



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 08/18/2026

ITEM NO: 08

DATE: August 13, 2026
TO: Mayor and Town Council
FROM: Chris Constantin, Town Manager
SUBJECT: **Consider Request to Continue Public Hearing for Appeals or Hear the Appeals of the Planning Commission Decision to Approve a Request for Modification of an Existing Conditional Use Permit for Expanded Hours of Operation in an Institution for Religious Observance (West Valley Muslim Association) on Property Zoned R-1:8. Located at 16769 Farley Road. APN 424-21-062. Categorically Exempt Pursuant to CEQA Guidelines Section 15301: Existing Facilities. Property Owner: West Valley Muslim Association, Osmar Ghafoor, President. Applicant/Appellant 1: Razi Mohiuddin. Appellant 2: Farley Road Neighborhood Coalition. Project Planner: Jocelyn Shoopman.**

RECOMMENDATION: Open the public hearing and consider request to continue public hearing for appeals or hear the appeals and adopt a resolution (Attachment 30) granting the appeals 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, located at 16769 Farley Road and modify specified conditions of approval.

FISCAL IMPACT:

Not applicable. Considering approval or denial of an appeal does not in itself result in an additional cost. Depending on the action taken, additional cost may be incurred.

PREPARED BY: Jocelyn Shoopman
Senior Planner

Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, and Finance Director

STRATEGIC PRIORITIES:

Not applicable.

REQUEST FOR CONTINUANCE:

On August 12th, Appellant 1, WVMA submitted a request to continue the public hearing. A copy of the request is attached as Attachment 32. The other appellant is agreeable to a continuance and their response is attached as Attachment 33. It is the Town Council's decision regarding whether or not to continue the public hearing. If the Town Council would like to consider this request, staff recommends that the Town Council open the public hearing solely for the purpose of hearing public testimony regarding the request for a continuance. If the Town Council opts not to consider the request, staff recommends holding the appeal hearing.

BACKGROUND:

A. Project Site History

On January 10, 1990, the Planning Commission approved a CUP (U-89-11) to allow the improvement and expansion of an existing institution for a religious observance facility (Exhibit 3). The 1990 approval included a new library and hallway addition, in addition to parking and landscaping modifications. The property was occupied by the Jehovah's Witnesses, Inc. until 2019, when a Certificate of Use and Occupancy was issued to the West Valley Muslim Association (WVMA). Since WVMA has occupied the property, an electrical permit and plumbing permit have been issued by the Town. No additional permits that would result in an expansion to the existing square footage have been applied for or issued.

On March 11, 2020, the Planning Commission approved a modification to the existing CUP (U-20-001) to allow for expanded hours of operation from 10:00 p.m. to 11:00 p.m., for 30 days annually during the month of Ramadan for religious services (Exhibit 4). The applicant's Written Description stated: "... Prayer services for the month of Ramadan would begin at approximately 8:30 p.m., and we would like to request use of the facility until 11:00 p.m. This is to allow remaining members of the congregation to finish services and leave the facility. We anticipate between 10 to 25 members using the facility until 11:00 p.m. for Ramadan."

Per the minutes of the March 11, 2020, Planning Commission meeting, the applicant stated: "The extended hours of operation would be from 10:00 p.m. to 11:00 p.m., and for that amount of time they expect possibly 5-10 cars to leave prior to 11:00 p.m., so it would not be extensive." The existing CUP and the proposed CUP modification do not include a limit on the number of evening attendees or cars exiting the property.

On March 25, 2026, the Planning Commission considered the request for approval to modify an existing Conditional Use Permit for expanded hours of operation in an institution for religious observance (Attachments 1 through 5). The Planning Commission received the staff report, testimony from the applicant, input from the public, and continued the item to a date certain of March 31, 2026.

On March 31, 2026, the Planning Commission voted to continue the item to a date certain of April 22, 2026, to allow an opportunity for the applicant and the neighborhood group to discuss the possibility of mediation (Attachments 6 through 9).

On April 22, 2026, the Planning Commission discussed the item and received testimony from the applicant and a representative of a neighborhood group. The Planning Commission continued the item to a date certain of May 13, 2026, with direction to staff to bring back a revised resolution and conditions of approval that incorporated the modifications provided by the Planning Commission (Attachments 10 through 14).

On May 13, 2026, the Planning Commission discussed the item and received testimony from the applicant and the public regarding the alternative conditions of approval considered by the Planning Commission. The Planning Commission continued the item to a date certain of May 21, 2026 (Attachment 15 through 18).

On May 21, 2026, the Planning Commission discussed the item and voted four-to-one to approve the request for a modification of an existing Conditional Use Permit, subject to additional modifications to the resolution and conditions of approval (Attachment 19 through 22).

On June 1, 2026, the decision of the Planning Commission was appealed to the Town Council by two separate parties (Attachments 25 and 26):

1. Razi Mohiuddin, West Valley Muslim Association; and
2. Farley Road Neighborhood Coalition.

On the appeal forms, both appellant parties indicated that there was an error or abuse of discretion by the Planning Commission and that the decision of the Planning Commission is not supported by substantial evidence in the record.

Pursuant to Town Code Section 29.20.275, any interested person, as defined by Section 29.10.020, may appeal to the Council any decision of the Planning Commission. The notice of appeal must state specifically how there was an error or abuse of discretion by the Planning Commissioner or how the Planning Commission's decision was not supported by substantial evidence in the record. (Demonstrating that a decision was not supported by substantial evidence in the record is one way of establishing an abuse of discretion.) For

residential projects, an interested person is defined as “a person or entity who owns property or resides within 1,000 feet of a property for which a decision has been rendered and can demonstrate that their property will be injured by the decision.” Both appellant parties meet the requirements.

Pursuant to Town Code Section 29.20.280, the appeal must be heard within 56 days of the Planning Commission hearing, in this case by July 27, 2026.

On June 16, 2026, the Town Council continued the hearing to the August 18, 2026, Town Council meeting due to the time required to prepare the materials associated with the appeal and staff analysis (Attachments 23 and 24). Both appellants agreed to this.

Pursuant to Town Code Section 29.20.295, in the appeal and based on the record, the appellant bears the burden to prove that either there was an error or abuse of discretion (which includes making a decision that was not supported by substantial evidence in the record) by the Planning Commission. If neither is proved, the appeal should be denied. If the appellant meets the burden, the Council shall grant the appeal and may modify, in whole or in part, the determination from which the appeal was taken or, at its discretion, return the matter to the Planning Commission. If the basis for granting the appeal is, in whole or in part, information not presented to or considered by the Planning Commission, the matter shall be returned to the Planning Commission for review.

B. Law Regarding Conditional Use Permits

A CUP runs with the land, and a successor in interest succeeds to any benefits that the original owner enjoyed under the permit issued. The successor in interest is also subject to the limitations in the permit and can assert no greater rights than the original permittee enjoyed (*County of Imperial v. McDougal* (1977) 19 Cal.3d 505, 510).

Town Code Sections 29.20.180 through 29.20.200 and following address the issuance of CUP's.

Town Code Section 29.20.190 provides that a CUP may be granted if the deciding body finds that:

- 1) The proposed uses of the property are essential to the public convenience or welfare;
- 2) The proposed uses will not impair the existing use of the zone;
- 3) The proposed uses would not be detrimental to public health, safety, or general welfare; and
- 4) The proposed uses of the property are in harmony with the various elements or objectives of the general plan and the purposes of this chapter.

With regard to requested modifications of existing CUP's, Town Code section 29.20.305 provides that "applications for modifications are heard anew and the deciding body may impose new conditions or modify previous conditions." The same findings apply.

C. Federal Religious Land Use and Institutionalized Persons Act

The Religious Land Use and Institutionalized Persons Act ("RLUIPA") is codified at 42 United States Code Section 2000cc, et seq., and contains several protections for religious institutions with regard to zoning and landmarking laws. RLUIPA, in pertinent part, prohibits government from imposing or implementing a land use regulation in a manner that imposes a substantial burden on religious exercise unless the burden is in furtherance of a compelling governmental interest and is the least restrictive means of furthering that governmental interest [42 U.S.C. § 2000cc(a)(1)(A)–(B)].

A "substantial burden" must impose more than a mere inconvenience on religious exercise (*Guru Nanak Sikh Soc'y v. County of Sutter* (2006) 456 F.3d 978, 988). In fact, "for a land use regulation to impose a 'substantial burden' it must be 'oppressive' to a 'significantly great' extent." (*San Jose Christian College v. City of Morgan Hill* (2004) 360 F.3d 1024, 1034). A "substantial burden" exists where the governmental authority puts "substantial pressure on an adherent to modify his behavior and to violate his beliefs." (*Guru Nanak Sikh Soc'y, supra, at 988*).

The substantial burden inquiry is "fact-intensive" and considers "the degree to which a land use decision is likely to impair the ability of a person or group to engage in the religious exercise in question." (*Statement of the Department of Justice on the Land Use Provisions of the Religious Land Use and Institutionalized Persons Act (RLUIPA)*, U.S. Department of Justice 6 (June 13, 2018) <https://www.justice.gov/crt/page/file/1071251/dl>).

The following factors are relevant to assessing whether a substantial burden exists:

1. The size and resources of the burdened party;
2. The actual religious needs of an individual or religious congregation;
3. The level of current or imminent space constraints;
4. Whether alternative properties are reasonably available;
5. The history of a complainant's efforts to locate within a community; and
6. The absence of good faith by the zoning authorities.

If a land use regulation imposes a "substantial burden," on religious exercise, the local agency must show that the regulation is the least restrictive means of furthering a compelling governmental interest. [42 U.S.C. § 2000cc(a)(1)(A)–(B)]. "Compelling interests" constitute only those interests of the "highest order," and typically involve substantial threats to public health, peace, and welfare. (*Statement of the Department of Justice on the*

Land Use Provisions of the Religious Land Use and Institutionalized Persons Act (RLUIPA), supra, at 7).

If a local agency demonstrates a compelling interest, the local agency must also demonstrate that its regulation is the least restrictive means of furthering the compelling interest. This means that the local agency must show that its interests cannot be achieved by narrower actions that burdens the religious use to a lesser degree.

In addition, RLUIPA requires the following:

1. *Equal terms.* “No government shall impose or implement a land use regulation in a manner that treats a religious assembly or institution on less than equal terms with a non-religious assembly or institution.” [42 U.S.C. § 2000cc(b)(1)]. However, the equal terms provision does not require “that anything allowable for any institution has to be allowed for a church,” rather the inquiry “should focus on what ‘equal’ means in the context.” (*Centro Familiar Cristiano Buenas Nuevas v. City of Yuma* (9th Cir. 2011) 651 F.3d 1163, 1172) [explaining “a ten-member book club is equal to a ten-member church for purposes of parking burdens on a street, but unequal to a 1000-member church”].)
2. *Nondiscrimination.* “No government shall impose or implement a land use regulation that discriminates against any assembly or institution on the basis of religion or religious denomination.” [42 U.S.C. § 2000cc(b)(2)].
3. *Exclusions and limits.* “No government shall impose or implement a land use regulation that:
 - a. Totally excludes religious assemblies from a jurisdiction; or
 - b. Unreasonably limits religious assemblies, institutions, or structures within a jurisdiction.” [42 U.S.C. § 2000cc(b)(3)(A)–(B)].

Town Code Section 29.20.295 governs the conduct of Town Council appeal hearings in the event of appeals from Planning Commission decisions. It provides:

In the appeal, and based on the record, the appellant bears the burden to prove that there was an error or abuse of discretion by the Planning Commission as required by Section 29.20.275. If neither is proved, the appeal shall be denied. If the appellant meets the burden, the Council shall grant the appeal and may modify, in whole or in part, the determination from which the appeal was taken or, in its discretion, return the matter to the Planning Commission. If the basis for granting the appeal is, in whole or in part, information not presented to or considered by the Planning Commission, the matter shall be returned to the Planning Commission for review.

Therefore, the Town Council has the options of:

1. Denying the appeal(s);

2. Granting the appeal(s) and modifying the conditions of approval; or
3. Granting the appeal(s) and remanding this application to the Planning Commission with specific instructions (and the application MUST be remanded if the appeal was granted based on new information).

Each option requires that the Town Council make specific findings regarding:

1. The basis for determining error or abuse of discretion; and
2. If applicable, the new information that was provided that requires remand to the Planning Commission.

For that reason, based on the Town Council's direction, staff will return with a proposed resolution for adoption.

DISCUSSION:

A. Project Summary

The applicant is requesting approval to modify an existing CUP to allow for the following modifications to the current hours of operation:

- Hours of operation shall not begin prior to one and a half hours before sunrise or extend past 10:30 p.m., seven days a week to accommodate indoor, morning, and nighttime prayer services;
- During the 30-day month of Ramadan, indoor nighttime prayer services shall not extend past 11:30 p.m. whenever sunset is prior to 7:30 p.m., or until 12:00 a.m. whenever sunset is after 7:30 p.m.; and
- In addition, the applicant is seeking an additional 30 minutes for exiting the property after services.

When reviewing a CUP, the deciding body should consider the information in the applicant's letter of justification (Attachment 1); however, the key consideration should be the proposed use since the CUP runs with the land and the operational details can change from owner to owner. The applicant's letter of justification provides additional background on WVMA's congregational prayer services and information on the religious practices of Ramadan (Attachment 1).

B. Planning Commission

On May 21, 2026, the Planning Commission discussed the item and voted four-to-one to approve the request for modification of an existing CUP, subject to the following modifications to the resolution and conditions of approval, provided in track changes (Attachment 28):

1. Modify Section D. of the resolution to change all references from 'night' to 'night and day.'

2. Add the following language to Section D. of the resolution:

"The conditions addressing serious vehicle and pedestrian safety risks in the neighborhood and those crafted to mitigate material sound and light pollution adversely affecting the lives of certain neighbors do not require significant costs to the mosque and are the least expensive means to address the compelling Town's governmental interest in neighborhood preservation and protection as set forth in the land use element of the general plan."

3. Add the following language after the word "single-family residences" in Section D. of the resolution:

"and the traffic and pedestrian safety issues affecting the larger neighborhood, more particularly identified in paragraphs i through v, as seen below."

4. Modify Roman numeral i. of Section D. of the resolution to include reference to Conditions 12 and 30, in addition to modifying Roman numeral v. to reference Conditions 10 through 13, 23, 35, and 27.

5. Modify Condition 23, as reflected in the strikeout text:

Parking Lot Monitoring

For events anticipated to exceed available on-site parking, the applicant shall implement traffic management measures which may include ~~parking attendants~~, directional signage, carpooling encouragement, or other measures. The applicant shall designate a person, volunteer, or parking attendant to monitor on-site parking during any service or event expected to generate attendance that may approach or exceed available on-site parking capacity, with training as available by an entity that provides this type of training. The monitor shall make reasonable efforts to ensure that:

- a. All on-site spaces are utilized before attendees seek parking off-site.
- b. All vehicles parked on-site shall maintain emergency vehicle access.

6. Modify Condition 26, as reflected in the strikeout and underlined text:

Parking Lot Expansion

The applicant shall provide at least 180 parking spaces. An application proposing additional parking spaces shall be submitted. ~~The applicant shall submit an application proposing additional parking spaces~~ to the Community Development Department for

review within six months of the final approval date and complete the construction improvements within one year of the final approval date. The parking lot expansion shall add 23 parking spaces or up to as many as possible based on compliance with Town Code standards. Within six months of the final approval date, the existing parking lot shall be repaired on a local basis so that cracks, bumps, or other anomalies do not unreasonably contribute to additional noise generation of passing vehicles. Thereafter, the parking lot shall continue to be maintained to avoid conditions like cracks and bumps which generate noise.

7. Modify Condition 24, as reflected in the strikeout and underlined text:

Driveway Operations

During events expected to generate traffic volumes that may result in queuing or neighborhood spillover, both driveways shall be used for exiting the property, with traffic attendants provided as necessary to facilitate circulation. Applicant shall make accommodations to facilitate access by public safety resources when necessary. The applicant is ~~authorized~~ required to remove the right turn only sign at the end of the egress driveway and install a left turn only sign. The applicant shall ensure that ingress and egress to neighboring driveways is preserved.

8. Modify Condition 20, Section b., as reflected in the underlined text:

Noise Mitigation

Quiet Hours are established as 10:00 p.m. – 8:00 a.m. daily. During Quiet Hours:

- a. Noise Standard – All activities shall comply with the Town’s Noise Ordinance residential standard in effect at the time of the activity, measured at the property line during 10:00 p.m. – 8:00 a.m.
- b. Parking Lot Operations – During Quiet Hours when a service is not in session, the lot may only be used for ingress, egress, security, emergency access, or use by the leaders’ quarters occupants or their guests.
- c. Building Operations – Windows facing residences shall remain closed during Quiet Hours. Doors facing residences shall remain closed during Quiet Hours, except when necessary to permit ingress and egress to the building for morning and nighttime services. Doors may be opened for the limited purpose of ingress and egress.
- d. Signage and Communication – The applicant shall maintain posted “Quiet Hours” signage and provide reminders to attendees regarding minimizing noise when leaving. Such signage specifying the established quiet hours shall be prominently displayed and appropriately maintained on the building in such a manner to ensure signs are clearly visible and easily readable at all times to individuals entering and exiting the building.

9. Modify Condition 18, as reflected in the underlined text:

Food Vendors

Food vendors associated with events shall be located at least 20 feet from the property line abutting residences.

10. Modify Condition 28, as reflected in the strikeout and underlined text:

Landscape Plantings

For the purposes of sound and light mitigation, the applicant shall fill in any existing gaps in plantings or fencing by either planting a hedgerow to fill in gaps at ~~perimeter fences~~ adjacent residences, planting a variety of native trees and shrubs for the purpose of sound and light mitigation, or installing screens for those perimeters adjacent to residential uses, as approved by the Community Development Director within one year of the final approval date. If plantings are selected, they shall be a minimum size of three gallons, and the selected plantings shall grow two to four feet per year. The specific plantings shall be based on discussions with the applicant and the Community Development Director. The plantings shall be maintained at a height of eight feet. Additionally, the applicant shall offer to provide plantings or moveable barriers to the neighbor across the street in order to reduce headlight intrusion into the residential property across the street.

C. Appeal to Town Council

I. On June 1, 2026, the decision of the Planning Commission was appealed to the Town Council by the applicant, Razi Mohiuddin, WVMA (Attachment 25). On the appeal form, the appellant indicated that there was an error or abuse of discretion by the Planning Commission and that the decision of the Planning Commission is not supported by substantial evidence in the record. The appellant's reasoning is provided below:

1. Appellant: "The Commission imposed conditions that substantially burden WVMA's religious exercise without conducting the analysis required by the Religious Land Use and Institutionalized Persons Act ("RLUIPA") - no analysis of the burden to WVMA was considered, no compelling governmental interest was identified, and no least restrictive means analysis was performed. The Commission also violated RLUIPA's Equal Terms provision. WVMA, the only mosque in Los Gatos, was discriminated against by being treated on materially worse terms than every other similarly situated religious institution in Los Gatos."

Staff Response: As discussed above, a condition of approval will be consistent with RLUIPA so long as:

- a) It does not impose a "substantial burden" on religious worship;

- b) If it does impose a “substantial burden” on religious worship, it is necessitated by a “compelling government interest” and is the “least restrictive means” of furthering that “compelling government interest;”
- c) It treats religious uses on “equal terms” with non-religious assembly uses;
- d) It does not discriminate between religions; and
- e) It does not exclude a religious use from the jurisdiction.

See response below regarding conditions mentioned in the appeal.

2. Appellant: “For each condition challenged herein, the Commission imposed conditions with little or no evidentiary support or acted on unverified and subjective neighbor complaints rather than objective evidence entered into the public record. This does not meet the substantial evidence standard. Further, where WVMA submitted objective evidence - including a professional acoustic analysis - the Commission imposed conditions the evidence did not support.”

Staff Response: The conditions of approval were imposed based on evidence in the record, which included public testimony. Public testimony that introduces specific, verifiable facts, measurements, or documented observations constitutes “substantial evidence” in support of a quasi-judicial decision.

3. Appellant: “Condition #7 – Annual Compliance Review
- Abuse of Discretion:
 - Equal Terms Violation: No other religious institution in Los Gatos is subject to annual review of its religious observance, making this a plain equal terms violation. The Town's existing Code Compliance process under LGMC §29.20.310 is the established less restrictive mechanism used for every other institution, and no finding was made that it is inadequate.
 - Substantial Burden: The substantial cost and chilling effect of several Planning Commission annual reviews are a substantial burden for WVMA and its members. There is no compelling governmental interest in requiring a compliance review, especially given that WVMA has demonstrated its ability to operate lawfully during its busiest time of year (Ramadan), including for the past two years while the CUP amendment was pending. Even if some compelling governmental interest were present, numerous less restrictive means would further it (e.g., the Town's Code Compliance process, staff communication of any compliance concerns to the applicant, etc.).
 - Lack of Substantial Evidence: No objective evidence of past non-compliance by WVMA with its existing CUP obligations was entered into the public record (the Town Attorney agreed during the Commission proceedings that there is no limit on morning hours in the existing CUP). The condition rests on the possibility of

future non-compliance, which is speculative and prejudicial, not substantial evidence.”

Staff Response: Condition 25 of the CUP for Hillbrook School requires an annual compliance review by the Planning Commission. However, all other comparable uses require just one post-approval compliance review.

4. Appellant: “Conditions 12(a), 13, 15 - Restriction to "Worship Services”

- Abuse of Discretion:
 - Substantial Burden: RLUIPA expressly prohibits the government from determining what constitutes religious exercise for a congregation. (42 U.S.C. §2000cc-5(7).) Restricting the facility to "worship services" before 8 a.m. and until 10:30 p.m. places the Town in precisely that role - requiring case-by-case determinations about whether each activity qualifies as worship. This modification sought only an hours extension. Restricting the scope of religious exercise that was freely permitted under the 2020 CUP, without any compelling interest finding or any attempt to address one through less restrictive means, imposes a new substantial burden beyond the scope of the modification.
 - Equal Terms Violation: Such a restriction also violates RLUIPA's Equal Terms provision, as no other religious institution CUP in Los Gatos uses activity-type restrictions in place of objective operational hours language, making this a plain equal terms violation.
- Lack of Substantial Evidence: No objective evidence was entered into the public record that any specific religious activity conducted by WVMA-post-prayer fellowship, Quranic study, visiting scholar lectures - produces any measurable impact warranting restriction. These activities have been conducted lawfully under the 2020 CUP for years.”

Staff Response: This condition of approval was proposed because the application indicated that the extended times were needed for “prayer services” and was intended to match what was requested in the application. However, from a practical standpoint, it will be difficult for code enforcement staff to distinguish between “prayer services” and other activities.

5. Appellant: “Conditions 12(c), 13(a) - Sub-Fire Code Attendance Caps (720 general/ 869 Ramadan; Fire Code maximum 1,217)

- Abuse of Discretion:
 - Equal Terms Violation: Staff confirmed on the record at the April 22, 2026, hearing that no other religious institution in Los Gatos is subject to a sub-Fire Code attendance cap. Capping attendance at the only mosque in Los Gatos at

a level materially below Fire Code limits while applying no equivalent cap to any comparable religious institution is a direct equal terms violation.

- Substantial Burden: Limiting attendance is a self-evident substantial burden because it requires WVMA to turn away adherents to its faith where it would otherwise welcome them. There is no compelling governmental interest in restricting attendance below Fire Code limits, and to the extent the condition is intended to restrict street parking, the Town Attorney acknowledged during the Commission proceedings that it is not possible to impose a condition that will limit street parking. Less restrictive means are available to address any concerns (e.g., Fire Department occupancy limits) and address street parking concerns (e.g., Town-adopted parking restrictions).
- Lack of Substantial Evidence: No objective safety, traffic, or parking analysis connecting a specific attendance number to a specific documented harm was entered into the public record. Staff acknowledged at the April 22, 2026, hearing that the Town cannot legally prevent on-street parking, meaning the attendance caps do not resolve the on-street parking concern used to justify them.”

Staff Response: The Town contracts with the Santa Clara County Fire Department for review of planning applications. In March of 2025, the Santa Clara County Fire Department provided information to the Town that the occupancy limits for the property were 869 seated attendees and 1,217 standing attendees.

In July of 2026, the Santa Clara County Fire Department notified the Town that the previously communicated occupancy limits were inaccurate, and the new occupancy limits are 566 attendees. The revised occupancy limit is based on the Fire Department’s most recent records for the property when the space was previously occupied by the Jehovah’s Witnesses Kingdom Hall. The Santa Clara County Fire Department has asked the applicant to submit an “Occupancy Load and Egress Analysis” to determine the present occupancy limits based on improvements that have been made to the interior of the building, including the removal of pews or other areas of fixed seats. The applicant has been in contact with the Santa Clara County Fire Department regarding this request.

One option for the Town Council to consider is to remove Conditions 12(c) and 13(a) since condition of approval 11 already requires compliance with Fire and Building Code occupancy limits. This option could be considered separately from, and is not related to, the information regarding the Fire Department’s new occupancy limits and request for an “Occupancy Load and Egress Analysis.”

6. Appellant: “Conditions 12(b) and 15 - Hours for "Other Activities" and Lot Closure Rule - "All Other Activities" by 10 PM

- Abuse of Discretion:

- Substantial Burden: The 2020 CUP contained no 10 PM lot-clearance rule or rule limiting the hours for other activities between 8:00 a.m. and 10:00 p.m. Imposing a new restriction that narrows existing permitted rights without a compelling governmental interest finding is a regression that RLUIPA prohibits as a "substantial burden". There is no compelling governmental interest in requiring the lot to be cleared earlier than is currently required, particularly given that this restriction would very likely lead to increased street parking, which the Commission and neighbors sought to minimize. No consideration of less restrictive means occurred, and cessation of all activity is almost certainly not the least restrictive means available to address whatever concern motivated the condition.
- Equal Terms Violation: Every other comparable religious institution CUP in Los Gatos permits gradual departure after services conclude without requiring the lot to be cleared at that same moment. Applying a uniquely restrictive lot-clearance deadline to WVMA alone is a direct equal terms violation.
- Lack of Substantial Evidence: No objective evidence was entered into the public record establishing that a 10 PM lot-clearance deadline mitigates any specific impact beyond WVMA's already-accepted 11 PM lot-clearance rule."

Staff Response: When a modification to a conditional use permit is sought, the existing conditional use permit is reviewed to see if any other changes are necessitated by the requested change. Because the applicant is seeking to extend the hours of operation and the parking lot is surrounded on all four sides by residences, it is reasonable to require that vehicles exit the parking lot before a specified time.

7. Appellant: "Condition 18- Food Vendor 20-Foot Setback

- Abuse of Discretion:
 - Equal Terms Violation: No comparable religious institution in Los Gatos is subject to a food vendor setback. As such, this condition violates RLUIPA's equal terms provision.
- Lack of Substantial Evidence: No noise measurement or any other objective evidence attributable to a food vendor at this facility was entered into the public record. In fact, no information was provided suggesting food vendors have been in any way problematic in the past."

Staff Response: The condition was proposed by staff and approved by the Commission due to public comment received regarding noise concerns of the adjacent residences.

8. Appellant: “Conditions 19, 22, 33 - Layered Member and Public Communication Requirements

- Abuse of Discretion:
 - Equal Terms Violation: No comparable religious institution in Los Gatos is subject to monthly member notices, 30-day advance written event notices, and public website calendar requirements, making this a plain equal terms violation.
 - Substantial Burden: Requiring WVMA to provide this information in compliance with the layered requirements in the CUP-which multiple commenters during the Commission proceedings noted were confusing due to multiple conditions addressing similar or the same topic--creates a substantial administrative burden for WVMA. The condition was imposed to allow specific next-door neighbors to plan events at their homes and plan their vacation schedules. That is not a compelling governmental interest, and no attempt was made to identify less restrictive means.
- Lack of Substantial Evidence: No objective evidence of a failure in WVMA's existing communication practices was entered into the public record to justify any of these requirements.”

Staff Response: The CUP for the La Rinconada Country Club includes conditions of approval that require annual neighborhood meetings, membership notice and maintenance of the Country Club’s website, and notice to affected neighbors with dates and times of sand deliveries. That said, the suggestion that the outreach and notice requirements be consolidated into one condition of approval is helpful, and staff is prepared to propose alternative language consolidating the communication and outreach requirements into one condition of approval.

9. Appellant: “Conditions 8, 20(a), and 21- Laws and Noise Ordinance Incorporated into CUP.

- Abuse of Discretion:
 - Equal Terms Violation: Converting a civil noise or other infraction, for example, into grounds for CUP revocation is a consequence applied to no other religious institution in Los Gatos. This constitutes a clear equal terms violation.
 - Substantial Burden: The Commission imposed a substantial burden on WVMA when it elevated any potential violation and the risk of a noise exceedance from a Municipal Code violation to a basis for potential revocation of the CUP. No compelling governmental interest exists in raising the stakes for a noise or other violation in this manner, and less restrictive means are available to address violations, including of the noise ordinance. The Town's standard Code Compliance process is sufficient, as it is for every other institution.

- Lack of Substantial Evidence: WVMA commissioned a professional acoustic analysis by Salter & Co. (Project 25-0042) - the only independent expert measurement in the record - which found departure noise at all property line locations to be within ambient levels and below the Town's applicable 54 dBA nighttime standard. No noise reading was entered into the public record that demonstrated a violation of the Town's ordinance attributable to WVMA's operations. The neighbor's competing measurements were rebutted in the record for applying the wrong standard and for using incorrect meter settings. Similarly, no evidence was submitted regarding any other potential violation of "all applicable laws," and certainly no least restrictive means was considered."

Staff Response: The Town Code applies regardless of whether the provisions are specifically referenced in conditional use permits. The Planning Commission felt that it was important to highlight these requirements in the conditions of approval. The CUP for the Faith Lutheran Church/Mariposa Montessori School includes a condition of approval that the property owner/church shall ensure that these uses comply with the requirements of the Town Code, including but not limited to, the requirements of the Town's Noise Ordinance & Special Events Regulations.

10. Appellant: "Condition 23 - Parking Lot Monitor with Training Requirement

- Abuse of Discretion:
 - Equal Terms Violation: No comparable religious institution in Los Gatos is required to designate a trained parking monitor within its own parking lot, making this a self-evident equal terms violation.
 - Substantial Burden: The requirement is a substantial burden because it requires WVMA to create a training protocol at substantial cost for members who direct traffic in an effort to minimize potential noise and disruptions to neighbors. It is also void for vagueness - no training entity, curriculum, or competency standard is identified, making compliance criteria indeterminate at the time of imposition. No compelling governmental interest was cited in requiring training, and in fact volunteer members have been monitoring the parking lot without incident. No attempt was made to minimize the restrictions imposed by this condition.
- Lack of Substantial Evidence: No objective evidence of a parking lot management failure at this facility was entered into the public record."

Staff Response: There was testimony at the Planning Commission regarding vehicle queuing on Farley Road that extends to Los Gatos Boulevard during Ramadan. The Planning Commission imposed this condition in order to assure that entry into and exit from the parking lot was efficient. If this condition is retained, it is recommended that the specific training requirements be identified. Town staff is not aware of other CUP's which contain this type of training requirement.

11. Appellant: “Condition 24 - Left-Turn-Only Sign at Egress Driveway and Ensuring Ingress and Egress to Neighboring Driveways

- Abuse of Discretion:
 - Substantial Burden: The condition imposes a substantial burden by requiring vehicles exiting the parking lot to turn left onto Farley Road, which then necessitates an unprotected left turn from Farley Road onto Los Gatos Blvd. - a high-speed arterial with no signal. Mandating this routing without any traffic engineering justification may itself introduce the hazard it purports to prevent, and no less restrictive alternative was considered. The left turn only requirement will also result in slowing down the exit process, especially when you consider that both ingress and egress driveways are required by the conditions to be used for exiting in the same direction. Combining this, especially with a 10 p.m. lot closure rule, will result in a substantial burden. Additionally, it is void for vagueness and substantially burdensome, as it is unclear how WVMA is to ensure ingress and egress to neighboring driveways, especially as this condition is not limited to WVMA members.
 - Lack of Substantial Evidence: No objective traffic or safety data for the parking lot egress or the Farley Road/Los Gatos Blvd. intersection or for ingress and egress to neighboring driveways was entered into the public record. The condition rests entirely on generalized neighbor complaints about Farley Road congestion, which is not substantial evidence of a site-specific safety hazard requiring this turn restriction.”

Staff Response: Currently, there is signage on the property that requires a right turn out of the exit driveway. Residents raised concerns that this was causing an increase in traffic through the surrounding residential neighborhood rather than directing traffic to Los Gatos Boulevard. The Planning Commission imposed this condition in order to minimize traffic through the adjoining residential neighborhood. Alternatively, the condition of approval could be revised to require that the existing signage be removed.

12. Appellant: “Conditions 26, 28, 29, 30, 31, 32 - Capital Improvement Conditions (parking expansion, landscaping, portable screening, fencing, pedestrian opening, lighting)

- Abuse of Discretion:
 - Substantial Burden: These conditions impose substantial burdens on WVMA and its membership by requiring substantial outlays of capital on a defined schedule within short timelines, requiring WVMA to spend funds on capital improvements that it would otherwise have devoted to religious exercise (e.g., programming). No compelling governmental interest was identified to justify imposing these requirements on an existing use that exists lawfully under all current Town requirements (including the noise ordinance). Even if

- a compelling governmental interest existed, there was no attempt to find less restrictive means to address it.
- Equal Terms Violation: No comparable religious institution in Los Gatos has been required to undertake capital improvements as a condition of an hours modification, making this a self-evident equal terms violation.
- Lack of Substantial Evidence: No objective evidence connecting any of these capital expenditures to a measurable impact of the modest hours extension request was entered into the public record. The Commission's own CEQA finding that this modification constitutes "a negligible change in hours of operation" is itself inconsistent with conditions that presuppose material parking, lighting, fencing, and pedestrian impacts – a change the Commission found negligible for environmental purposes cannot simultaneously justify significant capital improvement conditions premised on significant impacts. No noise reading or acoustical analysis was entered into the record showing that vehicles traveling at 10 to 15 miles per hour within a private parking lot produce noise that violates any Town standard - the only acoustic data in the record, the Salter study, showed compliance. Similarly, no light measurement was entered into the record establishing that headlight or lighting levels at any neighboring property line exceed any applicable standard. Neighbor descriptions of annoyance, without independent validation, are not substantial evidence for conditions requiring significant capital expenditures."

Staff Response: The Planning Commission imposed these conditions of approval in order to minimize stated impacts to neighbors of light and noise.

- II. On June 1, 2026, the decision of the Planning Commission was appealed to the Town Council by the Farley Road Neighborhood Coalition (Attachment 26). On the appeal form, the appellant indicated that there was an error or abuse of discretion by the Planning Commission and that the decision of the Planning Commission is not supported by substantial evidence in the record. The second appellant's reasoning is provided below, followed by staff's response. Additional information was provided by the appellant and included in Attachment 27.
- 1. Appellant: "There was an error or abuse of discretion by the Planning Commission: The Planning Commission abused its administrative discretion by approving expanded operational hours based on limited, flawed, myopic, applicant-funded data snapshots without evaluating the property's historical operational baseline or prior entitlements. The applicant previously sought and obtained approval for operational hours in 2020. Because the applicant's underlying fundamental religious practices have remained substantially unchanged, the 2020 application established the appropriate baseline for evaluating operational needs and set operational precedent.

By permitting additional early-morning and late-night operating hours through the current CUP Modification, without requiring a comprehensive analysis of why those hours were not requested, evaluated, or conditioned in 2020, the Commission effectively authorized a piecemeal expansion of use without any corresponding data representative of the expansion. This decision constitutes an error in the application of zoning and land use standards and fails to adequately protect the surrounding residential neighborhood from increased operational impacts.”

Staff Response: The project involves negligible expansion of use beyond existing conditions; the applicant proposes maintaining the existing structure with no increase in floor area. The use of the facility remains consistent with the March 11, 2020, Planning Commission approval as a religious institution. The applicant’s request for approval to modify the existing CUP is limited to the hours of operation. No additional requested modifications to the CUP or existing structures are proposed.

2. Appellant: “The Planning Commission's decision is not supported by substantial evidence in the record: The Planning Commission's decision is not supported by substantial evidence in the record due to the Town relying on short-term, random traffic, noise, and operational studies funded by the applicant. These studies do not objectively represent actual peak-use conditions or real-world impacts, and therefore do not provide a reliable basis or substantial evidence for evaluating the impacts of the requested operational expansion. Independent studies should have been conducted during the facility's highest-intensity periods, including peak morning and evening hours, Ramadan (30 days) inclusive of the peak days/nights in that month, Friday prayer services, and events when traffic, parking demand, noise, light pollution, and neighborhood disruption are most likely to occur.”

Staff Response: The site is currently used for religious observance and therefore will not result in an increase in traffic impacts or required parking beyond the current use. The use of the facility remains consistent with the March 11, 2020, Planning Commission approval as a religious institution. The applicant’s request for approval to modify the existing CUP is limited to the hours of operation. No additional requested modifications to the CUP or existing structures are proposed. Under the current conditions, vehicles enter and exit the property for multiple services until 10:00 p.m. for most of the year and until 11:00 p.m. during Ramadan. Because the parking lot capacity is 180 spaces, it is estimated that the number of vehicles currently entering and exiting the property is approximately 180 vehicles at the heavily attended services. The proposed modification would extend this use by one-half hour for most of the year and for one hour during Ramadan, which is a negligible change in the hours of operation.

3. Appellant: “Additionally, the record demonstrates that the requested expansion extends beyond the operational parameters previously represented as necessary. In

its April 29, 2025, Letter of Justification (Exhibit 5), the applicant requested authorization of the following specific baselines:

Current Language: Maximum hours of operation shall not extend past 10:00 p.m., except for 30 days during religious services for the month of Ramadan, which shall not extend past 11:00 p.m.

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

Crucially, the applicant is now also requesting an additional 30-minute "vacate and dispersal window" to allow vehicles to exit the parking lot after the cutoff times. Collectively, these changes increase the duration and intensity of activity on the site beyond the previously approved limits and exceed beyond the applicant's letter of justification.

Because the record lacks independent, objective evidence evaluating the cumulative impacts of these expanded operational hours and associated vehicle dispersal periods during peak-use conditions, the findings supporting approval are not available as substantial evidence."

Staff Response: Condition 15 was added in order to provide clarity that the parking lot shall be vacated by 11:00 p.m. during general hours of operation when worship services end at 10:30 p.m., and within 30 minutes of the end of the last service during the seasonal late hours.

PUBLIC COMMENTS:

Written notice of the Town Council hearing was sent to property owners and tenants within 300 feet of the subject property. Public comments received between 11:01 a.m., Thursday, May 21, 2026, and 3:00 p.m., Thursday, August 13, 2026, are included as Attachment 30.

ENVIRONMENTAL REVIEW:

For purposes of analyzing planning applications pursuant to the California Environmental Quality Act ("CEQA"), local jurisdictions consider the existing "baseline" conditions (conditions in place at the time of the planning application) against the future conditions in the event the planning application is approved (*Bloom v. McGurk*, 26 Cal.App.4th 1307 (1994).)

Currently, the WVMA use includes offering services for the five daily congregational prayers, which are approximately 10 to 15 minutes in length (Attachment 1). The request for a modification to the existing CUP does not request an increase in WVMA's social activities.

1. The hours of operation shall not extend past 10:00 p.m. except for 30 days during religious service for the month of Ramadan, which hours of operation shall not extend past 11:00 p.m.;
2. Vehicles enter and exit the property for multiple services until 10:00 p.m. for most of the year and until 11:00 p.m. during Ramadan;
3. Because the parking lot capacity is 180 spaces, it is estimated that the number of vehicles currently entering and exiting the property is approximately 180 vehicles at the heavily attended services; and
4. The approved use is only stipulated as maintaining an existing church facility. Ancillary or associated uses to the church facility are not specified in the existing CUP.

The requested CUP modification does not modify these existing activities. The proposed modification would extend the current use by one-half hour for most of the year and for one hour during Ramadan, including an additional 30 minutes after the end of the service for all vehicles to exit the property, which is a negligible change in the hours of operation. The number of daily services and social activities will not change. The applicant's request for approval to modify the existing CUP is limited to the hours of operation. No additional requested modifications to the CUP or existing structures are proposed.

Staff has considered the proposed use against the baseline use and determined that the change in use is "negligible," because the proposed uses are not changing – just the hours of operation. As a result, the project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act (CEQA), Section 15301: Existing Facilities. No significant effect on the environment will occur since the project uses an existing structure with no increase in floor area and the project involves negligible expansion of use beyond existing conditions. Furthermore, none of the exceptions to Categorical Exemptions set forth in CEQA Guidelines Section 15300.2 apply to this project. The use of the facility remains consistent with the March 11, 2020, Planning Commission approval as a religious institution.

CONCLUSION:

A. Recommendation if the public hearing is not continued

It is recommended that the Town Council make the requisite findings of error or abuse of discretion and adopt a resolution (Attachment 30) granting the appeals of a Planning Commission decision to approve a request for modification of an existing CUP for expanded hours of operation in an institution for religious observance (West Valley Muslim Association) and modify specified conditions of approval. If the changes to the conditions of approval are substantial, staff will return with proposed conditions of approval at a future Town Council meeting.

B. Alternatives

Alternatively, the Town Council can remand this application to the Planning Commission with specific direction. If the basis for granting the appeal(s) is new information that was not provided to the Planning Commission, the Town Council is required to remand the application to the Planning Commission.

Other alternatives are for the Town Council to continue the application to a date certain and:

1. Provide direction to staff to prepare a resolution to deny the appeals and approve the application (Attachment 29);
2. Provide direction to staff to prepare a resolution granting the neighborhood coalition appeal and denying the application; or
3. Continue the application with other specific direction.

ATTACHMENTS:

1. March 25, 2026, Planning Commission Staff Report, with Exhibits 1 through 11
2. March 25, 2026, Planning Commission Addendum Report, with Exhibit 12
3. March 25, 2026, Planning Commission Addendum Report 2, with Exhibit 13
4. March 25, 2026, Planning Commission Desk Item Report, with Exhibits 14 through 16
5. March 25, 2026, Planning Commission Verbatim Minutes
6. March 31, 2026, Planning Commission Staff Report, with Exhibit 17
7. March 31, 2026, Planning Commission Addendum Report, with Exhibit 18
8. March 31, 2026, Planning Commission Desk Item Report, with Exhibits 19 through 23
9. March 31, 2026, Planning Commission Verbatim Minutes
10. April 22, 2026, Planning Commission Staff Report, with Exhibits 24 through 26
11. April 22, 2026, Planning Commission Addendum Report, with Exhibits 27 and 28
12. April 22, 2026, Planning Commission Addendum Report 2, with Exhibit 29
13. April 22, 2026, Planning Commission Desk Item Report, with Exhibits 30 through 33
14. April 22, 2026, Planning Commission Verbatim Minutes
15. May 13, 2026, Planning Commission Staff Report, with Exhibits 34 through 37
16. May 13, 2026, Planning Commission Addendum Report, with Exhibits 38 and 39
17. May 13, 2026, Planning Commission Desk Item Report, with Exhibits 40 through 43
18. May 13, 2026, Planning Commission Verbatim Minutes
19. May 21, 2026, Planning Commission Staff Report, with Exhibits 44 through 46
20. May 21, 2026, Planning Commission Addendum Report, with Exhibits 47 through 49
21. May 21, 2026, Planning Commission Desk Item Report, with Exhibits 50 and 51
22. May 21, 2026, Planning Commission Verbatim Minutes
23. June 16, 2026, Town Council Staff Report
24. June 16, 2026, Town Council Addendum Report with Attachment 1
25. Appeal of the Planning Commission Decision 1, received June 1, 2026
26. Appeal of the Planning Commission Decision 2, received June 1, 2026

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SUBJECT: 16769 Farley Road/U-24-010

DATE: August 13, 2026

27. Additional Information from Appellant 2, received June 12, 2026
28. Track Changes Draft Modified Resolution to Deny the Appeals and Approve the Application Subject to the Modified Conditions of Approval (included as Exhibit A)
29. Draft Modified Resolution to Deny the Appeals and Approve the Application Subject to the Modified Conditions of Approval (included as Exhibit A)
30. Draft Resolution to Grant the Appeals and Remand the Project to the Planning Commission
31. Public Comments Received Between 11:01 a.m., Thursday, May 21, 2026, and 3:00 p.m., Thursday, August 13, 2026
32. Appellant 1 Request for Continuance
33. Appellant 2 Response