

RESOLUTION 2026-

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

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

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

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

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

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

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

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

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

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

ATTACHMENT 30

1. Intensification of use. Changes of use that will result in an increase of five (5) or more peak hour trips.
2. Commencement of new activities that could have a material adverse impact on the surrounding area.
3. Any change that is a substantial departure from plans which were the basis of the conditional use permit approval; and

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

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

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

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

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

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

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

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

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

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

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

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

WHEREAS, the Town Council finds, in accordance with Town Code Section 29.20.295, that:

1. There was error or abuse of discretion on the part of the Planning Commission;
2. [If to be remanded to Planning Commission] New information was submitted to the Town Council during the appeal process that was not readily and reasonably available for submission to the Planning Commission.

NOW, THEREFORE, BE IT RESOLVED:

1. The appeals of the decision of a Planning Commission decision to approve a request for modification of an existing Conditional Use Permit (CUP) for expanded hours of operation in an institution for religious observance (West Valley Muslim Association) on property zoned R-1:8 is granted, and the conditions of approval are amended as shown in Exhibit A;
2. [If to be remanded to the Planning Commission]The application is remanded to Planning Commission for further consideration. The decision does not constitute a final administrative decision and the application will be returned to the Planning Commission for further consideration.

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

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:

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

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