CHAIR BURCH: Is there a second? Commissioner
21 Burnett. Is there any discussion? So, again, as we look at
22 these I just want to be very clear. Could you please remind
23 us again, as we make a motion like that that starts
24 limiting attendance, what the criteria is so that we can
25 discuss this properly?

1 ATTORNEY WHELAN: Yes, the first question will be
2 does it impose a substantial burden on the congregation's
3 ability to worship; and then if it does, the second
4 question is what compelling government interest is being
5 served; and then the third is, is the Town imposing the
6 least restrictive means to accomplish that interest?

7 I also have other things that the Commission
8 should think about. There is also a provision providing
9 that the Town can't treat a religious institution on less
10 favorable terms than a non-religious institution; that's
11 called the Equal Terms Provision. And then, the Town can't
12 discriminate amongst different faiths, but it is fair to
13 articulate reasons why these particular conditions are
14 needed at this location.

15 CHAIR BURCH: Can I ask a question about the
16 second one? About the compelling government interest. Are
17 those objective or subjective standards, and how do we
18 determine that?

19 ATTORNEY WHELAN: They can be subjective, because
20 one of the parties submitted a case where the 9th Circuit
21 did hold that neighborhood preservation was a compelling
22 government interest.

23 CHAIR BURCH: Honestly, I had not asked to call a
24 vote on the first one, so...

1 ATTORNEY WHELAN: I interpreted Commissioner
2 Stump's motion as an amendment to that first motion.

3 CHAIR BURCH: It was not.

4 COMMISSIONER STUMP: No, I (inaudible).

5 CHAIR BURCH: His is actually a second motion,
6 and adding that that (inaudible).

7 COMMISSIONER STUMP: I thought we could put three
8 motions on the table at the same time.

9 CHAIR BURCH: Yes, you can have. My question is,
10 if there is not a third now, which I'm going to ask, do we
11 just go one at a time and do the vote?
12

13 ATTORNEY WHELAN: Yes.

14 CHAIR BURCH: All right. Is there further
15 discussion about the motion? Commissioner Burnett.

16 COMMISSIONER BURNETT: Yes, I have further
17 comments and additions to the motion.

18 CHAIR BURCH: I assume that that is going to be
19 requested of both Makers of the Motions, since essentially
20 Commissioner Stump's is incorporating...

21 COMMISSIONER BURNETT: The second motion, not the
22 first motion.

23 ATTORNEY WHELAN: It sounds like Commissioner
24 Burnett is interest in proposing a third motion.

25 COMMISSIONER BURNETT: No.

1 ATTORNEY WHELAN: Okay.

2 COMMISSIONER BURNETT: I would like to discuss
3 the motion made by Commissioner Stump.

4 ATTORNEY WHELAN: Okay, and are you asking if the
5 Maker of the Motion is open to amendments?

6 COMMISSIONER BURNETT: Open to discussion on
7 that?

8 CHAIR BURCH: The reason I'm asking is
9 Commissioner Stump's motion was incorporating Vice Chair
10 Barnett's motion, only with the addition of the
11 limitations, so if I assume that she's going to ask for
12 additions, I need both Makers of the Motions to agree to
13 those.
14

15 ATTORNEY WHELAN: That's correct.

16 CHAIR BURCH: Okay.

17 COMMISSIONER BURNETT: What I would consider, and
18 I don't feel there is a substantial burden that would be
19 placed on the mosque, and I have reasons for that, and I
20 can go into that.

21 I feel that there should be a limit to the amount
22 of attendees limited to the amount of parking available,
23 because we are piecemealing this all together. Lights,
24 fences, gates, noise. The overarching issue here is the
25 traffic, and I know we're talking about hours, but because

1 our CUP, you have to have findings that there are no safety
2 issues, and no health issues, and after looking at all the
3 evidence, documentations, and myself actually visiting the
4 last night of Ramadan and seeing the traffic and the issues
5 there, I feel safety and health, early morning sleep
6 deprivation, our CUP addresses those, and those would be a
7 big concern in this.

8 If I could move forward and say why I think this
9 would not be a substantial burden, I can do that.

10 CHAIR BURCH: Please. Please share as much as you
11 can, so that we can determine.

12 COMMISSIONER BURNETT: Let's see, there are
13 several prominent Islamic centers in the immediate area
14 region that operate successful Jummah only, which is the
15 Friday prayer, without offering the five congregational
16 prayers like the Saratoga Prospect Center, and the
17 Peninsula Muslim Association. In addition, the Muslim
18 Community Association in Santa Clara, and the South Bay
19 Islamic Association on Harris Way in San Jose are designed
20 specifically to handle the traffic, parking, and
21 infrastructure required for the five daily congregational
22 prayers and late-night services. These regional facilities
23 are situated in a non-residential zone that are better
24 equipped for high-volume transitions, whereas Farley Road
25

1 is a very narrow residential street and lacks the necessary
2 infrastructure.

3 And I might say most attendees at our Los Gatos
4 mosque are not Los Gatos residents, but travel from other
5 places, so this would not be an inconvenience to them,
6 because they would be traveling to Los Gatos, they would be
7 traveling to these other places that are more appropriate,
8 I think.

9 So, I cannot make the required findings in our
10 CUP. I find based on extensive material presented,
11 attendees, their questions that are answered, and by my own
12 observation of the late night at Ramadan where there was
13 speeding and single drivers coming down off Los Gatos
14 Boulevard, turning very quickly onto Farley on a very dark
15 street. I felt it was very unsafe.

16 Also, interestingly enough, on February 26, 2026
17 the direct admission from the West Valley Muslim
18 Association here in Los Gatos, the faculty admitted that
19 they were operating under unsafe conditions and relating
20 their key concerns about admitted danger. The Applicant has
21 explicitly acknowledged that the lack of pedestrian access
22 is unsafe for everyone. There were traffic hazards; the
23 bottleneck described creates significant safety risk for
24
25

1 vehicles entering and exiting the property, impacting
2 public streets.

3 And then there is fire and light safety. A site
4 that lacks dedicated pedestrian egress and ingress, and
5 forces foot into active vehicle lanes poses a severe risk
6 for emergency evacuations and first responders, and that
7 comes from the pre-application (inaudible).

8 So, for those reasons, I think the whole thing
9 can be solved by limiting the attendees by how much the
10 parking lot can hold. You don't have foot traffic, you
11 don't have traffic along the street, and it actually solves
12 all the questions. Now, if you add more spaces and you can
13 have other-site parking, that could always be in other
14 conditions added to the Conditions of Approval, but
15 piecemealing it all together, trying to do lights, fences,
16 gates, I mean, maybe because I'm a nurse and you have to
17 look at the overall health here in trying to solve the
18 problem in one medication.

19
20 CHAIR BURCH: May I ask one clarifying question?

21 COMMISSIONER BURNETT: Yes.

22 CHAIR BURCH: Is it limited to parking onsite, or
23 would that also include parking leases, such as Affordable
24 Treasures?
25

1 COMMISSIONER BURNETT: I would say that that
2 could be part...that that could be added in as...

3 CHAIR BURCH: So, if there is a parking lease
4 nearby, that would be acceptable?

5 COMMISSIONER BURNETT: I think that that would
6 be, and I think we could add maybe a few other things into
7 the conditions, but for overall, I think our objective is
8 to try to solve the problem.

9 CHAIR BURCH: Is there discussion? Hold on really
10 quickly. Did you have a clarifying question that you wanted
11 to ask to help you with this?

12 COMMISSIONER SORDI: I didn't pick up all of
13 Commissioner Stump's wording associated with the attendance
14 limit. If he could restate it, if he didn't mind.

15 CHAIR BURCH: Please.

16 COMMISSIONER STUMP: (Inaudible).

17 CHAIR BURCH: They are related, to me, so I would
18 like that clarified, because I believe that she was adding
19 onto your motion, so for somebody else to agree to that...
20 Well, theoretically, so to me these are tied, so please
21 clarify, and then I'll ask the question.

22 COMMISSIONER STUMP: The one I stated was this
23 was, you could call it, prayer service maximum attendance,
24 and during general hours, that would be 11 months of the
25

1 year, during the Fajr prayer service it would be limited to
2 75 participants weekdays, 125 on the weekends. For the Isha
3 prayer service, again, during the 11 months of the year,
4 125 during the week, 250 on the weekend.

5 And again, I grossed these up by about 25% over
6 the numbers that were shared to account for growth.

7 In the seasonal late hours, Fajr prayer service
8 would be limited to 175 participates, so that's been
9 boosted up and above for the 11 months of the year, and
10 then obviously for the Isha Tarawih prayer service, they're
11 maximum occupancy, so there's really not much to state
12 there, whatever their maximum occupancy is, they're hitting
13 that right now.

14
15 CHAIR BURCH: Thank you. So, now that we do have
16 an addendum to the motion, and because this is a bit of a
17 layered situation, I want to ask Vice Chair Barnett first,
18 is that an acceptable amendment to the motion?

19 VICE CHAIR BARNETT: Commissioner Burnett's
20 proposal?

21 CHAIR BURCH: Yes.

22 VICE CHAIR BARNETT: I'm afraid I got lost with
23 the additional information that was provided, but I did
24 have a question for her regarding how she has the
25 information regarding the residences of the mosque.

1 COMMISSIONER BURNETT: I'm sorry, the residences
2 of the mosque?

3 VICE CHAIR BARNETT: Yes, you said the majority
4 of the mosque congregants were not from Los Gatos.

5 COMMISSIONER BURNETT: Oh, I did a summary when
6 there was a list of the members, and I counted the members
7 from Los Gatos, and they were far fewer. Everything was 25%
8 of the overall number that responded.

9 CHAIR BURCH: I'm going to try to summarize, and
10 you correct me. I believe what Commissioner Burnett was
11 saying is that she was going to limit the number of
12 attendees to the available parking both onsite and via a
13 parking lease.

14 VICE CHAIR BARNETT: That's acceptable to me, the
15 Maker of the Motion.

16 CHAIR BURCH: Okay, which by then Commissioner
17 Stump defaults, since you were building off of, so if that
18 is something that we want to have incorporated, that needs
19 to be developed into a third motion.

20 COMMISSIONER STUMP: My sense is that it's
21 already complicated, and we're making it more complicated,
22 so I would prefer to stay with what I put forward as a
23 motion as far as the maximum numbers, morning Quiet Hours,
24 evening Quiet Hours.

1 CHAIR BURCH: All right. Any further discussion
2 of the two motions? Commissioner Stump was first, and then
3 Vice Chair Barnett.

4 COMMISSIONER STUMP: Again, you might say why am
5 I doing this? I submitted two items that came out as Desk
6 Items today, and if you look, everything is dated April
7 22nd, obviously, but look for Exhibits 30, 31, and 32. It
8 says, "Exhibit 32 includes Commissioner comments." That
9 would me. So, if I could have you go there, it would be
10 helpful, and unfortunately there aren't any page numbers on
11 here, but it's this one here with the yellow highlight;
12 it's some tables.

14 CHAIR BURCH: So, first to my fellow
15 commissioners, does everybody have a copy of this? It was
16 in Item 3, Desk Item?

17 COMMISSIONER STUMP: Yes, go to the table.

18 CHAIR BURCH: Well, I want to make sure they
19 actually have this in front of them.

20 COMMISSIONER STUMP: As we've taken a look at
21 this and trying to understand the impacts to the Farley
22 Road neighborhood and surrounding neighborhoods, obviously
23 just did a comparison between the use today versus prior
24 uses, and I'm just going to highlight a couple of things
25 here.

1 As you can see, services per week: the West
2 Valley Muslim Association, 35 services a week. Kingdom
3 Hall, Jehovah's Witness, two. The First Baptist Church,
4 three. Hours of operation per month: four. General hours:
5 540 hours per month. Seasonal late hours: 570 hours per
6 month. Kingdom Hall Jehovah's Witness, 24 hours a month.
7 And First Baptist Church, 44.

8 So, when we hear the neighbors talk about impact,
9 this is why. They see this tremendous increase and
10 activity, and then if you look down below, look at average
11 weekly attendance and an estimated number of cars per
12 month, the yellow columns. Average weekly attendance:
13 3,500. During Ramadan, and this estimate may be high, but
14 it's higher during Ramadan, obviously: 5,600. Kingdom Hall
15 was 350 a week. First Baptist Church, 600 a week. Estimated
16 number of cars per month for general hours: 5,000. For
17 Ramadan, 8,000. Kingdom Hall, 468. First Baptist Church,
18 800. Volume significantly different.

19 The second page, I was asking about growth,
20 because let's face it, we're trying to deal with a real
21 volume issue, traffic flow, and parking right now. And
22 again, as I say, and I mean this as a compliment, this is a
23 vibrant community. They're going to grow until, as Razi
24 said, they can grow no more, because they're just going to
25

1 outgrow that facility; it will be somewhat self-capping.
2 But when you take a look at these numbers in growth, and
3 I'm looking at average monthly attendance and estimated
4 cars per month. Just in general hours, growth between 5%-
5 15% would mean 750 to an additional 2,250 in attendance per
6 month. During the seasonal late hours, 1,200 to 3,600
7 additional attendees. And the estimated number of cars per
8 month, 250-750 during the general hours, 400-1,200 during
9 Ramadan.

10
11 That's why it's so important that we try to
12 address this now, because it's going to continue to grow.
13 It's going to continue to grow, so that's why I was trying
14 to put something in that would meter and be a realistic
15 attendance number for before sunrise services and the
16 evening services. Thank you.

17 CHAIR BURCH: I have a quick question for the
18 Town Attorney, if I may? I just want to clarify based on
19 how we are supposed to be deliberating, are we making the
20 decision today based on the potential impact of this
21 application to previous religious organizations, how they
22 functioned in the space, or based on the *current* CUP in
23 place?

24
25 ATTORNEY WHELAN: It should be impacts of the
current activity on the neighborhood, because there is the

1 non-discrimination provision in RLUIPA, and I understood
2 his comments to be talking about why there are differences
3 between the different denominations, and why there might be
4 a need for added conditions for some denominations.

5 CHAIR BURCH: Okay, thank you for that
6 clarification. Vice Chair Barnett.

7 VICE CHAIR BARNETT: I guess for Ms. Shoopman or
8 other members of the Staff, has the Town imposed
9 congregation limits on any other religious institution in
10 the Town? And following that, the Town Attorney's comment
11 regarding the non-discrimination requirement under RLUIPA.

12 JOCELYN SHOOPMAN: Thank you for the question.
13 I'll start, and other Staff may want to jump in. There are
14 other religious institutions in the Town with Conditions of
15 Approval that are related to the number of seats, since
16 that's the way that the Town looks at this type of use for
17 parking; it's related to the number of seats. There are
18 certainly some CUPs that list a maximum seat capacity,
19 because it's related to their onsite parking.

20 CHAIR BURCH: And was there a follow-up to that
21 that you had to the Town Attorney?

22 VICE CHAIR BARNETT: Yes, I'd be interested in
23 the Town Attorney's comment regarding the legality of
24 limiting attendance at a religious institution when the
25

1 actual attendance is not restricted for other religious
2 institutions in town. I understand the seating issue, but
3 there could be standing, for example.

4 ATTORNEY WHELAN: Probably the most conservative
5 course of action would be to limit attendees to the
6 available parking. But, on the other hand, there is an
7 argument to be made that there are impacts in the early
8 morning hours, and there might be disturbances due to the
9 amount of traffic in the early morning hours.

10 CHAIR BURCH: Commissioner Stump.

11 COMMISSIONER STUMP: By the way, I would be
12 willing to make that change that was just suggested. That
13 would be the capacity of the parking lot, instead of trying
14 to tie it to attendees participants.

15 CHAIR BURCH: Tentatively, how would that be
16 phrased and similar to what Commissioner Burnett was just
17 saying? Does that become limited to the available parking
18 onsite, or parking onsite along with legal parking leases?

19 COMMISSIONER STUMP: All of it is about trying to
20 count it and figure it out ultimately, right? But I would
21 say limited to parking onsite. I think that provides them
22 greater flexibility as well.

23 CHAIR BURCH: How does that equate to a head
24 count?
25

1 COMMISSIONER STUMP: Well, if we go with kind of
2 the average number of people that are in a car, that will
3 mean they could have up to 180 times three, figuring three
4 people per car. I don't think in practice it's probably
5 that high, but it could be three times 180, two times 180.

6 CHAIR BURCH: To clarify, to the Town Attorney,
7 would that be a modification to his own motion, or is that
8 a different motion? Is he canceling his first motion?

9 COMMISSIONER STUMP: Can I...

10 CHAIR BURCH: Yes, please do. This is all new.

11 COMMISSIONER STUMP: I'm trying to do something
12 that would be supportable, that's logical, and by the way,
13 we can wave off my page two on growth, but what you see on
14 page one is today, what I shared. That's the reality of
15 what's going on, and so the neighborhood is impacted, and
16 how do we give some relief to the neighborhood, at the same
17 time being fair and allowing the mosque to observe their
18 religious requirements, traditions, etc.? That's the rub
19 here.
20

21 So, I'm happy to stay with the numbers I
22 provided, because I think the numbers are fair. Of course,
23 that's according to me, Mr. Math, or capping it somehow.
24 But it's giving the residents something more certain about
25

1 the activity that's going to be there in the early morning
2 hours and in the late evening.

3 ATTORNEY WHELAN: Honestly, I think either method
4 is most likely defensible, because other congregations
5 don't have the early morning services and the late evening
6 services year-round. I do think it's important to
7 accommodate the present number of attendees for the Ramadan
8 services, and so if the Commission does decide to go with
9 the parking measurement, I would recommend include offsite
10 leased parking areas as well.

11 COMMISSIONER STUMP: You would say to include
12 offsite parking as well?

13 ATTORNEY WHELAN: In the count for Ramadan,
14 because the Commission briefly discussed limiting the
15 number of attendees to the amount of available parking, and
16 in order to accommodate the present number of Ramadan
17 attendees, offsite parking would be required.

18 COMMISSIONER STUMP: So, then, if I understand it
19 right, it would be the general schedule could stay to the
20 maximum capacity of the parking lot, no offsite parking.
21 But for Ramadan, we would recognize offsite parking in
22 parking lots on Los Gatos Boulevard as acceptable? Is that
23 what you're saying?
24
25

1 ATTORNEY WHELAN: I think that's defensible, and
2 it is up to the Commission's decision.

3 COMMISSIONER STUMP: Okay. Can I go ahead and try
4 to restate it at this point in time?

5 CHAIR BURCH: Please.

6 COMMISSIONER STUMP: I have more paper.

7 CHAIR BURCH: It's a lot. It's fine.

8 COMMISSIONER STUMP: So, then, if we go back to
9 prayer service maximum attendance for general hours: the
10 Fajr prayer service will be limited to 180 cars and
11 participants, so it will be limited to onsite parking.
12 Isha, during general hours will be limited to onsite
13 parking. Seasonal late hours: Fajr prayer service onsite
14 parking and offsite parking. Same with Isha and Tarawih
15 prayer service. We've already said max occupancy with,
16 obviously, access to offsite parking.

17
18 CHAIR BURCH: I want to make sure with the Town
19 Attorney that reads, because just stating parking to me
20 doesn't have a number of people to it, so I want to check.
21 If you're not concerned about that, then you're just
22 limiting parking and cars. I want to clarify that, if
23 that's what you mean.

24
25 ATTORNEY WHELAN: The way I interpret it is under
the current scenario I believe there is 180 spaces, and the

1 Town Code says four occupants per vehicle, so it would be
2 four times 180. Then, if the parking lot were to be
3 expanded to 230, it would be four times 230.

4 CHAIR BURCH: Is that change amenable to the
5 Second of the Motion? All right. Is there any discussion
6 among the Commission on either motion? Commissioner Sordi.

7 COMMISSIONER SORDI: Just really quick, did we
8 want to clarify leasable offsite? If we have some way to
9 document that, that's what it was.

10 CHAIR BURCH: You've had leasable offsite
11 included?

12 COMMISSIONER SORDI: Just to clarify the offsite
13 parking as it relates to this motion would be documented
14 (inaudible).

15 ATTORNEY WHELAN: The Planning Manager just asked
16 me the very same question, and so by offsite, I meant
17 leased parking.

18 COMMISSIONER STUMP: And Vice Chair Barnett, did
19 you not in your motion include no on-street parking during
20 Ramadan, that it would be offsite parking?

21 VICE CHAIR BARNETT: The intent of my motion did
22 not have any limitations on the building, other than
23 verification of the occupancy limit. I never included a
24 congruent limit.
25

1 COMMISSIONER STUMP: No, but I thought you spoke
2 to offsite parking during Ramadan.

3 VICE CHAIR BARNETT: Yes, as a requirement. The
4 first condition was that the Applicant provide offsite
5 parking during Ramadan.

6 COMMISSIONER STUMP: Instead of on-street
7 parking, it would be offsite?

8 VICE CHAIR BARNETT: I did not mean to limit it.

9 CHAIR BURCH: He did not state in lieu of street
10 parking, he just stated that they would need to find leased
11 parking also during Ramadan, I assume in an effort to
12 reduce the number of cars on the street, but he did not say
13 no parking on the street. Mr. Mullin, is my...

14 SEAN MULLIN: That was my understanding.

15 VICE CHAIR BARNETT: I might add that we need to
16 consider walk-ins and Drop-offs. As long as we're meeting
17 the occupancy limit of the building, it seems to me that we
18 can't tie people to the parking spaces in the parking lot.
19 As was mentioned, in very large congregations there is
20 going to be street parking.

21 I do agree that there's a tremendous problem with
22 the volume of cars that are involved here, and I've really
23 struggled with that, because I think the neighbors have
24 genuine concerns, objective concerns, but I'm very much
25

1 concerned that we do not violate federal law by imposing
2 restrictions that are unreasonable.

3 From my perspective, it's unreasonable to limit
4 the number of occupants beyond the occupancy restriction.
5 In other words, tying it to parking may be less than the
6 occupancy restriction.

7 COMMISSIONER STUMP: But practically, more than
8 what their expected attendance is, so I think there's a big
9 buffer in there for this to be workable for the mosque.
10

11 CHAIR BURCH: Commissioner Burnett.

12 COMMISSIONER BURNETT: I just want to clarify,
13 right now they have 180. They plan to add 23. That gives
14 you 203 parking places. If you say four people per car,
15 which I think would be fair, we're talking about 812
16 people. So, I mean, the maximum during Ramadan, one of the
17 numbers was around 800, the average is 500, so I think
18 maintaining parking lot attendance as what we're looking
19 for here, not even looking at offsite parking now, because
20 now we have a number that would accommodate most of the
21 services, so I don't understand. If it didn't work, they
22 could always come back and make some adjustments in six
23 months, see how it works. I don't know why we would even
24 have to go to offsite parking. This would take care of a
25 lot of issues from my perspective.

1 CHAIR BURCH: Vice Chair, do you have any
2 thoughts on that? No comment, okay. Commissioner Mayer.

3 COMMISSIONER MAYER: I'd like to ask a clarifying
4 question to Staff, please. I think, Ms. Shoopman, you
5 brought this up earlier. Does the Town restrict occupancy
6 beyond what the Building Code says in any other religious
7 congregation in town? I know you mentioned it was tied
8 somehow to the max seating of a facility. Can you clarify
9 that?
10

11 JOCELYN SHOOPMAN: Thank you for the question. I
12 am not aware of any other CUPs in the Town that restrict
13 further to what you're describing. All of the conditions
14 are related to onsite parking; they're not related to the
15 occupancy of the building.

16 DIRECTOR PAULSON: And for further clarification,
17 in other words, we don't have the occupancy limits for
18 every religious institution in town currently.

19 CHAIR BURCH: All right. Commissioner Stump.

20 COMMISSIONER STUMP: I guess what I was saying is
21 that even if we limited these services on the general 11
22 months a year to their parking lot, they currently have 20-
23 50 people participating prior to sunrise, and they have 100
24 participating on the weekend, and that's for Fajr. And then
25

1 for Isha, 80-100 in the evenings during the weekend, 150-
2 200 weekends.

3 That could clearly give them all kinds of
4 headroom and growth by having those services be fully in
5 their parking lot. Because again, 180 times three, whatever
6 you want to multiply it by, they've got tremendous
7 capacity, so I don't think it would be constraining. Sure,
8 I guess there is a limit there at some point that you would
9 say you can't go past that reasonable number, and again,
10 that would be somewhat self-limiting, based on how people
11 arrive at the mosque, carpooling, etc.

12
13 CHAIR BURCH: Here's where my concern is, right,
14 wrong, or indifferent. Obviously, we're not worried about
15 the days that there are 25 people there. To be candid, this
16 is all very much about peak services during Ramadan, and my
17 worry is we then limit something that we are not limiting
18 in other religious institutions in the Town. That's where
19 my discomfort comes from, and my concern comes from.
20 Commissioner Stump.

21 COMMISSIONER STUMP: I guess I would say is there
22 another religious institution in Town that needs to be
23 limited? The reason I say that, in the document that I
24 provided I did a parallel look at the mosque, which
25 remember, it's a landlocked mosque, it's a landlocked

1 property. They have about five spaces of what I'd call good
2 neighbor parking.

3 If you go to Calvary, they've got 467 parking
4 spaces. Their average attendance is 400-500 a week. A week.
5 They don't have a parking problem. Los Gatos Presbyterian,
6 they've got 190 parking spaces. They are bringing in 355
7 people a week. A week. Shir Hadash, across the street, 135
8 parking spaces. They're bringing in 200-400 people a week.
9 Everything can be parked there, and on Los Gatos
10 Presbyterian, plenty of good neighbor parking, because they
11 only have neighbors on one side. Shir Hadash, neighbors on
12 one side. They have plenty of good neighbor parking on
13 Shannon Road and on Cherry Blossom. Same with Los Gatos
14 Presbyterian. Cherry Blossom and Shannon Road that fronts
15 their property.
16

17 So, I do think this is somewhat of a unique
18 situation that we have here. I hate to give this analogy,
19 but maybe with the opening of Whole Foods, what was here
20 before was kind of a Mom-and-Pop grocery store, and what we
21 now have is a Whole Foods, with the kind of traffic that
22 this is generating. And again, please, I don't say that in
23 any derogatory terms, folks, I don't; I just can't come up
24 with an analogy to describe the increased volume that this
25 neighborhood has experienced. It's real.

1 I don't want to be insensitive to everybody. I'd
2 love to have a win-win, and that's why I recommended
3 mediation, because I wanted to see the groups come together
4 with a professional facilitator to try to narrow some
5 things down and then come back to us with the things that
6 can't be worked out. Anyway, thank you.

7 CHAIR BURCH: I agree with you there. Vice Chair
8 Barnett.

9 VICE CHAIR BARNETT: One question that could be
10 asked is whether three people per car with an accurate base
11 point to start, and I don't think any of us know the answer
12 to that, and I've seen many families walking together from
13 off-street parking, but if the number is actually
14 significantly lower than we're really capping the operation
15 of the religious institution.

16 COMMISSIONER STUMP: And just so you know where
17 my number came from, Vice Chair, I was given the peak day
18 for Ramadan this year was 850, and I asked Razi, "Can you
19 just estimate the number of cars?" He said, "No, I can tell
20 you exactly, because I counted them that night. There were
21 280 cars." So, using the modern math, I said 850 divided by
22 280 equals three. Now, that's just one data point, so
23 that's where the three per car came from, and it could be
24 wrong. I don't think it's four. It could be three. What if
25

1 it's two? That means 360 people, so it's still a big number
2 from an attendance perspective.

3 CHAIR BURCH: Discussion from other
4 Commissioners? Ms. Whelan, at this point if we've
5 deliberated and talked, do I call for the first motion and
6 then the second, and I assume Commissioners can only vote
7 once? Can you clarify this, since it's the first time we've
8 done it this way?

9
10 ATTORNEY WHELAN: If I remember, the second
11 motion was adding elements to the first motion, so I would
12 have each Commissioner vote on the first motion, followed
13 by a vote on the second motion.

14 CHAIR BURCH: So, if one person voted yes on the
15 first one, do they vote on the second one just as no, or
16 can they...

17 ATTORNEY WHELAN: I would have them vote again,
18 and then you'll know if both the first and the second
19 motion passed, or if only the first motion passed.

20 CHAIR BURCH: What if they both... Okay. All right.
21 Commissioner Burnett.

22 COMMISSIONER BURNETT: I just want clarification
23 again. This is confusing to me. I thought the motions... I
24 want that clarified. Are we voting...
25

1 ATTORNEY WHELAN: It sounds like first there will
2 be a vote on Vice Chair Barnett's motion, followed by a
3 vote on Commissioner Stump's motion.

4 COMMISSIONER BURNETT: So, we have two motions?
5 They're separate? Okay. Thank you.

6 CHAIR BURCH: Separate, yet tied. All right, so
7 then, I'm going to call the vote on the motion put in place
8 by Vice Chair Barnett. Do I just go down the line, or do I
9 just call the vote as normal for something like this?

10 ATTORNEY WHELAN: I would call it as normal.

11 CHAIR BURCH: Okay, great. All in favor? Opposed?
12 All right, so we have a second motion on the table from
13 Commissioner Stump. All in favor? Opposed? All right,
14 neither motion passes.

15 ATTORNEY WHELAN: I think another option would be
16 for someone to put forth a new motion.

17 CHAIR BURCH: Let me ask this, because I think
18 that's going to take probably a little bit of thinking. Can
19 we take a short break? All right; we're going to take a
20 short break. Ten minutes.

21 (INTERMISSION)

22 CHAIR BURCH: I want to thank you for letting us
23 take a few minutes to get some thoughts together. I'm now
24 opening the Planning Commission meeting again.

1 We had two motions on the table. Both votes were
2 a tie, so I'm going to ask my fellow commissioners if there
3 are any further questions of Staff, or if another motion
4 wants to be ventured? Commissioner Stump.

5 COMMISSIONER STUMP: I'd like to try another
6 motion. Instead of restating everything that's been stated,
7 because it's in the record, I am going to move to accept
8 all of the contents of Vice Chair Barnett's motion, with
9 the addition that prayer service maximum attendance is
10 going to be tied to parking.
11

12 For the general hours, for the Fajr and the Isha
13 prayer services, it will be limited to their onsite parking
14 currently of 180 spaces. Obviously, if the parking goes up,
15 the number will go up as well, but 180 spaces.

16 For the seasonal late hours, the Fajr prayer
17 service during Ramadan, the onsite parking would be limited
18 to 180 for the Isha Tarawih prayer service in the evening;
19 it's their maximum occupancy that would be in play for
20 Ramadan. I see a question.

21 CHAIR BURCH: Yes. Previous parts of that motion
22 had included parking leases, such as Affordable Treasures.

23 COMMISSIONER STUMP: That's still in.
24

25 CHAIR BURCH: That's still in this motion?

1 COMMISSIONER STUMP: Yes, I'm pulling everything
2 along and just adding this addition clarifying it.

3 CHAIR BURCH: So, what I need you to do is,
4 again, walk through you're talking about AM prayer, PM
5 prayer. Say that to me one more time.

6 COMMISSIONER STUMP: The two different, I'll call
7 them calendars for their mosque, general hours, which is 11
8 months of the year, the Fajr prayer service, which is pre-
9 sunrise, would be limited to 180 parking spaces on their
10 site. The Isha prayer service, which is the evening prayer
11 service, would be limited to 180 vehicles, limited to their
12 parking onsite.
13

14 Then for the seasonal late hours, which is
15 basically Ramadan, for that 30-day period, the Fajr prayer
16 service would be limited to the 180 parking spaces on their
17 site, and for the Isha Tarawih prayer services, they can go
18 to their max occupancy for their facility.

19 CHAIR BURCH: My question still stands. You're
20 saying this only based on onsite parking. Earlier
21 discussions have said taking into consideration onsite
22 parking and potentially the 35 or 36 they have at like
23 Affordable Treasures.
24
25

1 COMMISSIONER STUMP: Yes, obviously for Ramadan
2 it's got to include offsite parking for that. Yes, that
3 absolutely includes offsite parking.

4 VICE CHAIR BARNETT: Question. If the parking
5 lot, I assume you're increasing the numbers to two twenty
6 (inaudible).

7 COMMISSIONER STUMP: I think that's fair. At the
8 time that it is, and I guess if we're going to review this
9 next year, that would be the time to pick it up.

10 SEAN MULLIN: Through the Chair, I want to double
11 confirm that Vice Chair Barnett's original motion accepted
12 Staff's conditions and added, I counted, 18 additional
13 pieces. The first one was to seek offsite parking leases.
14 Confirming with Commissioner Stump that outside of Ramadan,
15 that's not the case, that the limit would be based on the
16 180...

17 COMMISSIONER STUMP: That's the intent.

18 SEAN MULLIN: So, that's a modification of that
19 first one Vice Chair Barnett brought up.

20 VICE CHAIR BARNETT: My motion said offsite
21 parking during Ramadan, and I guess, based on the
22 Applicant's quotation, which sounded very accurate, of
23 their actual use outside of Ramadan, I think it's
24 reasonable to not require offsite parking for those events,
25

1 but during Ramadan, I guess for the evening service we're
2 requiring offsite leasing, but not during the morning
3 service. Does that sound right?

4 CHAIR BURCH: I would ask the Maker of the
5 Motion. Do you think so?

6 VICE CHAIR BARNETT: I would accept that change
7 to my motion, yes.

8 COMMISSIONER STUMP: Thank you.

9 CHAIR BURCH: Okay.

10 DIRECTOR PAULSON: Through the Chair, we still
11 need a second.

12 CHAIR BURCH: I know that. All right, fine. Is
13 there a second? Commissioner Sordi. Is there discussion or
14 questions of Staff?

15 ATTORNEY WHELAN: I have a question. Is the
16 intent of the motion to limit the number of vehicles, or is
17 it to limit the number of attendees based on an assumed
18 number of people per vehicle?

19 COMMISSIONER STUMP: It's to limit the number of
20 vehicles.

21 ATTORNEY WHELAN: Thank you.

22 CHAIR BURCH: I have a question of Staff,
23 however, something I would like to clarify. Currently,
24 Farley Road is a public street. I understand what we're
25

1 doing in trying to limit the number of vehicles. Are we
2 able to only limit to the parking lot and not allow
3 attendees to park on Farley Road? I want to make sure that
4 we're being very transparent and clear as this goes
5 forward.

6 ATTORNEY WHELAN: Anybody can park on public a
7 right-of-way, so the Town can't limit who parks on public
8 right-of-way unless there are specific parking restrictions
9 in place. There is a Condition of Approval, I believe, that
10 was proposed by Staff that mandates that the lot be used
11 prior to the street for parking.
12

13 CHAIR BURCH: All right. Is there discussion? All
14 right, I guess if there is no further discussion, I guess
15 I'll call the question. I'm sorry, Ms. Whelan.

16 ATTORNEY WHELAN: Actually, the Planning Manager
17 directed me to a section in the Town's Noise Ordinance that
18 provides that it does not prohibit amplified sound outdoors
19 altogether, it provides that amplified sound can be used
20 when an Applicant gets a special use permit, and so I don't
21 recommend that the conditions go beyond what is in the Town
22 Code as far as amplified sound, and so I recommend that it
23 say, "No amplified sound except as allowed by the Town
24 Code."
25

1 CHAIR BURCH: Is that acceptable to, I guess, the
2 Vice Chair first?

3 VICE CHAIR BARNETT: My instinct is to provide
4 special protection to the neighbors and require the
5 prohibition against all amplified sound outside of the
6 building regardless; in other words, not dependent on Town
7 approval.

8 CHAIR BURCH: Is that acceptable?

9 ATTORNEY WHELAN: No, it's the Commission's
10 decision.

11 CHAIR BURCH: All right, fine. So, we have a
12 motion and a second on the table. I will call the question.
13 All in favor? It passes unanimously. Are there appeal
14 rights, Mr. Paulson?

15 DIRECTOR PAULSON: I think I'll turn to the
16 attorney, because we're going to need to craft conditions
17 and bring back a revised resolution with revised
18 conditions, and we'll bring that back probably at the next
19 meeting and have that on the Consent Calendar, I would
20 imagine.

21 One more clarification that just popped into my
22 head is since we are bringing back the resolution and the
23 revised Condition of Approval, should we continue it to a
24
25

1 date certain with this direction from the Planning
2 Commission?

3 ATTORNEY WHELAN: Yes.

4 CHAIR BURCH: Yes, I agree with that.

5 DIRECTOR PAULSON: For the Maker and the
6 Secunder, it would be continuing the item for revised
7 conditions to the next meeting, which is May 13th, so if we
8 would add that to the motion.

9 CHAIR BURCH: Is that acceptable to the Maker of
10 the Motion and the Secunder of the Motion?

11 VICE CHAIR BARNETT: Yes.

12 COMMISSIONER STUMP: Agreed.

13 CHAIR BURCH: All right, then. So, then, I assume
14 actually since it is a continuance, there are not appeal
15 rights right now, is that correct?

16 ATTORNEY WHELAN: Yes.

17 (END)