

From: Kim Ratcliff <[REDACTED]>

Sent: Friday, May 8, 2026 11:27 AM

To: Jocelyn Shoopman <jshoopman@losgatosca.gov>

Cc: Alexa Nolder <ANolder@losgatosca.gov>; jimratcliff <[REDACTED]>; Sean Mullin <SMullin@losgatosca.gov>

Subject: Re: Please re-open public hearing to consider Parking Lot Closure Rule Condition Request -- WVMA CUP Modification

Dear Jocelyn,

Here is the [link](#) to the second video for the Planning Commission.

Thanks,

Kim

From: Kim Ratcliff <[REDACTED]>

Sent: Friday, May 8, 2026 10:59 AM

To: Planning <Planning@losgatosca.gov>; Jocelyn Shoopman <jshoopman@losgatosca.gov>; Alexa Nolder <ANolder@losgatosca.gov>; jimratcliff <[REDACTED]>; Joel Paulson <jpaulson@losgatosca.gov>; Sean Mullin <SMullin@losgatosca.gov>

Subject: Please re-open public hearing to consider Parking Lot Closure Rule Condition Request -- WVMA CUP Modification

Dear Planning Commission,

As direct next door neighbors to the West Valley Muslim Association, we hope that you will take into account our close proximity to WVMA's exit driveway and re-open the public hearing in order to request the following change to the draft conditions of approval:

Operating hours for all general activities year round outside daily prayers (and Ramadan) are limited to 8 am to 10 pm with WVMA's parking lot cleared by 10pm in adherence with the Town quiet hours.

As written in the proposed draft conditions dated March 25, 2026, under condition 14. Lot Closure Rule, states, *"Nonwithstanding the Quiet Hours limitation, the parking lot shall be vacated by 11 pm during general hours of operation and within 30 minutes of the end of the last service during seasonal late hours, with staff or volunteers reminding attendees to leave quietly. The lot can be opened two hours prior to sunrise for the pre-sunrise service."*

Although WVMA has operated until 10 pm for the last eight years, the above condition will allow WVMA to operate year round until 10:30 for non-prayer activities and clear the parking lot by 11 pm. Living with 200 vehicles passing within 30 feet of our bedroom as we try to sleep at 11 pm every night **will be a substantial burden on our physical and mental health and leave us unable to perform our jobs at maximum effort.**

For context, here is a [short video](#) we took of just six vehicles exiting WVMA's narrow driveway next to our home. The noise and light pollution makes it impossible for us to sleep. Imagine this same disruption multiplied by 200 every night until 11 pm year round. Attached is another video to give you an idea of the substantial burden places on us.

Additionally, within this condition, we ask that WVMA be given a 15-minute grace period to vacate the lot after the end for the last service during seasonal late hours, as 30 minutes seems excessive.

Thank you in advance for your careful consideration. Our mental and physical health have already suffered immeasurably due to WVMA's relentless traffic and density/intensity. We hope you can offer us some relief.

Kim and Jim Ratcli |

[REDACTED]

From: Gus Who <[REDACTED]>
 Sent: Friday, May 8, 2026 8:38 AM
 To: Clerk <Clerk@losgatosca.gov>
 Cc: Council <Council@losgatosca.gov>
 Subject: HEADLINE NEWS!

To Whom It May Concern,

Please place this FRONT PAGE NEWS on an Agenda Item before Town Council.
 I Believe if this Subject Matter goes to Court(Federal and not State), The Town, Planning Commissioners, all members of the neighborhood coalition and the WVMA will lose!



LOS GATOS
Mosque wins approval to extend hours, but with 43 conditions

By Nafayana Delacruz
 NDELACRUZ@WVMA
 NEWSGROUP.COM

The West Valley Muslim Association's application to extend its Los Gatos mosque's operating hours to accommodate evening, nightly and Ramadan prayer times was approved by the planning commission on April 22 amid much disdain from both the association and its neighbors.

The association, abbreviated as WVMA, applied to modify its conditional use permit to accommodate its dawn, night and Ramadan prayers throughout the year. The applicant, WVMA founder Razi Mohiuddin, said modifying the permit would allow the mosque, located on Farley Road, to operate 90 minutes before sunrise and past its 10:30 p.m. closing time. This means that the

mosque will open at 6:30 a.m. during the winter and 6 a.m. during the summer. During Ramadan, the mosque will close at 11:30 p.m. during steady daylight. During Daylight Saving Time is midnight.

Residents who live near the mosque argued against modifying the permit, citing noise, traffic safety and light pollution as their main concerns. Some of these residents created the Farley Road Neighborhood Coalition. Following the March 21 planning commission meeting, WVMA and the coalition attempted to mediate the dispute, but it ended unsuccessfully, with the groups unable to find a mediator or negotiate an appropriate price for mediation.

After about three hours of discussion, the planning commission unanimously

approved WVMA's permit modifications, but not before adding 18 conditions of approval to the 25 that were already appended to the permit. The initial 25 conditions include mandating that windows and doors on the west side of the building remain closed during indoor services, requiring shrubs to be planted and maintained along fences adjacent to residents' homes, and requiring the parking lot to be vacated by 11 p.m. generally and within 30 minutes after the last service during Ramadan.

Commissioners added two major conditions to WVMA's modified permit: The mosque's parking lot must be renovated within a year to add about 20 spaces and repair any cracks, bumps or anomalies that may cause sound, and occupancy of the mosque will be limited based

on the total number of parking spaces.

For the dawn and night prayers, attendance is capped at 50, a number that assumes WVMA's 183-space parking lot is full and that each vehicle carries three people. Commissioners said that during Ramadan, WVMA can follow the maximum occupancy of the building, which is around 1,200.

This news organization previously reported that WVMA attracts 300 to 400 attendees on Fridays, which is the main day of worship for Muslims. During Ramadan, WVMA sees about 500 to 600 people observing the holiday each night.

Given the discrepancy between the parking lot's size and the building's capacity, Mohiuddin said it would be difficult to explain to people why they were being turned

away from prayer services. "Basically we would have to count people who are coming in," he said. "How do we tell people, 'Sorry, we cannot accommodate you,' even though there's plenty of parking space and plenty of space inside the facility?"

Commissioners deemed limiting the mosque's occupancy a narrowly tailored solution to a compelling government interest: neighborhood preservation.

"With the kind of traffic that this is generating... I just can't come up with an analogy to describe the increased volume that this neighborhood has experienced," said Commissioner Bob Stamp.

"It's real."

While he appreciated the planning commission's decision, Mohiuddin said the occupancy limits and parking lot renovation, along with an

annual review requirement that's one of the permit's 43 conditions, were "very problematic" and "create a substantial burden." He estimated that these requirements would cost WVMA more than \$1 million over the next year and blamed the occupancy limits to "forcing people in a straitjacket in terms of what we can do with the facility," Mohiuddin said.

WVMA will continue to work with town staff but reserved the right to pursue all legal remedies to protect their right to worship.

"The message that we are getting is that our faith-based community is not welcome in Los Gatos," he added. "No one has said that explicitly but the message that's sent to us is, 'No, you don't belong here.'"

On the other hand, the

See MOSQUE on Page A24

MOSQUE

From Page 13

Farley Road Neighborhood Coalition said in an email that they were "deeply concerned" by the commission's decision.

"The [town] has essentially abandoned its 'unyielding interest' in keeping our residential streets safe," the email reads. "It isn't just about worship; it's about an industrial-scale assembly that the infrastructure of Farley Road simply cannot support."

The email further stated that the coalition's concerns are based on "objective engineering and public safety, not social demographics," and that what they're asking for would not result in the town violating the Religious Land Use and Institutionalized Persons Act (RLUIPA), a federal law intended to protect religious institutions from discriminatory land use and zoning laws.

William Armatrache, a San Jose State University sociology professor and executive board member of the Silicon Valley chapter of the National Association for the Advancement of Colored People, or NAACP, previously submitted a letter on behalf of the NAACP in support of approving WVMA's modified permit. He said the level of restriction being placed on WVMA mirrors the challenges that Muslim communities face in practicing their religion.

According to a 20th anniversary report on RLUIPA published in 2020 by the Department of Justice, land use lawsuits and various litigation Muslim groups were disproportionately overrepresented in comparison to their total U.S. population. Of 148 RLUIPA federal land use investigations opened since the law was passed in 2000, around 23% involved Muslim groups. Cases involving Islamic mosques and schools made up the largest number of land use lawsuits and amicus briefs filed between September 2000 and September 2020. In 2015, Pew Research Center reported that Muslims made up 0.6% of the U.S. population.

Armatrache said placing 43 conditions on the WVMA permit is "inherently disproportionate."

"When you're talking about 43 rules and all these kinds of things, on its face, this is an attempt to make this prohibited," he said. "I think any reasonable adult looking at that list would see that."

LOS GATOS WEEKLY TIMES

\$1.00 | FRIDAY, MAY 8, 2026 | MERCURYNEWS.COM/LOS-GATOS

Inside

Community: Silicon Valley Salvation Army to hold local fundraiser at residence. **Page 15**

Real estate: Bay Area builder buys site of failed Los Gatos housing project. **Page 15**



Sports: Beau Musser, Ale Munneke named the Los Gatos High senior Athletes of the Year. **Page 30**

More online: Facebook.com/LGWeeklyTimes

Bay Area News Group Community Westside



PLANNING COMMISSION

Permitted activities

Mosque wins approval to extend hours, but with 43 conditions. **Page 13**

A quiet zone sign is seen in the parking lot of the West Valley Muslim Association in Los Gatos in February. The Los Gatos Planning Commission on April 22 approved a modified use permit for the mosque with 43 conditions, including parking lot repairs and expansion and occupancy limits on prayer services. **NHAT V. MEYER — STAFF ARCHIVES**

This situation could have been settled, as enough information was made available through the process of gathering and holding informal public hearings, (planning and not Town Council meetings) and not made public until after the fact, as public news goes.

As I believe most people will see this article and ... blah, blah, blah

Tim E

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From: Farley Road Neighborhood Coalition <[REDACTED]>

Sent: Thursday, May 7, 2026 3:14 PM

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

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

Subject: 16769 Farley Road – Correcting the Public Record

Dear Chair, Vice Chair, and Members of the Planning Commission,

We appreciate your diligence in considering West Valley Muslim Association's Conditional Use Permit modification application. We know how critical it is to have the facts, not just the applicant's narrative which exhibits a troubling pattern of misrepresentation, inconsistent statements, and international omissions.

Because public comment was not available for neighbors during the 4/22, we feel it's crucial to correct the record. We are therefore submitting a formal response to you to both consider and correct inaccurate information that was shared by the applicant during previous Planning Commission sessions on 3/25/26, 3/31/26, and 4/22/26, in supplemental materials, and to the press.

We ask that the meeting minutes be corrected, so the correction information is available and on the record, and in particular to the "CONSENT TO APPROVE" for the 4/22/26 meeting.

Financial Burden

Stated as fact: "The Planning Commission decision comes with a \$1 million price tag for facility improvements, on top of other burdens," the applicant said to the *Mercury News* and *Los Gatan*, citing a substantial burden. (The applicant was referring in part to the condition of fixing pavement cracks that cause noise.)

Correction: In Exhibit C Neighborhood Outreach submitted to the Town on 4/29/2025, the applicant noted under the "Neighborhood Feedback and Our Actions Item 2: *Feedback Received:* Refinish parking lot to reduce noise. *Our actions:* Our parking lot has some root damage. We are awaiting warmer weather to refinish the parking lot." It has been over a year and no work has been completed.

Additionally, WVMA is in escrow to purchase a \$15 million facility in Cupertino, and noted to members that immediate fixes will total "\$500,000."

Intensity of Use and Zoning

Stated as fact: “The only change is the religion being practiced: from Jehovah’s Witness to Islam.” – Applicant Razi Mohiuddin

Correction: For us neighbors, everything has changed. And the change is not mere inconvenience. We can’t sleep; and during the day we can’t perform our jobs because we’re sleep-deprived. We can’t safely walk on our street because of the 1000% increase of vehicles on the road as compared to Jehovah’s Witness Church (JW). JW held two services a week; WVMA holds 5 prayers a day, up to 14 activities a day which translates into relentless traffic and unsafe road conditions for neighbors. Additionally, the number of vehicles (500 daily; 8,000 during the month of Ramadan – an increase of 7,532 vehicles compared to JW), along with the proposed added 320 daily vehicles during early/late night prayers, entering and exiting within 30 feet of our bedrooms destroys our physical and mental health.

Facility Usage & Traffic Comparison

| Metric | Previous (Jehovah’s Witness) | Current (WVMA) | Impact Level |
|-------------------|-------------------------------------|-------------------------|---------------------|
| Weekly Events | 2 services | 133 activities/prayers* | 6,6x Increase |
| Daily Traffic | Negligible (mostly empty) | 500 vehicles | Constant |
| Ramadan Traffic | No seasonal surge | 24,000 vehicles/mo. | Crisis Level |
| Peak Traffic | Low | 800 vehicles/day** | Overwhelming |
| Sleep/Work Impact | High compatibility | Zero compatibility | Detrimental |

*Math: (5 Prayers + 14 Activities) × 7 days = 133 weekly events.

**Peak average during Ramadan surge.

Stated as fact: “We encourage attendees to carpool.” “Implemented overflow parking plan with Affordable Treasures in Ramadan 2026.” (Supplemental Statement in Support of Approval, 4/22/26)

Correction: Historically, there have been as many as 300 overflow vehicles parked on Farley Rd and neighboring streets during Ramadan; the number of cars on the road during Ramadan and Friday prayers make our street unsafe for children riding bikes home from school and pedestrians, The nighttime is particularly dangerous because it is dark and the volume of vehicles on the road is 8,000/month for WVMA vs 468/month for Jehovah’s Witness with recorded/documented incidents of speeding, blocked driveways, cars illegally passing, etc.

Stated as fact: “We implemented dual driveway exit operations.”

Correction: WVMA’s executive director confirmed to neighbors that having cars both enter and exit on WVMA’s narrow entrance driveway is dangerous, offering that she crashed her car while doing so.

Safety Claims

Stated as fact: MCA Al-Noor mosque holds Ramadan activities at Catherine Street mosque. (PC Meeting 3/31)

Correction: Ramadan activities are held at the Scott Boulevard Location which leases parking lots and posts [this](#) map on their [website](#) (screenshot attached) which shows members nearby parking lots secured by MCA for overflow parking. MCA has had to implement towing enforcement and notes on this parking map that parking in non-sanctioned red areas on the map will result in towing at the owner's expense.

Even with this concession, Catherine Street neighbors have been burdened with similar problematic traffic and congestion, (although Catherine Street has sidewalks and street lights). Records indicate neighbors have complained to the City of Santa Clara as far back as 2013, and parking has been so problematic that MCA Al-Noor states on its website that towing will be enforced at the Catherine Street location.

Stated as fact: “During Ramadan 2026, public safety personnel were present on the busiest nights and raised no concerns about noise, traffic, or safety.” – 4/22/2026 Supplemental Statement

Correction: Commissioners Stump and Burnett cited the dangerous conditions on the nights of their site visits. WVMA’s parking attendants are not qualified to judge conditions. No professional noise, traffic, or safety expert (including Gary Heap, Town engineer or Mike Vroman Senior Traffic Engineer) was present during any of the thirty consecutive nights of congested, hours-long traffic, including the busiest nights of Ramadan. Furthermore, under Sec. 15.20.020 of the Town Code, *“No person other than a designee of the Director of the Parks and Public Works Department, an officer of the Police Department, or a person authorized by the Chief of Police, or person authorized by law, shall direct or attempt to direct traffic.”*

Stated as fact: “During Ramadan 2026, public safety personnel were present on the busiest nights and raised no concerns about noise, traffic, or safety.” – 4/22/2026 Supplemental Statement

Correction: The applicant himself admitted safety concerns to the Town on 2/26/26 pertaining to how, for 30 nights during Ramadan, members walked into and out via WVMA's narrow unlit entrance and exit driveways. Pedestrians were separated by mere inches from vehicles by a line of police caution tape. The applicant stated "this is unsafe for everyone and also creates a bottleneck for cars driving in."

Other Bay Area mosques

Stated as fact: When asked by Commissioner Burnett, of the eight total mosques in the area, are any of them in a residential zone like R-1:8, the applicant Razi Mohuiddin answered, "Yes...the Evergreen Islamic Center (EIC) in San Jose's Evergreen green area is in a residential zone. [Muslim Community Association] Masjid Al-Noor, party of the Muslim Community Association at 1755 Catherine Street, has operated in a residential zone since the mid-1980s..." (3/25 Planning Commission meeting)

Correction: As stated by Ratcliff attorney Sblend Sblendorio (letter attached) The EIC is zoned in a Planned Development (PD), and Al-Noor is in Santa Clara's Public/Quasi-Public zoning. EIC has gated entry/exit from Ruby Avenue, an arterial thoroughfare approx. 250 from a large four-way intersection. WVMA is immediately surrounded by single family residences on all sides whereas the EIC facility has houses only on one side and the other sides are adjacent to open fields. MCA Al-Noor has a gated entry/exit from two sides, onto large, residential roads with sidewalks. These alternatives are available to members, along with WVMA's new Cupertino facility which is zoned appropriately for WVMA's intensity and density therefore more hours and usage appropriate to Farley Road's R-1 designation does not create a substantial burden under RLUIPA.

Other Religious and Non Religious Facility CUPs

Stated as fact: "No comparable institution in Los Gatos—religious or non-religious—operates under conditions like these." 4/22/2026 Supplemental Statement

Correction: No other religious or non religious institution designated R-1 and a landlocked property has WVMA's intensity and density, and WVMA's severe parking deficit. No other religious institution is asking for a 19-hour operating hour, or 24,000 vehicles driving through semi-rural streets over a 30-day period. Per Commissioner Stump, Calvary Church, the most comparable in activity, has a weekly attendance of 500 and 467 parking spaces with two two-way driveway onto a major arterial road. Calvary Church was required to eliminate vehicle access to Robie Lane, an adjacent residential street, and permanently blocked off an additional entire section of its parking lot. WVMA has no comparable proposed conditions. Hillbrook School has a daily maximum traffic cap. Calvary Church was required to eliminate vehicle access to Robie Lane, an adjacent residential street, and permanently blocked off an additional entire section of its parking lot. WVMA has no comparable proposed conditions.

Statement: “Faith Lutheran Church, approved in April 2025 in an identical R-1 zone, has no annual review, no attendance limits outside, and no delivery restrictions,” Razi Mohiuddin said in an email to the Los Gatan.

Correction: Faith Lutheran (FL) has a maximum occupancy of 220 in their church sanctuary (which is not used for assembly and worship uses) and therefore differs markedly from what WVMA is seeking. Additionally, FL has more stringent overflow parking and special events conditions than those proposed for WVMA. For any special onsite events exceeding 100 attendees not specifically authorized by use permit FL, must give Town Police and Planning Departments at least 90 days prior notice and receive preapproval, and comply with Town ordinances, namely the noise ordinance. WVMA routinely holds events with more than 100 attendees. WVMA received a noise curfew violation notice from the Town on or about September 23, 2025. WVMA has received a noise violation warning in regards to outside amplification.

Existing CUP

Stated as fact: “We anticipate between 10 to 25 members using the facility until 11 pm for Ramadan.” (written description of proposed project for WVMA CUP and captured in Planning Commission’s Approved Meeting minutes on March 2020) “The proposed use of the property would not impair the integrity and character of the zone; and the proposed use would not be detrimental to public health, safety, or general welfare,” Joel Paulson PC Report, 3/6/2020

Correction: During Ramadan 2024, 2025 and 2026 800+ members stayed until as late as midnight. The use has impaired the integrity and character of the zone; and the proposed use is detrimental to public health, safety, or general welfare.

Operational Impacts Done to Appease Neighbors

Stated as fact: “To minimize noise from the gate track when exiting the parking lot, WVMA has temporarily removed the track/guide to the gate, rendering its \$50,000 commercial gate inoperable.” Revised Letter of Justification page 19)

Correction: Please watch [video](#): After neighbors were unable to sleep because of the loud, rhythmic thumping of cars crossing WVMA’s 15-20 year-old malfunctioning traffic gate, in 2024, WVMA finally ripped out the strip. WVMA has yet to replace the existing gate (estimated value of 15-year-old gate – \$1,500).

Mediation

Statement: “The neighbors declined that [mediation] request,” said Razi Mohiuddin on 4/22/26 to the Planning Commission. “The neighbors rejected the free mediator, did not accept any low cost options, declined to share costs... Neighbors didn’t bother to mention they were up for this

during their April 16 meeting, and noted the free mediation opportunity had already passed by then. (Supplemental Statement in Support of Approval, 4/22/26)

Correction: FRNC sent an email to applicant stating neighbors could not coordinate their schedules on such short notice to attend a mediation session on April 16 but that we were actively researching low cost mediators because paying would be a financial hardship for the neighbors. FRNC also communicated to the applicant that the PC asked us to report back on progress by the 4/22 meeting, *not* to have engaged in mediation by that date.

Eid Prayers

Statement: “At substantial cost and burden, we prayed in an open garage. We did this to be good neighbors. We did not want our most joyous celebration to create any burden on the surrounding community.” (Updated executive summary 3/24/26 pertaining to 2025 “Eid Prayers - Our Sacrifice”)

Correction: The 2025 event was not a sacrificial offering to neighbors. WVMA stated on its website that there were 2,000 people in attendance (see attached screenshot from WVMA website). WVMA could not have held the event at the Farley Road facility without violating its occupancy limits. Furthermore, WVMA held the 2026 Eid event at West Valley Community College (as advertised in their congregation communications.) Clearly they have options to handle large events elsewhere.

Historical Context

Statement: “The expectation that potentially hundreds of vehicles would arrive and depart in concentrated time periods at this facility, and in this neighborhood, is a settled matter from 36 years ago.” (WVMA CUP executive Summary March 24, 2026)

Correction: The Town did not have a crystal ball 50 years ago. First Baptist Church had a weekly attendance of 600; not WVMA’s 2,400. An operation of this scale would never be approved today for a facility located on a residential road with no sidewalks or striping, three streetlights and no access to a major arterial road, and landlocked around 17 homes.



DONATE



Due to the expected heat this Saturday, we've updated the timing of our MCA Eid Al-Fitr Festival to ensure everyone's comfort and safety.
🕒 NEW TIME: 5:00 PM – 10:00 PM
When: Saturday, March 21st | 5 PM – 10 PM
Where: MCA, 3003 Scott Blvd Santa Clara, CA

Parking & Safety Guidelines

To help create a safe, organized, and respectful environment for all, MCA has outlined parking, safety, and masjid etiquette guidelines for this Ramadan. Click below to download the parking map, schedule, and full guidelines.

Additional parking is available in designated areas at: ServiceNow Building I & A, Vanguard, and MCA 3.0. (Green Areas)

| | Sun | Mon | Tue | Wed | Thu | Fri | Sat |
|---------------------------|------------|-----------|-----------|-----------|-----------|-----------|------------|
| ServiceNow Building I & A | Open 12pm | Open 12pm | Open 12pm | Open 12pm | Open 12pm | Open 12pm | Open 12pm |
| Vanguard | No Parking | Open 12pm | All Day | All Day | All Day | Open 12pm | No Parking |
| MCA 3.0 | Open 12pm | Open 12pm | Open 12pm | Open 12pm | Open 12pm | Open 12pm | Open 12pm |





From: Farley Road Neighborhood Coalition <[REDACTED]>

Sent: Thursday, May 7, 2026 2:53 PM

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

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

Subject: Evidence of Noise Impact at WVMA – Request for CUP Prohibition of Outdoor Amplified Sound

Dear Planning Commissioners,

As you consider the Conditional Use Permit (CUP) for the West Valley Muslim Association (WVMA), I am submitting the [enclosed video evidence](#) to document the real-world impact that outdoor events at this site have on our residential neighborhood.

This recording provides a clear "before and after" comparison of how sound travels from the property:

- 0:00 – 01:44: Chanting begins. Even without speakers, the sound is already clearly audible from neighboring residential properties.
- 01:45 – End: Amplification is turned on. At this point, there is a significant and jarring increase in both volume and reach, illustrating how quickly a ceremony becomes an intrusive neighborhood disturbance.

Our neighborhood was not designed for this level of intensity. This video demonstrates that even moderate outdoor activity is audible, and once amplified, it becomes overwhelming. We have found that "light" restrictions or self-monitoring are ineffective at protecting the peace and quiet of our homes.

Even the applicant himself told you "all of our prayer services are held indoors, with no amplified outdoor sound." (WVMA CUP summary, 3/24/26.) So this condition should not be burdensome.

We respectfully urge the Planning Commission to include a clear and enforceable Condition of Approval (CUP) that strictly prohibits outdoor amplified sound. Relying on anything less would fail to preserve the residential character of this community.

Thank you for your commitment to maintaining the balance between facility use and neighborhood livability.

Sincerely,

FRNC

From: Farley Road Neighborhood Coalition <[REDACTED]>

Sent: Thursday, May 7, 2026 2:34 PM

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

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

Subject: CUP Consistency: Hayward Mosque Precedent of 92 Conditions vs. WVMA's ~40

Executive Summary

The 40+ conditions proposed for the West Valley Muslim Association (WVMA) are a standard and necessary planning response to a 6,550% increase in site activity (from 2 services to 133 weekly events). The attached precedents from Hillbrook School (Los Gatos), the MCA (Santa Clara), and the Islamic Association of Immigrants (Hayward)—which operates under 92 conditions—demonstrate that high-intensity uses in residential zones require detailed "operating manuals" to protect neighborhood infrastructure and residential quietude.

Dear Honorable Members of the Town Council,

We are submitting the attached Conditional Use Permits (CUP) to support the Town's diligent work in managing the intensification of the WVMA site. These documents provide clear evidence that the proposed conditions are consistent with local and regional standards for high-impact facilities in residential zones.

1. Managing Extreme Operational Intensification

The primary necessity for these conditions is the unprecedented shift in the site's usage. The facility has transitioned from a quiet neighbor to a regional hub hosting 133 weekly events (5 prayers and 14 activities daily).

As seen in the Hillbrook CUP, the Town routinely manages this level of intensification with strict "guardrails." Hillbrook's permit includes over 30 conditions, including mandatory traffic counters (Condition #19) and daily fines for trip cap violations. The WVMA conditions provide the Town with the same necessary oversight required to manage a high-traffic institution.

2. Regional Precedent for Comprehensive Oversight (Hayward Mosque)

The attached Hayward Mosque permit (AUP No. 201502644) is a direct "apples-to-apples" comparison. Despite being located in a Single Family Residential (RS) district similar to ours, the City of Hayward imposed 92 separate conditions to ensure neighborhood compatibility (pp. 2-3).

- **Acoustic Containment:** Mirroring the WVMA's requirements, Hayward's Condition #7 mandates that all activities, including daily prayer, must occur strictly indoors (p. 4).

- **Enforcement Authority:** Hayward's Condition #8 explicitly grants the Planning Director the power to revoke or modify the permit for any violation, reinforcing that a high number of conditions is the standard tool for ensuring compliance (p. 4).

3. Infrastructure Compatibility and Noise Mitigation

When operational intensity outpaces the physical limits of a residential street, the "buffer zone" between the facility and neighboring homes vanishes. At this site, operations occur within 30 feet of resident bedrooms.

- **Prohibition of Outdoor Amplification:** The Hillbrook CUP (Condition #24) provides a clear local precedent: even a school on a large, expansive campus is restricted from outdoor amplification. For the WVMA site, which lacks any natural acreage for a sound buffer, this restriction is a technical necessity.
- **Operational Containment:** Just as Hillbrook (Condition #28) and the Hayward Mosque (Condition #7) mandate keeping activities indoors with closed doors and windows, the WVMA conditions ensure that a high-occupancy regional use does not spill over into the private lives of residents.

Conclusion

As these local and regional precedents show, when an institution's operations scale up so dramatically, the protections must scale with them. We believe these 43 conditions are a modest and necessary safeguard to ensure the site's intensification remains compatible with the safety and infrastructure of the surrounding neighborhood.

Sincerely,
FRNC

Conditions of Approval
Muslim Community Association School Expansion
3080 Alfred Street and 3003 Scott Boulevard
PLN2018-13109

CONDITIONS OF APPROVAL

In addition to complying with all applicable codes, regulations, ordinances and resolutions, the following **conditions of approval** are recommended:

GENERAL

- A. If relocation of an existing public facility becomes necessary due to a conflict with the developer's new improvements, then the cost of said relocation shall be borne by the developer.
- B. Comply with all applicable codes, regulations, ordinances and resolutions.

ATTORNEY'S OFFICE

- A. The Developer agrees to defend and indemnify and hold City, its officers, agents, employees, officials and representatives free and harmless from and against any and all claims, losses, damages, attorneys' fees, injuries, costs, and liabilities arising from any suit for damages or for equitable or injunctive relief which is filed by a third party against the City by reason of its approval of developer's project.

COMMUNITY DEVELOPMENT

BUILDING DIVISION

- BD1. Informational: Prior to overall construction permit application, submit to the Santa Clara Building Division, 2 copies of an addressing diagram request, to be prepared by a licensed architect or engineer. The addressing diagram(s) shall include all proposed streets and all building floor plans. The addressing diagram(s) shall conform to Santa Clara City Manager Directive #5; Street Name and Building Number Changes, and Santa Clara Building Division Address Policy For Residential and Commercial Developments. The addressing diagram(s) shall indicate all unit numbers to be based off established streets, not alleys nor access-ways to garages. Allow a minimum of 10 working days for initial staff review. Please note city staff policy that existing site addresses typically are retired. Provide digital pdf printed from design software, not scanned from printed paper sheet.
- BD2. Informational: The construction permit application drawings submitted to the Santa Clara Building Division shall include a copy of the latest Federal Emergency Management Agency (FEMA) Flood Zone Map: <https://msc.fema.gov/portal/home>. The project drawings shall indicate how the project complies with the Santa Clara Flood Damage Prevention Code.
- BD3. Informational: The construction permit application drawings submitted to the Santa Clara Building Division shall include Santa Clara Valley Urban Runoff Pollution Prevention Program Low Impact Development (LID) practices http://www.scvurppp-w2k.com/nd_wp.shtml. All projects that disturb more than one acre, or projects that are part of a larger development that in total disturbs more than one acre, shall comply with the Santa Clara Valley Urban Runoff Pollution Prevention Program Best Management Practices (BMP): http://www.scvurppp-w2k.com/construction_bmp.shtml, and shall provide a Storm Water Pollution Prevention Plan (SWPPP) by a certified Qualified SWPPP Developer (QSD). All site drainage and grading permit applications submitted to the Santa Clara Building Division shall include a city of Santa Clara "C3" data form, available on this web page:
- BD4. <https://www.santaclaraca.gov/our-city/departments-g-z/public-works/environmental-programs/stormwater-pollution-prevention> and will be routed to a contract consultant for review.
- BD5. Informational: no California construction code review is being done at this time. The construction permit application drawings submitted to the Santa Clara Building Division shall include an overall California Building Code analysis, including; proposed use and occupancy of all spaces (19' CBC Ch. 3), all building heights and areas (19' CBC Ch. 5), all proposed types of construction (19' CBC Ch. 6), all

proposed fire and smoke protection features, including all types of all fire rated penetrations proposed (19' CBC Ch. 7), all proposed interior finishes fire resistance (19' CBC Ch. 8), all fire protection systems proposed (19' CBC Ch. 9), and all means of egress proposed (19' CBC Ch. 10). -Noncombustible exterior wall, floor, and roof finishes are strongly encouraged.

- BD6. -During construction retaining a single company to install all fire rated penetrations is highly recommended.
- BD7. The grade level lobbies shall be min. 1 hour rated all sides and above.
- BD8. All stair shafts shall be min. 1 hour rated.
- BD9. All elevator shafts shall be min. 1 hour rated.
- BD10. All trash chute shafts shall be min. 1 hour rated.
- BD11. Recommendation: provide a minimum of two trash chutes; one for recyclables, one for trash, each trash chute to be routed down to a grade level trash collection room.
- BD12. Any trash rooms shall be min. 1 hour rated all sides and above.
- BD13. Informational: The overall project construction permit application shall include the geotechnical, architectural, structural, energy, electrical, mechanical, and plumbing drawings and calculations. Prior to the issuance of the overall project construction permit, a conditions of approval review meeting must be held in city hall, which meeting must be attended by the on-site field superintendent(s). The meeting will not be held without the attendance of the on-site field superintendent(s). The on-site grading permit shall be a separate permit application to the Building Division.
- BD14. Informational: Temporary Certificates of Occupancy will not be routinely issued, and will be considered on a very limited basis only when there is a clear and compelling reason for city staff to consider a TCO. A TCO will be approved only after all applicable City staff have approved in writing; Planning, P.W./ Engineering, Fire Prev., Santa Clara Water, Silicon Valley Power, and any other applicable agencies such as the Santa Clara County Health Dept., with the Building Division being the final approval of all TCO.'s.

HOUSING & COMMUNITY SERVICES DIVISION

H1. None.

PLANNING DIVISION

- P1. Submit plans for final architectural review to the Planning Division and obtain architectural approval prior to issuance of building permits. Said plans to include, but not be limited to: site plans, floor plans, elevations, landscaping, lighting and signage. Landscaping installation shall meet City water conservation criteria in a manner acceptable to the Director of Planning and Inspection.
- P2. All new work for the proposed new building and changes including adding new occupancies into an existing building require Building permit and compliance with Building Code(s) current at the time of submittal.
- P3. Minor changes to the building, landscaping, or other minor plan elements would be subject to Planning Division review and approval of a Minor Adjustment to an approved project, or through Architectural Review, subject to the discretion of the Director of Community Development or his/her designee.
- P4. Trees permitted by the City for removal shall be replaced at a 2:1 ratio with a minimum 24-inch box and/or a 1:1.5 with 36-inch box specimen trees on-site where possible and off-site, or equal alternative as approved by the Director of Community Development.
- P5. Site landscaping shall be maintained in good condition throughout the life of the Development and no trees shall be removed without a City review and approval.
- P6. Developer shall comply with all construction and on-going mitigation measures described and identified in the Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program (MMRP) prepared for the Project. The mitigation measures contained in the MMRP shall be included in all construction plan sets.
- P7. The Developer is required to prepare, institute, and monitor a Transportation Demand Management (TDM) Plan to reduce vehicle miles traveled by at least 10% through TDM measures as described in the MMRP.
- P8. The Developer shall submit the TDM plan to the Planning Division for review and approval prior to the issuance of the occupancy permit.

- P9. Each calendar year after issuance of the certificate of occupancy, an annual review of the TDM plan shall be completed by a qualified third part consultant, and the third-party consultant shall submit the TDM annual report covering the prior calendar year to the Planning Division for review and approval to the satisfaction of the Director of Community Development.
- P10. Developer is responsible for collection and pick-up of all trash and debris on-site and adjacent public right-of-way.
- P11. Provide trash enclosure, the location and design of which shall be approved by the Director of Planning and Inspection prior to issuance of any building permits.
- P12. Identified existing mature trees to be maintained. Prepare a tree protection plan for review and approval by the City prior to any demolition, grading or other earthwork in the vicinity of existing trees on the site. Provide 48-inch box trees for screening adjacent to the existing residential properties, type to be determined by City Arborist.
- P13. Prior to issuance of a demolition permit, Developer/Owner shall have an asbestos survey of the proposed site performed by a certified individual. Survey results and notice of the proposed demolition are to be sent to the Bay Area Air Quality Management District (BAAQMD). No demolition shall be performed without a demolition permit and BAAQMD approval and, if necessary, proper asbestos removal.
- P14. It shall be the developer's responsibility through his engineer to provide written certification that the drainage design for the subject property will prevent flood water intrusion in the event of a storm of 100-year return period. The developer's engineer shall verify that the site will be protected from off-site water intrusion by designing the on-site grading and storm water collection system using the 100-year hydraulic grade line elevation provided by the City's Engineering Department or the Federal Flood Insurance Rate Map, whichever is more restrictive. Said certification shall be submitted to the City Building Inspection Division prior to issuance of building permits.
- P15. Provide Finance Department with two electronic gate openers. Contact Field Services Supervisor at (408) 615-3061.
- P16. Incorporate Best Management Practices (BMPs) into construction plans and incorporate post construction water runoff measures into project plans in accordance with the City's Urban Runoff Pollution Prevention Program standards prior to the issuance of permits. Proposed BMPs shall be submitted to and thereafter reviewed and approved by the Planning Division and the Building Inspection Division for incorporation into construction drawings and specifications.
- P17. An erosion control plan shall be prepared and copies provided to the Planning Division and to the Building Inspection Division for review and approval prior to the issuance of grading permits or building permits that involve substantial disturbance of substantial ground area.
- P18. Commercial, industrial, and multi-family residential buildings must have enclosures for solid waste and recycling containers. The size and shape of the enclosure(s) must be adequate to serve the estimated solid waste and recycling needs and size of the building(s) onsite, and should be designed and located on the property so as to allow ease of access by collection vehicles. As a general rule, the size of the enclosure(s) for the recycling containers should be similar to the size of the trash enclosure(s) provided onsite. Roofed enclosures with masonry walls and solid metal gates are the preferred design.
- P19. Provide the City with evidence of lease or other arrangement to use offsite parking spaces to satisfy the requirements of the ordinance and offset the parking demand of Friday services.
- P20. The developer shall pay a fair share contribution to the City towards the County's construction of the second westbound right-turn lane on Monroe Street to northbound San Tomas Expressway.
- P21. The project proponent shall hire a qualified professional to develop an updated Emergency Preparedness Plan (EPP) for the entire project site, which details procedures to follow in the event of an emergency. The EPP must be reviewed by the Director of Community Development and the Santa Clara Fire Department (SCFD) prior to issuance of occupancy permits. The EPP and implementation of training and drills shall be reviewed annual by the SCFD as part of routine inspections of the facilities. At a minimum, the plan shall include:
- a. The designation of an emergency coordinator.
 - b. Manual and automated procedures for notifying individuals on-site in the event of an emergency.

- c. **Use of the Santa Clara County Emergency Alert System.** The project proponent shall coordinate with SCFD and the County of Santa Clara to create and maintain a registry of the phone numbers for all school and facility personnel responsible for implementation of the EPP with the Santa Clara County Emergency Alert System (“AlertSCC”). Responsible school and facility personnel shall be trained in the protocol for activating and responding to the activation of a school warning system that will include both audible and visual alarms upon an emergency notification from AlertSCC. Prior to installation of the alarms, the project proponent will obtain the required permit from the SCFD.
 - d. Training for all on-site staff members and parent assistants on an annual basis, the training of which shall commence within 60 days of this approval.
 - e. Regular evacuation and training drills.
 - f. Evacuation and Shelter-In-Place Plan procedures.
 - g. Measures to protect students who are on Project premises, but outside the building (i.e. for activities such as gym or recess). The number of students outside the building at any given time shall not exceed one-third of the student population and shall be governed by adults at a ratio of students as prescribed by the Plan.
 - h. Regular review and updates to the EPP when changes occur in the industrial uses surrounding the Project site, and changes in the use of hazardous materials in these industries warrant additional precautionary measures in the plan or appropriate changes in response to incidents. MCA or its representative shall annually review the files of the Santa Clara Fire Department to identify changes in local chemical usage and consult with the Fire Department to determine if changes have occurred that warrant revision to MCA’s Emergency Preparedness Plan. MCA shall submit revised plans to the Fire Department for review and approval.
- P22. The project proponent shall provide building improvements to assure the buildings will provide a Shelter In Place (SIP) environment for the on-site project population, which, in the event of an incident, would be capable of protecting the population including children indoors, with building ventilation systems designed to shut off manually or automatically and all windows and doors could be securely closed and locked by teachers and staff to prevent toxic fumes from entering the facility. The following building improvements will be required as part of the SIP Plan:
- a. An HVAC system will be installed that operates on re-circulated air.
 - b. The exhaust system will incorporate one-way dampers that will allow air to flow to the outside but with no intake of outside air.
 - c. All doors will include automatic closing devices and sealing gaskets to prevent the passage of air through the doors and door frames.
 - d. All windows will be stationary.
- P23. Under the EPP, a Shelter-In-Place (SIP) Plan shall be developed and distributed to the school faculty and staff. The SIP Plan shall be submitted to SCFD for review and approval. The SIP Plan shall include but not be limited to the following:
- a. Procedures for registering phone numbers for AlertSCC.
 - b. Procedures for activating the SIP Alarm.
 - c. Procedures for bringing students from outdoors into the school building in an orderly fashion.
 - d. Procedures for accounting for all students.
 - e. Procedures for shutting down the school’s heating ventilation and air conditioning (HVAC) system and closing all doors. (Operators of the facility will be trained to initiate the shelter-in-place in response to activation of the school’s warning system.)
 - f. Procedures for notifying SCFD that the school is sheltering in place.
 - g. Procedure for announcing the “All Clear” once it has been determined that the hazard has passed.
 - h. Procedure for conducting an annual SIP drill for the school.
 - i. The MCA’s Coordination Team will evaluate the potential for extended sheltering with the SCFD to determine whether rationing of water will be required.
 - j. Locations of emergency first aid kits will be identified in the SIP Plan (room number and location within the room) and will include a kit checklist for up-to-date inventory.

- k. Emergency tasks and procedures will be delegated to specific staff members and alternate/back-up staff members will be identified for each task and procedure.
 - l. Identify the mode of communication between the Coordination Team and the MCA staff in the SIP Plan.
 - m. Develop building ventilation procedures for potential impacted areas of the project site following a SIP event.
- P24. This approval limits Pre-Kindergarten through High School student enrollment for the site to not more than 900 students, pursuant to the applicant's proposed project description.
- P25. Religious services at this site shall be limited to not more than 1,800 total participants, including teachers, students and staff, and are limited to occur only on Fridays from the hours of 11:00 A.M. through 3:00 P.M..
- P26. School and daycare uses shall occur within the days and hours stipulated by this approval. Limited but occasional group activities may occur from time to time, but shall be conducted in accordance with provisions defined in the approved *Emergency Preparedness Plan*.
- P27. The developer shall pay a fair share contribution to the City towards the County's construction of the second westbound right-turn lane on Monroe Street to northbound San Tomas Expressway.
- P28. Provide the City with evidence of lease or other arrangement to use offsite parking spaces to satisfy the requirements of the ordinance and offset the parking demand of Friday services.
- P29. The applicant shall provide a parking lot monitor to direct vehicles to available on-site parking spaces for the duration of Friday religious services.
- P30. Minor changes to the project would be subject to Planning Division review and approval prior to issuance of building permits.
- P31. This Use Permit shall be automatically revoked and terminated if not used within two years of the original grant, or within the period of any authorized extensions in accordance with the terms of SCCC Section.
- P32. The following measures shall be implemented during all phases of construction to control dust and exhaust at the project site:
- a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
 - b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
 - c. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
 - d. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph).
 - e. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - f. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of the California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
 - g. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
 - h. Post a publicly visible sign with the telephone number of the on-site project superintendent to contact regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

FIRE

- F1. The Fire Department's review was limited to verifying compliance per the 2019 California Fire Code (CFC), Section 503 (Fire Apparatus Access Roads), Section 507 (Fire Protection Water Supplies), Appendix B (Fire-Flow Requirements for Buildings) and Appendix C (Fire Hydrant Locations and Distribution) and City of Santa Clara Requirements.
- F2. Note: Removal of the existing toxic gas detection system is under the purview of the Community Development Department, Planning Division, not Fire. The Fire Department will review the details of the Shelter-in-Place, Mass Communication System, or comprehensive evacuation plan details prior to issuance of a occupancy permit.
- F3. At time of Building Permit application provide documentation to show the minimum required fire-flow for the building based on the construction type and square footage in accordance with the California Fire Code, Appendix B, Table B105.1 can be met. A 75% reduction in fire-flow is allowed with the installation of a automatic fire sprinkler system designed in accordance with California Fire Code § B105.2. The resulting fire-flow shall not be less than 1,500 gallons per minute (or 1,000 gallons per minute for NFPA 13 fire sprinkler systems) minute for the prescribed duration.
- F4. At time of Building Permit application provide documentation to show the minimum required fire-flow for the building based on the construction type and square footage in accordance with the California Fire Code, Appendix B, Table B105.1 can be met. A 75% reduction in fire-flow is allowed with the installation of a automatic fire sprinkler system designed in accordance with California Fire Code § B105.2. The resulting fire-flow shall not be less than 1,500 gallons per minute (or 1,000 gallons per minute for NFPA 13 fire sprinkler systems) minute for the prescribed duration.
- F5. At time of Building Permit application, construction documents for proposed fire apparatus access, location of fire lanes and construction documents and hydraulic calculations for fire hydrant systems shall be submitted to the Fire Prevention and Hazardous Materials Division.
- F6. Prior to the start of construction, fire protection water supplies shall be installed and made serviceable prior to the time of construction or prior to combustible materials being moved onsite, unless an approved alternative method of protection is approved by the Fire Prevention and Hazardous Materials Division.
- F7. At time of Building Permit application, construction documents for the fire department apparatus access roads are required submitted to the Fire Prevention and Hazardous Materials Division. Access roadways shall be provided to comply with all of the following requirements:
- F8. Dead-end fire apparatus access roadways in excess of 150 feet in length shall be provided with approved provisions for turning around.
- F9. Fire apparatus access roadways shall be provided for every facility, building, or portion of a building hereafter constructed or moved when any portion of an exterior wall of the first story of the building is located more than 150 feet from fire apparatus access as measured by an approved route around the exterior of the building.
- F10. Fire apparatus access roadways shall have a "minimum" width of a fire apparatus access roadway for Engines is 20 feet. The "minimum" width of roadways for aerial apparatus is 26 feet. Ariel access roadways shall be located a minimum of 15 feet and a maximum of 30 feet from the protected building and positioned parallel to one entire sides of the building. The side of the building shall be approved by the Fire Prevention and Hazardous Materials Division.
- F11. Fire access roadways shall have a "minimum" unobstructed vertical clearance of not less than 13 feet 6 inches. Aerial apparatus access roads may require additional vertical clearance.
- F12. Fire access roadways shall All fire department access roadways shall be an all-weather surface designed to support the imposed load of fire apparatus with a gross vehicle weight of 75,000-pounds.
- F13. The grade for emergency apparatus access roadways shall not exceed 10 percent to facilitate fire-ground operations.
- F14. All Fire Department Access roadways shall be recorded as an Emergency Vehicle Access Easement (EVAE) on the final map. No other instruments will be considered as substitutions such as P.U.E, Ingress/Egress easements and/or City Right-of-Ways.
- F15. All gates installed on designated fire department access roads are required to electrically automatic powered gates. Gates shall be provided with an emergency battery power supply, or shall be a fail-safe

design, allowing the gate to be pushed open without the use of special knowledge or equipment. To control the automatic gates a detector/strobe switch shall be installed to allow emergency vehicles (e.g., fire, police, ems) to flash a vehicle mounted strobe light towards the detector/strobe switch, which in turn overrides the system and opens the gate. The gates shall be equipped with a TOMAR Strobe Switch or 3M OPTICOM Detector to facilitate this override. Said device shall be mounted at a minimum height of seven feet (7') above the adjacent road surface and is subject to an acceptance test witnessed by the Fire Department prior to final approval of the project.

- F16. Prior to issuance of a Building Demo Permit, Steps 1 through 3 summarized below must be addressed during the planning phase of the project. Submit Phase II environmental documents:
- a. **Step 1** – Hazardous Materials Closure (HMCP): This is a permit issued by the Santa Clara Fire Department, Fire Prevention & Hazardous Materials Division. Hazardous materials closure plans are required for businesses that used, handled or stored hazardous materials. While required prior to closing a business this is not always done by the business owner, and therefore should be part of the developer's due diligence. The hazardous materials closure plans demonstrate that hazardous materials which were stored, dispensed, handled or used in the facility/business are safely transported, disposed of or reused in a manner that eliminates any threat to public health and environment.
 - b. **Step 2** – Site Mitigation: Site mitigation is the cleanup or management of chemical contaminants in soil, soil vapor or groundwater. The type and extent of contamination on site(s) governs which of the regulatory agencies noted below will supervise the cleanup.
 - Santa Clara Fire Department, Fire Prevention & Hazardous Materials Division (CUPA)
 - Department of Toxic Substances Control (DTSC)
 - State Water Resources Control Board
 - Santa Clara County, Department of Environmental Health.
 - c. **Step 3** – Community Development, Building Division Demolition Application: For the majority of projects within the City of Santa Clara, Steps 1 and/or 2 described above need to be completed prior to proceeding to demolition application in order to avoid permit approval delays. The purpose of a demolition permit is to ensure that the parcel is clear of debris and other health hazard material (lead, asbestos, etc.) and that the utility connections have been plugged and sealed.”
- F17. To mitigate deficiencies noted in this letter, the Design Team has the opportunity to submit an Alternate Means and Method Application (AMMA) Permit directly to the Fire Department, when substantially completed architectural plans are submitted for Building permits. The AMMA will be reviewed in conjunction with the Building permit set. Any discussions regarding mitigations during the Planning phase are not binding.
- F18. Nothing in this review is binding. Final configurations will be reviewed upon the Building Permit application.

PARKS & RECREATION

PR1. City Code Chapter 17.35 applies to anyone who constructs or causes to be constructed a dwelling unit or dwelling units or who subdivides residential property. Since there is no residential component, this project is not subject to the Park and Recreational Land ordinance.

POLICE

PD1. None submitted.

PUBLIC WORKS

ENGINEERING

E1. Obtain site clearance through Engineering Department prior to issuance of Building Permit. Site clearance will require payment of applicable development fees. Other requirements may be identified for compliance during the site clearance process. Contact Engineering Department at (408) 615-3000 for further information.

- E2. All work within the public right-of-way and/or public easement, which is to be performed by the Developer/Owner, the general contractor, and all subcontractors shall be included within a Single Encroachment Permit issued by the City Engineering Department. Issuance of the Encroachment Permit and payment of all appropriate fees shall be completed prior to commencement of work, and all work under the permit shall be completed prior to issuance of occupancy permit.
- E3. Submit public improvement plans prepared in accordance with City Engineering Department procedures which provide for the installation of public improvements. Plans shall be prepared by a Registered Civil Engineer and approved by the City Engineer prior to approval and recordation of final map and/or issuance of building permits.
- E4. Existing non-standard or non-ADA compliant frontage improvements shall be replaced with current City standard frontage improvements as directed by the City Engineer or his designee.
- E5. Dedicate required on-site easements for any new public utilities, public improvements (sidewalks, driveways, curb ramps, etc.), and emergency vehicle access paths and pay all appropriate fees.
- E6. Vacate any unused easements through separate instrument and pay all appropriate fees.
- E7. All proposed driveway, sidewalk, walkway, curb & gutter, and curb ramp shall be ADA compliant.
- E8. A transportation impact analysis (TIA) is required for the project at the applicant's cost as it is likely to generate over 100 net new AM peak hour trips. Existing buildings that have been occupied within the last 2 years should be applied as a trip credit for the trip generation analysis. Applicant is required to implement all mitigation measures identified in the TIA. Please contact the Santa Clara Traffic Division to assist in the preparation of the TIA scope of work.
- E9. School signing and striping improvements shall be evaluated within ¼ mile of the project site for the purposes of the establishment of a school zone. This evaluation shall be incorporated as part of the TIA scope of work. The signing and striping design shall be done per CA MUTCD by a Professional Engineer and shall be submitted to the City with off-site improvement plans.
- E10. No street loading and unloading of students will be allowed.
- E11. Provide 5' minimum sidewalk along frontage of 3080 Alfred Street.
- E12. Provide a pick-up and drop-off plan.
- E13. Children should be dropped off such that they are exiting from right side of vehicle and accessing school building from their right side. Children should not be crossing drive aisle to access school building.
- E14. For safety purposes and to minimize the interaction between children and vehicles, children should not be walking between the two sites via the pedestrian gate located between the two buildings during school pick-up/drop-off times. Children dropped off at MCA-3 site should be attending class in that building and the same is true for MCA-1 site.
- E15. One-way westbound travel should only be allowed along internal roadway parallel to Alfred Street, striping on aisle shows two-way travel for MCA-3 site.
- E16. Provide an on-site pedestrian and vehicle circulation plan.
- E17. Provide a minimum of 1 Class I bicycle locker space per 30 employees (employees= maximum number of employees on duty at any one time), 38 Class I bicycle locker spaces, and 38 Class II bicycle rack spaces at the main entrance and/or high visible areas.
- E18. Show on site plan and comply with City's driveway triangle of safety requirements at all driveways and with City's intersection vision triangle requirements at Scott Blvd/Space Park Drive. Visual obstructions over three feet in height will not be allowed within the driver's sight triangle in order to allow an unobstructed view of oncoming traffic.
- E19. On-street parking shall not be counted toward on-site parking requirements.
- E20. All proposed driveways and existing non-standard or non-ADA compliant driveways shall be ADA compliant per City Standard ST-8 or ST-9 per City Engineer.
- E21. Unused driveways in the public right-of-way shall be replaced with City standard curb, gutter, and sidewalk per City Standard Detail ST-12.
- E22. Provide pedestrian ADA walkways from proposed building to public sidewalk and parking areas.
- E23. Remove existing curb ramp at northeast corner of the Scott Boulevard/Space Park Drive intersection and replace with current City Standard ST-14 ADA compliant curb ramp.

- E24. Remove existing curb ramp at northwest corner of the Alfred Street/Space Park Drive intersection and replace with current City Standard ST-14 ADA compliant curb ramp.
- E25. All signing and striping shall be thermoplastic.
- E26. Remove high visibility mid-block crossing on Alfred Street due to safety reasons and not being in compliance with ADA standards. Install a City Standard ST-14 ADA compliant curb ramp at the northeast corner of Alfred St./Space Park Dr. intersection and install City standard yellow crosswalk at the intersection of Alfred St./Space Park Dr. in order to create a clear path of travel that is ADA compliant for patrons.
- E27. Install two audible ADA accessible pedestrian push buttons at the northeast corner of Scott Boulevard/Space Park Drive intersection.
- E28. Provide an ADA compliant pedestrian walkway or pathway connecting the two development sites to the existing bus stop on the east side of Scott Boulevard just north of the Scott Boulevard/Space Park Drive intersection.

STREETS DIVISION

Landscape

L1. None.

Solid Waste

- SW1. The proposed 6-cy bins don't typically have wheels. Consider replacing them with smaller-size (4-cy) bins for ease of transport in addition to increasing the service frequency.
- SW2. The map provided did not show composite utility plan; thus, it was difficult to see where and how the floor drain of trash enclosure is connected to the sanitary sewer. Provide this composite utility plan to show its connection.
- SW3. For projects that involve construction, demolition or renovation of 5,000 square feet or more, the applicant shall comply with City Code Section 8.25.285 and recycle or divert at least sixty five percent (65%) of materials generated for discard by the project during demolition and construction activities. No building, demolition, or site development permit shall be issued unless and until applicant has submitted a construction and demolition debris materials check-off list. Applicant shall create a Waste Management Plan and submit, for approval, a Construction and Demolition Debris Recycling Report through the City's online tracking tool at <http://santaclarawastetracking.com/>.
- SW4. Project applicant shall contact the Public Works Department, Street Maintenance Division at (408) 615-3080 to verify if the property falls within the City's exclusive franchise hauling area. If so, the applicant may be required to use the City's exclusive franchise hauler and rate structure for solid waste services. Project applicant shall submit to the Public Works Department a written approval (clearance) from the designated hauler on the project's Trash Management Plan.
- SW5. The applicant shall provide a site plan showing all proposed locations of solid waste containers, enclosure locations, and street/alley widths to the Public Works Department. All plans shall comply with the City's Development Guidelines for Solid Waste Services as specified by development type. Contact the Public Works Department at Environment@santaclaraca.gov or at (408) 615-3080 for more information.
- SW6. Building must have enclosures for garbage, recycling and organic waste containers. The size and shape of the enclosure(s) must be adequate to serve the estimated needs and size of the building(s) onsite, and should be designed and located on the property so as to allow ease of access by collection vehicles. Roofed enclosures with masonry walls and solid metal gates are the preferred design. Any required enclosure fencing (trash area, utility equipment, etc.) if not see-thru, shall have a six (6) inch opening along the bottom for clear visibility. Any gates or access doors to these enclosures shall be locked.
- SW7. All refuse from all residential, commercial, industrial and institutional properties within the city shall be collected at least once a week, unless otherwise approved in writing (SCCC 8.25.120). Garbage service level required for residential developments (single-family and multi-family) as well as motels and hotels shall be no less than twenty (20) gallons per unit. All project shall submit to the Public Works Department the preliminary refuse service level assessment for approval.

Stormwater

- ST1. Prior to City's issuance of Building or Grading Permits, the applicant shall develop a Final Stormwater Management Plan, update the C.3 Data Form, prepare and submit for approval an Erosion and Sediment Control Plan. Details of permeable pavers shall be reviewed and approved as part of the building permit application.
- ST2. The Final Stormwater Management Plan and all associated calculations shall be reviewed and certified by a qualified 3rd party consultant from the SCVURPPP List of Qualified Consultants, and a 3rd party review letter shall be submitted with the Plan.
- ST3. For projects that disturb a land area of one acre or more, the applicant shall file a Notice of Intent (NOI) with the State Water Resources Control Board for coverage under the State Construction General Permit (Order No. 2009-0009-DWQ) prior to issuance of any building permit for grading or construction. A copy of the NOI shall be submitted to the City Building Inspection Division, along with a stormwater pollution prevention plan (SWPPP). Active projects covered under the Construction General Permit will be inspected by the City once per month during the wet season (October – April).
- ST4. The applicant shall incorporate Best Management Practices (BMPs) into construction plans and incorporate post-construction water runoff measures into project plans in accordance with the City's Urban Runoff Pollution Prevention Program standards prior to the issuance of Building or Grading Permits. Proposed BMPs shall be submitted to and thereafter reviewed by the Planning Division and the Building Inspection Division for incorporation into construction drawings and specifications.
- ST5. During the construction phase, all stormwater control measures shall be inspected for conformance to approved plans by a qualified 3rd party consultant from the SCVURPPP List of Qualified Consultants, and a 3rd party concurrence letter on the C.3 installation. As-Built drawing shall be submitted to the Public Works Department. Building occupancy will not be issued until all stormwater treatment measures have been adequately inspected and O&M Agreement is executed. For more information contact Rinta Perkins at (408) 615-3081 or rperkins@santaclaraca.gov
- ST6. Soils for bioretention facilities must meet the specifications accepted by the Water Board. If percolation rate test of the biotreatment soil mix is not performed on-site, a certification letter from the supplier verifying that the soil meets the specified mix.
- ST7. The property owner shall enter into an Operation and Maintenance (O&M) Agreement with the City for all installed stormwater treatment measures in perpetuity. Applicants should contact Karin Hickey at (408) 615-3097 or KaHickey@santaclaraca.gov for assistance completing the Agreement. For more information and to download the most recent version of the O&M Agreement, visit the City's stormwater resources website at <http://santaclaraca.gov/stormwater>.
- ST8. Developer shall install an appropriate stormwater pollution prevention message such as "No Dumping – Flows to Bay" on any storm drains located on private property.
- ST9. Floor drains within trash enclosures shall be plumbed to the sanitary sewer system and not connected to the City's storm drain system.
- ST10. Any site design measures used to reduce the size of stormwater treatment measures shall not be removed from the project without the corresponding resizing of the stormwater treatment measures and an amendment of the property's O&M Agreement.
- ST11. Stormwater treatment facilities must be designed and installed to achieve the site design measures throughout their life in accordance to the SCVRUPPP C.3 Stormwater Handbook (Chapter 6 and Appendix C). They shall be installed using biotreatment soil media that meet the minimum specifications as set forth in this Handbook.

SILICON VALLEY POWER

- SVP1. Show and callout 5' clearances from new duct bank (edge of conduits) to existing utilities. UGEE for all SVP manholes and duct banks will be required. If any conflicts arise the relocation of existing utilities/equipment may be required.
- SVP2. Low voltage boxes, U/E boxes, Streetlight foundations to be designed and placed in detail design along street frontage.
- SVP3. Install new standard duct bank along frontage between PB#227 & PB#228.
- SVP4. Install new standard duct bank from frontage to location of existing/new SVP transformers

- SVP5. Transformer relocation to obtain 5' clearance to building wall (wall with no windows or openings). New U/E conduit will be required to this transformer. Any fence or gate around transformer must fully open. Removable bollards are preferred.
- SVP6. Comments on C-101 Plan
- a. Electrical lines on this sheet are shown schematically taken from SVP maps. This is incorrect and should be shown according to field survey. Exact location of existing facilities will be needed during detailed design.
- SVP7. Prior to submitting any project for Electric Department review, applicant shall provide a site plan showing all existing utilities, structures, easements and trees. Applicant shall also include a "Load Survey" form showing all current and proposed electric loads. A new customer with a load of 500KVA or greater or 100 residential units will have to fill out a "Service Investigation Form" and submit this form to the Electric Planning Department for review by the Electric Planning Engineer. Silicon Valley Power will do exact design of required substructures after plans are submitted for building permits.
- SVP8. The Developer shall provide and install electric facilities per Santa Clara City Code chapter 17.15.210.
- SVP9. Electric service shall be underground. See Electric Department Rules and Regulations for available services.
- SVP10. Installation of underground facilities shall be in accordance with City of Santa Clara Electric Department standard UG-1000, latest version, and Santa Clara City Code chapter 17.15.050.
- SVP11. Underground service entrance conduits and conductors shall be "privately" owned, maintained, and installed per City Building Inspection Division Codes. Electric meters and main disconnects shall be installed per Silicon Valley Power Standard MS-G7, Rev. 2.
- SVP12. The developer shall grant to the City, without cost, all easements and/or right of way necessary for serving the property of the developer and for the installation of utilities (Santa Clara City Code chapter 17.15.110).
- SVP13. If transformer pads are required, City Electric Department requires an area of 17' x 16'-2", which is clear of all utilities, trees, walls, etc. This area includes a 5'-0" area away from the actual transformer pad. This area in front of the transformer may be reduced from a 8'-0" apron to a 3'-0", providing the apron is back of a 5'-0" min. wide sidewalk. Transformer pad must be a minimum of 10'-0 from all doors and windows, and shall be located next to a level, drivable area that will support a large crane or truck.
- SVP14. All trees, existing and proposed, shall be a minimum of five (5) feet from any existing or proposed Electric Department facilities. Existing trees in conflict will have to be removed. Trees shall not be planted in PUE's or electric easements
- SVP15. Any relocation of existing electric facilities shall be at Developer's expense.
- SVP16. Electric Load Increase fees may be applicable.
- SVP17. The developer shall provide the City, in accordance with current City standards and specifications, all trenching, backfill, resurfacing, landscaping, conduit, junction boxes, vaults, street light foundations, equipment pads and subsurface housings required for power distribution, street lighting, and signal communication systems, as required by the City in the development of frontage and on-site property. Upon completion of improvements satisfactory to the City, the City shall accept the work. Developer shall further install at his cost the service facilities, consisting of service wires, cables, conductors, and associated equipment necessary to connect a customer to the electrical supply system of and by the City. After completion of the facilities installed by developer, the City shall furnish and install all cable, switches, street lighting poles, luminaries, transformers, meters, and other equipment that it deems necessary for the betterment of the system (Santa Clara City Code chapter 17.15.210 (2)).
- SVP18. Electrical improvements (including underground electrical conduits along frontage of properties) may be required if any single non-residential private improvement valued at \$200,000 or more or any series of non-residential private improvements made within a three-year period valued at \$200,000 or more (Santa Clara City Code Title 17 Appendix A (Table III)).

- SVP19. Non-Utility Generator equipment shall not operate in parallel with the electric utility, unless approved and reviewed by the Electric Engineering Division. All switching operations shall be “Open-Transition-Mode”, unless specifically authorized by SVP Electric Engineering Division. A Generating Facility Interconnection Application must be submitted with building permit plans. Review process may take several months depending on size and type of generator. No interconnection of a generation facility with SVP is allowed without written authorization from SVP Electric Engineering Division.
- SVP20. Encroachment permits will not be signed off by Silicon Valley Power until Developers Work substructure construction drawing has been completed.
- SVP21. All SVP-owned equipment is to be covered by an Underground Electric Easement (U.G.E.E.) This is different than a PUE. Only publically-owned dry utilities can be in a UGEE. Other facilities can be in a joint trench configuration with SVP, separated by a 1’ clearance, providing that they are constructed simultaneously with SVP facilities. See UG 1000 for details.
- SVP22. Proper clearance must be maintained from all SVP facilities, including a 5’ clearance from the outer wall of all conduits. This is in addition to any UGEE specified for the facilities. Contact SVP before making assumptions on any clearances for electric facilities.
- SVP23. Transformers and Switch devices can only be located outdoors. These devices MAY be placed 5’ from an outside building wall, provided that the building wall in that area meets specific requirements. (See UG 1000 document for specifics) EXAMPLE: If there are any doors, windows, vents, overhangs or other wall openings within 5’ of the transformer, on either side, then the transformer MUST be 10’ or more away from the building. These clearances are to be assumed to be clear horizontally 5’ in either direction and vertically to the sky.
- SVP24. All existing SVP facilities, onsite or offsite, are to remain unless specifically addressed by SVP personnel by separate document. It is the Developers responsibility to maintain all clearances from equipment and easements. Developer to contact SVP outside of the PCC process for clear definitions of these clearance requirements. Developer should not assume that SVP will be removing any existing facilities without detailed design drawings from SVP indicating potential removals. *Simply indicating that SVP facilities are to be removed or relocated on conceptual plans does not imply that this action has been approved by SVP.*
- SVP25. SVP does not utilize any sub-surface (below grade) devices in its system. This includes transformers, switches, etc.
- SVP26. All interior meter rooms are to have direct, outside access through only ONE door. Interior electric rooms must be enclosed in a dedicated electric room and cannot be in an open warehouse or office space.
- SVP27. Applicant is advised to contact SVP (CSC Electric Department) to obtain specific design and utility requirements that are required for building permit review/approval submittal. Please provide a site plan to Leonard Buttitta at 408-615-6620 to facilitate plan review.

WATER & SEWER

- W1. Approved reduced pressure detector assembly device is required for the proposed fire service. The applicant shall submit plans showing existing fire service upgrade with reduced pressure detector assembly device, as per city standard 17, to the satisfaction of the Director of Water & Sewer Utilities. Note that the city standard details can be obtained from the City of Santa Clara website under Water and Sewer Utilities Technical Documents.
- W2. The Applicant shall coordinate with Fire Department to submit hydraulic calculations for the sprinkler design to reflect the changes on the fire service that will be upgraded with new backflow prevention device.
- W3. The Applicant shall show the location of all easements. Applicant shall note that a water utility easement is required for public water appurtenances installed on private property. Water easement shall not be overlapping with SVP easement.
- W4. Prior to issuance of Building Permits, the applicant shall submit design plans for construction of water utilities that comply with the latest edition of the Water & Sewer Utilities Water Service and Use Rules and Regulations, Water System Notes, and Water Standard Details and Specifications. In addition,

prior to the City's issuance of Occupancy, the applicant shall construct all public water utilities per the approved plans. The Water & Sewer Utilities will inspect all public water utility installations and all other improvements encroaching public water utilities.

- W5. Applicant shall adhere to and provide a note indicating all horizontal and vertical clearances. The applicant shall maintain a minimum 12" of vertical clearance at water service crossing with other utilities, and all required minimum horizontal clearances from water services: 10' from sanitary sewer utilities, 10' from recycled water utilities, 8' from storm drain utilities, 5' from fire and other water utilities, 3' from abandoned water services, 5' from gas utilities, and 5' from the edge of the propose or existing driveway. For sanitary sewer, water, and recycled water utilities, the applicant shall maintain a minimum horizontal clearance (edge to edge) of 10' from existing and proposed trees. If applicant installs tree root barriers, clearance from tree reduces to 5' (clearance must be from the edge of tree root barrier to edge of water facilities).
- W6. Applicant shall submit plans showing proposed water, sanitary sewer, and fire service connected to a public main in the public right-of-way to the satisfaction of the Director of Water & Sewer Utilities. Different types of water use (domestic, irrigation, fire) shall be served by separate water services, each separately tapped at the water main. Tapping on existing fire service line(s) is prohibited.
- W7. The applicant shall submit a composite utility plan showing all utilities (including electrical) and landscaping (trees/shrubbery) so that the Water Department can verify conflicts for proposed water services. Note that all new water meters and backflow prevention devices shall be located behind the sidewalk in a landscape area.
- W8. The applicant must indicate the disposition of all existing water and sewer services and mains on the plans. If the existing services will not be used, then the applicant shall properly abandon these services to the main per Water & Sewer Utilities standards and install a new service to accommodate the water needs of the project.
- W9. A dedicate irrigation water service shall be provided and installed with backflow prevention device.
- W10. No structures (fencing, foundation, biofiltration swales, etc.) allowed over sanitary sewer and/or water utilities and easements.
- W11. If fire flow information is needed, applicant shall coordinate with Water and Sewer Utilities Department, for fire flow information at (408) 615-2000.
- W12. Upon completion of construction and prior to the City's issuance of a Certificate of Occupancy, the applicant shall provide "as built" drawings to the satisfaction of the Director of Water and Sewer Utilities.

CONDITIONS OF APPROVAL – March 17, 2015

300 Marchmont Drive

Conditional Use Permit U-12-002

Environmental Impact Report EIR-13-001

Requesting approval to modify a Conditional Use Permit to increase school enrollment and modify operations of an existing private school (Hillbrook School) on property zoned HR-1. It has been determined that this matter may have a significant impact on the environment and an Environmental Impact Report (EIR) has been prepared as required by the California Environmental Quality Act (CEQA). APNs 532-10-001 and 532-11-011.

PROPERTY OWNER/APPLICANT: Hillbrook School/Mark Silver

TO THE SATISFACTION OF THE DIRECTOR OF COMMUNITY DEVELOPMENT:

Planning Division

1. **APPROVAL:** This application shall be completed in accordance with all of the conditions of approval listed below.
2. **EXPIRATION:** The Master Plan approved May 7, 2001 (Resolution 2011-048) is vested. The Conditional Use Permit modification will expire two years from the approval date pursuant to Section 29.20.320 of the Town Code, unless the approval has been vested. Pursuant to Town Code Section 29.20.335 an approval is vested when the activity approved is commenced in a substantial, as distinguished from tentative or token, manner. For this Conditional Use Permit, substantial shall mean any increase in student enrollment above 315.
3. **USE:** The approved use is a junior kindergarten (JK) through eighth (8th) grade educational institution/private school, with ancillary after school activities, after school care, and after school sports.
 - a. **HOURS:** STUDENTS and their families may be on campus Monday through Friday, 7:30 a.m. to 6:00 p.m., during the academic calendar year (mid-August through mid-June).
 - b. **EXTENDED HOURS:** Up to 10 times per year, hours may be extended past 6:00 p.m. up to 9:30 p.m. The school's management and maintenance staff do not count towards the 10 times per year for extended hours.
4. **AFTER SCHOOL ACTIVITIES:** Enrichment programs including but not limited to arts, mechanics, engineering, and language for the school's students are permitted, up to 6:00 p.m., Monday through Friday, mid-August through mid-June.
5. **AFTER SCHOOL SPORTS AND COMPETITIONS:** Any sports, competitive or not, and other competitions with at least one participating team from this approved school are permitted up to 6:00 p.m., Monday through Friday, mid-August through mid-June. These competitions are permitted to occur a maximum 3 days per week, up to 2 days per week outdoors.
6. **AFTER SCHOOL CARE:** Childcare for the school's students is permitted up to 6:00 p.m., Monday through Friday, mid-August through mid-June.
7. **VOLLEYBALL AND BASKETBALL TOURNAMENTS:** A tournament is a series of contests/matches/games between two or more schools/teams one of which must be the approved school. Tournament hours are 7:30 a.m. to 3:30 p.m. Monday through Friday,

and Saturday. Vehicles must be off campus by 4:00 p.m. on Saturdays. These tournaments may occur up to 2 Saturdays, mid-August through mid-June.

8. **EVENING/NIGHTTIME AND WEEKEND EVENTS:** Evening/nighttime events are events that occur between 6:00 p.m. and 9:00 p.m. Evening/nighttime and weekend events are permitted up to 10 times per academic year, mid-August through mid-June. These events must be listed by August 1st on a publicly accessible online School Calendar.
9. **OPEN HOUSE:** One weekend Open House per calendar year is permitted 7:30 a.m. to 3:30 p.m. (vehicles off campus by 4:00 p.m.), Saturday only (not Sunday), mid-August through mid-June. This event does not count as one of the 10 exception days from the maximum number of daily vehicle trips.
10. **DELIVERY HOURS:** Deliveries shall only occur between 7:00 a.m. and 7:00 p.m., Monday through Friday.
11. **SUMMER SESSION:** A summer program is permitted between mid-June and mid-August for six contiguous weeks. Summer hours are limited to 8:30 a.m. to 1:00 p.m., Monday through Friday.
12. **PROFESSIONAL DEVELOPMENT/CONFERENCES:** Training for the parents of enrolled students and/or the school's faculty only is permitted from 7:30 a.m. to 6:00 p.m., unless designated as a nighttime exception, Monday through Friday, mid-August through mid-June. No other conferences are permitted.
13. **THIRD PARTY USE/RENTAL/LEASE:** Third party use is allowed. A third party use is defined as a school program run by an entity that is under a contractual partnership agreement with the school, payments for participation in the activity are paid directly to the school, and the school has control of the operations of the activity. Any such third party use will be subject to all of the conditions contained in this Conditional Use Permit.
14. **ADDITIONAL ACTIVITIES:** Any activity that is not expressly identified in this Permit is prohibited.
15. **NUMBER OF STUDENTS:** The maximum number of students shall be limited to 414 students over the life of the Conditional Use Permit with an increase over 315 students of up to 33 in year 2016-2017, up to an additional 33 in year 2017-2018, and up to an additional 33 in year 2018-2019. The right to add any additional students is contingent on the school's compliance with the traffic count requirements. The maximum number of students during the summer session is 150.
16. **INITIAL REVIEW:** Six months after the date of this approval, the Town Council shall review the school's compliance with the maximum number of daily vehicle trips. At a publicly noticed hearing, Town Council will consider whether there is merit to increase the number of students from 315 based on compliance with the maximum number of daily vehicle trips. This review shall be completed at the school's expense.
17. **MAXIMUM NUMBER OF DAILY VEHICLE TRIPS:** The maximum number of daily vehicle trips shall not exceed 880 pursuant to the following:
 - a. The school may designate 10 days per year that can be removed from the maximum calculation, which shall be referred to as "exception days."
 - b. Exception days shall not exceed 960 maximum daily vehicle trips.
 - c. Exception days must be identified on a publicly accessible online School Calendar for each semester of the academic calendar year.
 - d. The maximum number of daily vehicle trips shall not exceed 300 during the summer session as defined in condition 11.

18. **MANDATORY TRAFFIC DEMAND MANAGEMENT PLAN:** The school shall implement, at its expense, a Mandatory Traffic Demand Management Plan consisting of any of the following means to limit daily vehicle trips: carpools, busing, shuttle buses, traditional school buses, bicycling, walking management plans, or other methods submitted by the school. The school must inform persons and entities, covered by the plan, that pickup and drop-offs are prohibited on public streets in the immediate vicinity of the school. The school is solely responsible for enforcement of and compliance with a Mandatory Traffic Demand Management Plan.
19. **TRAFFIC COUNT MONITORING:** The school shall monitor its compliance using the existing embedded counter and by installing tube counters as a backup. The data from the counters will be used to determine whether the school has complied with the traffic requirements contained in condition 17. The Town shall conduct ongoing traffic data validation by contracting for a random manual traffic count for three days, each semester. The data shall be compared with Sensys data (i.e, the embedded counter data) and results provided to the Town Traffic Engineer. If the Town Traffic Engineer finds the school out of compliance, the Town shall contract for additional data collection, with a one week mechanical (hose) traffic count to verify the counts. The school shall be considered out of compliance if any mechanical readings exceed the Sensys counts by more than five percent and where the readings are above the maximum number of daily vehicle trips. If the Sensys data continues to demonstrate ongoing non-compliance, the discrepancy shall trigger the compliance proceedings portion of the CUP. The school is required to reimburse the Town for all staff and contract services associated with this condition.
20. **BUS STOPS:** The school may continue to use bus stop locations negotiated with private businesses. Any existing or new bus stop must be approved by the Los Gatos Parks and Public Works Department as a suitable and safe place for a bus stop.
21. **PARKING:** All parking shall be accommodated onsite.
22. **PICK-UP AND DROP-OFF AREA:** A pick-up and drop-off area shall be maintained on school grounds.
23. **EMERGENCY ACCESS ROAD:** The emergency access road to Ann Arbor Drive shall not be opened up at any time to public or school use. The road may be opened for construction access only if it is part of an approved construction plan for an Architecture and Site application.
24. **CURFEW AND NOISE:** The school shall comply with the Town Code governing curfew and noise levels with the exception of one amplified DJ event, mid-August through mid- June (not summer).
25. **ONGOING COMPLIANCE REVIEW:** Upon completion of the six-month initial review set forth in condition 16, the Planning Commission shall conduct an annual review to determine if the school is in compliance with this Conditional Use Permit. If, at any reviews, the Planning Commission finds that the school is in violation of this Conditional Use Permit or that new or more effective data collection methods are available to compute traffic counts, then the Conditional Use Permit may be modified and/or revoked as allowed under the Town Code. Compliance review shall be completed at the school's expense.
26. **PENALTIES FOR EXCEEDANCES OF THE MAXIMUM DAILY TRIP CAP:**
 - a. If the Town's Traffic Consultant's review of the trip cap monthly monitoring reports reveals that the number of trips exceeds the maximum daily trip cap, the applicant shall pay a penalty of \$1,000 per day and \$100 per excess trip.

- b. If the Town's Traffic Consultant's review of the trip cap monthly monitoring reports reveals that the number of trips exceeds the maximum daily trip cap for a second consecutive monitoring period, the applicant shall pay a penalty of \$2,500 per day and \$250 per excess trip.
 - c. If the Town's Traffic Consultant's review of the trip cap monthly monitoring reports reveals that the number of trips exceeds the maximum daily trip cap for a third consecutive monitoring period, the applicant shall pay a penalty of \$5,000 per day and \$500 per excess trip.
 - d. Penalty money shall be paid to the Town and used towards neighborhood traffic/pedestrian improvements as approved by the Town's Parks and Public Works Director.
 - e. The school is not subject to fines in the first six months after the date of this approval.
27. NEIGHBORHOOD COORDINATION: The school shall post a schedule of events on a website accessible to the public at the beginning of each semester of academic calendar year.
28. GYMNASIUM DOORS AND WINDOWS: The loading doors on the Ann Arbor side shall be closed at all times whenever activities are being held inside the gymnasium. The other doors and windows in the gymnasium shall be allowed to remain open during activities.
29. SQUARE FOOTAGE: The maximum structural square footage is 55,715 square feet as approved by the Master Plan on May 7, 2001 (Resolution 2011-048). The existing campus is currently 52,683 square feet and an additional 3,032 square feet is permitted in the library and cafeteria/art classrooms with an approved Architecture and Site application.
30. BUILDING FOOTPRINTS: The footprints of the future buildings may be required to be modified during the Architecture and Site approval process to reduce tree impacts.
31. TOWN INDEMNITY: Applicants are notified that Town Code Section 1.10.115 requires that any applicant who receives a permit or entitlement from the Town shall defend, indemnify, and hold harmless the Town and its officials in any action brought by a third party to overturn, set aside, or void the permit or entitlement. This requirement is a condition of approval of all such permits and entitlements whether or not expressly set forth in the approval, and may be secured to the satisfaction of the Town Attorney.



CITY OF
HAYWARD
HEART OF THE BAY

December 22, 2016

Mr. Amin Mahmood
AM Structural Design
5904 N. Eldorado Street #D
Stockton, Ca 94501

Re: Administrative Use Permit No. 201502644 – Request to Allow for the Demolition of an Existing Religious/Cultural Facility (Mosque) and Construction of a New Facility

Dear Mr. Mahmood,

On Thursday, December 8, 2016, the Planning Director administratively approved your request to allow for the demolition of an existing religious/cultural facility (mosque) and construction of a new facility at 131 and 185 Folsom Avenue. The decision of the Planning Director was subject to a 15-day appeal period. The deadline for any appeal to be filed was by 5:00 pm Thursday, December 22, 2016 and the approval becomes effective Friday December 23, 2016 since no appeals were received. The decision is final and we are pleased to forward the Approved Final Conditions of Approval.

Please review the Conditions of Approval and let me know if you have any questions. If there is anything that I can assist you with, please feel free to call me at 510-583-4210 or e-mail me at damon.golubics@hayward-ca.gov.

Best regards,

Damon Golubics
Senior Planner

Enclosure: Conditions of Approval
Exhibit B – Solid Waste Requirements & Recycling Statement

Cc: file

Development Services Department
Planning Division

777 B Street, Hayward, Ca. 94541-5007
TEL: 510/583-4200 FAX: 510/583-3649

**CITY OF HAYWARD
PLANNING DIVISION
ADMINISTRATIVE USE PERMIT APPROVAL
December 8, 2016**

ADMINISTRATIVE USE PERMIT APPLICATION NO. 201502644 – Amin Mahmood, AM Structural Design, Inc. (Applicant), Islamic Association of Immigrants (Owner) – to allow for the demolition of an existing religious/cultural facility (mosque) and construction of a new facility.

The site is located at 131 and 185 Folsom Avenue in the Single Family Residential (RS) District (APN: 465-0030-014-02 & 465-0030-013-03)

FINDINGS FOR APPROVAL

- A. Approval of Administrative Use Permit Application No. 201502644 to allow operation of a religious/cultural facility is exempt from the provisions of California Environmental Quality Act (CEQA) pursuant to Section 15302, Class 2 *Replacement or Reconstruction* of the CEQA Guidelines.
- B. A religious/cultural facility is a use that is desirable for the public convenience or welfare in that it will provide spiritual and emotional support to families, the elderly, children, youth and various individuals from Hayward and surrounding cities.
- C. A religious/cultural facility is a use that will not impair the character and integrity of the surrounding neighborhoods in that the mosque will be housed in a replacement building with access to onsite parking.
- D. A religious/cultural facility will not be detrimental to the public health, safety, or general welfare in that all building and fire code requirements and minimum development standards will be met.
- E. The proposed religious/cultural facility is in harmony with applicable City policies and the intent and purpose of the Single Family Residential (RS) Zoning District whose purpose is to promote and encourage a suitable environment for family life where children are members of many families. The RS District is to be used only for single-family homes and community services appurtenant thereto as permitted by the Zoning Ordinance, which is what the proposed religious/cultural facility will do. The religious/cultural facility would draw residents of Hayward and neighboring cities to the facility contributing to a sense of community.

**CITY OF HAYWARD
PLANNING DIVISION
ADMINISTRATIVE USE PERMIT APPROVAL
December 8, 2016**

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The site is located at 131 and 185 Folsom Avenue in the Single Family Residential (RS) District (APN: 465-0030-014-02 & 465-0030-013)

The proposed application, Administrative Use Permit Application No. 201502644 is to allow demolition of an existing religious/cultural facility (mosque) and construction of a new facility. The religious/cultural facility shall operate according to these conditions of approval and approved plans, labeled Exhibit “A”. This permit is void three years after the effective date of approval unless a building permit application for the subject project has been accepted for processing by the Building Official or mosque operations have commenced prior to that date in accordance with all applicable conditions of approval. If a building permit is issued for construction of improvements authorized by the administrative use permit approval, the permit approval shall be void two years after issuance of the building permit, or three years after approval of the administrative use permit application, whichever is later, unless the construction authorized by the building permit has been substantially completed or substantial sums have been expended in reliance upon the administrative use permit.

CONDITIONS OF APPROVAL

1. The overall height of the new religious facility/mosque shall be shown on construction drawings to be no greater than 30 feet in height. Building height shall be measured from the existing or finished grade, whichever is lower.
2. Site parking shall conform to parking regulations in effect at the time of a project building permit. Calculation of required site parking shall conform to all applicable definitions contained in the City’s Off Street Parking Regulations.
3. If security gates are proposed for any point of ingress and egress into the religious facility/mosque site, such gates shall be in compliance with all rules, regulations and permitting required within the City’s Security Gate Regulations.
4. If any signage is proposed to identify the religious facility/mosque, a separate sign permit shall be obtained from the City of Hayward prior to installation of such signage. All building signage (temporary and permanent) shall conform to the City’s Sign Regulations.
5. A fence plan shall be reviewed and approved by Planning Division staff prior to issuance of any building permit for the project.
6. The applicant shall maintain in good repair all fencing, parking lot surfaces, landscaping, lighting, drainage facilities, project signs, etc. The premises shall be kept clean. Any

graffiti painted on the property shall be painted out or removed within 48 hours of occurrence or the City has the right to enter and remove and charge the property owner for the clean-up.

7. Hours of operation shall be from 5:00 a.m. to 11:30 p.m. daily to accommodate daily prayer. Activities at the religious facility, including daily prayer functions, shall occur and take place indoors.
8. Pursuant to Section 10-1.3160 (Administrative Use Permit – Revocations and Modifications) of the Hayward Municipal Code, the Planning Director may revoke or modify the terms of this approval subject to findings made for such action or refer the matter to the Planning Commission for consideration. Violation of conditions is cause for revocation of permit after public hearing before the duly authorized review body.
9. Prior to issuance of a building permit for the project, the applicant shall submit a paint color and material sample board to the Planning Division for review and approval. The paint color and material sample board shall have *specific manufacturer specifications* related to windows, window frames, and all exterior building finishes, including but not limited to stucco, tile, roofing materials, paint colors, etc.
10. Any conversion of the existing office structure located at 185 Folsom Avenue to a prayer room requires review and approval of a building permit prior to any work occurring to that structure.
11. Should a building permit be issued for the conversion of the existing office structure located at 185 Folsom Avenue to a prayer room, a temporary six (6) foot high chain link fence shall separate the converted office structure (interim prayer room) and interim mosque parking from construction of the new mosque.
12. The applicant shall submit a set of construction drawings (Planning Division file copy) to the Planning Division prior issuance of a building permit for the project.

Code Enforcement

13. The permittee, property owner or designated representative, shall allow code enforcement staff access to the property for a site inspection(s) to confirm all approved use conditions have been completed and are being maintained in compliance with all adopted city, state and federal laws. Property must be maintained free of public nuisance conditions pursuant to Section 5-7.20 and in compliance with Article 7 (Community Preservation and Improvement) of the Hayward Municipal Code. The applicant shall maintain all buildings and structures in good repair and free of deterioration or decay. Areas to be maintained in good repair and free of deterioration or decay include, but are not limited to, all exterior surfaces, painted areas/buildings, structural, mechanical electrical and plumbing components.

Landscape Conditions:

14. Mylar of the approved landscape and irrigation improvement plans shall be submitted to the Engineering Department. Mylar shall be wet-signed and shall be provided with a bar scale. The size of Mylar shall be twenty-two (22) inches by thirty-four (34) inches without an

exception. A signing block shall be provided in the low right side on each sheet of Mylar. The signing block shall contain a signature line and a date line for City of Hayward, Landscape Architect. Upon completion of installation, As-built/Record Mylar shall be submitted to the Engineering Department by the developer.

15. A tree removal permit is required prior to the removal of any existing trees.
16. A bond will be required for all trees that are to remain. If any trees that are designated as saved are removed or damaged during construction shall be replaced with trees of equal size and equal value.
17. Prior to the issuance of a grading or building permit, a tree preservation bond, surety or deposit, equal in value to the trees to be preserved, shall be provided by the developer. The bond, surety or deposit shall be returned when the tract is accepted if the trees are found to be in a healthy, thriving and undamaged condition. The developer shall provide an arborist's report evaluating the conditions of the trees.
18. Prior to the issuance of Certificate of Occupancy, all landscape and irrigation shall be completed in accordance to the approved plan and accepted by the City Landscape Architect. Before requesting an inspection from the City Landscape Architect, the project landscape architect shall inspect and accept landscape improvements and shall complete Appendix C. Certificate of Completion in the City's Bay-Friendly Water Efficient Landscape Ordinance. The completed Certificate of Completion Part 1 through Part 7 shall be faxed/e-mailed/turn in prior to requesting an inspection from the City Landscape Architect.
19. Landscaping shall be maintained in a healthy, weed-free condition at all times and shall maintain irrigation system to function as designed to reduce runoff, promote surface filtration, and minimize the use of fertilizers and pesticides, which contribute pollution to the Bay. The owner's representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30% dieback) shall be replaced within ten days of the inspection. Three inches deep mulch should be maintained in all planting areas. Mulch shall be organic recycled chipped wood in the shades of Dark Brown Color, and the depth shall be maintained at three inches deep. All trees planted as a part of the development as shown on the approved landscape plans shall be "Protected" and shall be subjected to Tree Preservation Ordinance. Tree removal and pruning shall require a tree pruning or removal permit prior to removal by City Landscape Architect. Any damaged or removed trees without a permit shall be replaced in accordance with Tree Preservation Ordinance or as determined by City Landscape Architect within the timeframe established by the City and pursuant to the Municipal Code. Irrigation system shall be tested periodically to maintain uniform distribution of irrigation water; irrigation controller shall be programmed seasonally; irrigation system should be shut-off during winter season; and the whole irrigation system should be flushed and cleaned when the system gets turn on in the spring.

Engineering:

20. GENERAL - Project approval shall be void two years after issuance of the building permits, unless the construction authorized by the building permits has been substantially completed

or substantial sums have been expended in reliance upon the project approval.

21. FEE - Prior to building permit issuance, developer must pay all applicable development fees, as determined by the City Engineer in accordance with the most current approved fee schedule adopted by the City Council, including but not limited to, utility connection fees.
 - a. Supplemental Building Construction and Improvement Tax,
 - b. School Impact Fee (if necessary)
22. GENERAL - Unless otherwise stated, all necessary easements shall be dedicated, and all improvements shall be designed and installed, at no cost to the City of Hayward.
23. GENERAL - Unless indicated otherwise, the design for development shall comply with the following:
 - a. All improvements shall be designed and constructed in accordance with the City of Hayward Municipal Code – Chapter 10, Articles 1 and 3, and Standard Specifications and Details.
 - b. All construction shall meet the California Building Codes (CBC) and all applicable City of Hayward Building Codes and amendments, including Green Building standards.
 - c. Design and construction of all pertinent life safety and fire protection systems shall meet the California Fire Code and all applicable City of Hayward Fire Codes and amendments.
24. GENERAL - A Registered Civil Engineer shall prepare all Civil Engineering improvement plans; a Licensed Architect shall prepare all architectural plans; and a Licensed Landscape Architect shall prepare all landscape unless otherwise indicated herein.
25. GENERAL - The developer shall not obstruct the noted sight distance areas. Overall cumulative height of the grading, landscaping & signs as determined by sight distance shall not exceed 2 feet when measured from street elevation.
26. GENERAL - All existing public utilities shall be protected in place and if necessary relocated as approved by the City Engineer. No permanent structure is permitted within City easements and no trees or deep rooted shrubs are permitted within City utility easements, where the easement is located within landscape areas.
27. GENERAL - Prior to any work within public right of way or City easement, the developer shall obtain an encroachment permit from the City.
28. GENERAL - It is applicant's responsibility to get permit or approval from all affected agencies or private parties. Please provide a copy of these permits or approval to the City with your building permit application submittal.
29. GENERAL – Prior to building permit issuance, developer shall dedicate necessary easements for the project development, including but not limited to 5-foot Public Utility easement along project frontage.
30. GENERAL – Prior to building permit issuance, developer/property owner shall process a lot merger application and obtain approval from the City of Hayward. Lot merger must be recorded prior to any occupancy permit issuance.

31. GENERAL – Prior to building permit issuance applicant shall process and obtain a grading permit from the City of Hayward Public Works Department.
32. GENERAL - The developer shall submit an AutoCAD file format (release 2010 or later) in a CD of ‘as-built’ improvement plans showing all public improvements and utility layouts that can be used to update the City’s Base Maps.
33. PUBLIC IMPROVEMENTS - Prior to building permit issuance, the developer shall obtain design approval and bond for all necessary public improvements along Folsom Avenue frontage, including but not limited to the following:
 - a. Grind and overlay and restripe curb to curb width of Folsom Avenue with 2” hot mix asphalt, and dig outs and repair failed pavements as necessary.
 - b. Remove and relocate the existing street light in conflict with proposed driveway.
 - c. Install an additional new Street Light along the project frontage.
 - d. Remove and replace curb, gutter, driveway, and sidewalk along the Folsom Avenue frontage.
 - e. Remove, replace, and plant street trees along project frontages per City Landscape Architect direction.

Plans for all public improvements shall be prepared on Mylar (22”x34” sheets) and developer shall submit a digital format of the Record Drawings (AutoCAD format is preferred) upon completion of improvements. The public facilities such as water meters, RP backflow preventers, sewer clean outs, etc., shall be placed so access is maintained and kept clear of traffic. All improvements must be in accordance with the City of Hayward standard detail and specs and built to the city Engineer’s satisfaction, and accepted by the City prior to issuance of any first certificate of occupancy for the project.

34. AGREEMENT – Prior to building permit issuance, developer shall execute a public improvement agreement and post bonds with the City that shall secure the construction of the public improvements. Insurance shall be provided per the terms of the agreement.
35. UTILITY – All utility service connections serving the development shall be undergrounded. No aerial connection is allowed.
36. WATER QUALITY - Developer shall comply with the regional permits requirements for both pre-construction and post-construction requirements. Storm water management shall be in compliance with Municipal Regional Permit.
37. WATER QUALITY - The following materials related to the Storm water quality treatment facility requirements shall be submitted with improvement plans and/or grading permit application:
 - a) A Stormwater Treatment Measures Maintenance Agreement shall be submitted to Public Works - Engineering and Transportation Department staff for review and approval. Once approved, the Maintenance Agreement shall be recorded with the Alameda County Recorder’s Office to ensure that the maintenance is bound to the property in perpetuity.

- b) The project plans shall include the storm drain design in compliance with post-construction stormwater requirements to provide treatment of the stormwater according to the National Pollutant Discharge Elimination System (NPDES) permit's numeric criteria. The design shall comply with the C.3 established thresholds and shall incorporate measures to minimize pollutants to the maximum extent practicable (MEP).
 - c) The project plans shall identify Best Management Practices (BMPs) appropriate to the uses conducted on-site to effectively prevent the entry of pollutants into storm water runoff.
 - d) The project plan shall be clear on how the runoffs from all DMAs will be captured and conveyed to the treatment area before discharging to the City facility. Roof leaders shall discharge into flow-through planters and direct runoff shall discharge into a landscaped area or a bioretention area prior to stormwater runoff entering an underground pipe system. The project plan needs to provide elevations, direction of flow, curb opening locations and details, BMP details and a numeric sizing table showing adequate treatment area for each DMA.
 - e) The proposed BMPs shall be designed to comply with the hydraulic sizing criteria listed in Provision C.3 of the Alameda County Clean Water Program (ACCWP) NPDES permit.
 - f) The bioretention treatment area shall be designed using a Bioretention Soil Mix (BSM) per Attachment L of the C.3 Stormwater Technical Guidance dated May 14, 2013, with a minimum infiltration rate of 5 inches per hour. Please add this as a note to your plan.
 - g) The following documents pursuant to the Cleanwater Program requirements:
 - i. Hydromodification Management Worksheet;
 - ii. Infiltration/Rainwater Harvesting and Use Feasibility Screening Worksheet;
 - iii. Development and Building Application Information Impervious Surface Form;
 - iv. Project Applicant Checklist of Stormwater Requirements for Development Projects;
 - v. C.3 and C.6 Data Collection Form; and,
 - vi. Numeric Sizing Criteria used for stormwater treatment (Calculations).
38. WATER QUALITY - The Stormwater Treatment Measures Maintenance Agreement for the project, prepared by Public Works Engineering and Transportation Division staff, shall be signed and recorded in concurrence with the Final Map at the Alameda County Recorder's Office to ensure that the maintenance is bound to the property in perpetuity.
39. WATER QUALITY - Construction activities which disturb 1 acres or greater are viewed as a source of pollution, and the RWQCB requires a Notice of Intent (NOI) be filed, along with obtaining an NPDES Construction Permit prior to the start of construction. Following are the specific requirements for regulated construction sites:

- a. A Storm Water Pollution Prevention Plan (SWPPP) shall be submitted with a design to reduce discharge of pollutants and sediments into the downstream storm drain system during the construction. The plan shall meet the approval of the City Engineer. The certification page of the SWPPP shall be signed by a Qualified SWPPP Developer (QSD) person who prepared the report.
 - b. Before commencing any grading or construction activities at the project site, the developer may need to obtain a National Pollutant Discharge Elimination System (NPDES) permit and provide evidence of filing of a Notice of Intent (NOI) with the State Water Resources Control Board.
40. WATER QUALITY - The developer is responsible for ensuring that all contractors are aware of all storm water quality measures and implement such measures. Failure to comply with the approved construction BMPs will result in the issuance of correction notices, citations or a project stop order.
41. STORM - The on-site storm drain system is privately owned and maintained.
42. STORM - The project plan measures shall also include erosion control measures to prevent soil, dirt, debris and contaminated materials from entering the storm drain system, in accordance with the regulations outlined in the ABAG Erosion and Sediment Control Handbook.
43. STORM - A detailed drainage plan, to be approved by the Alameda County Flood Control and Water Conservation District (ACFC&WCD) and the City Engineer, designing all on-site drainage facilities to accommodate the runoff associated with a ten (10) year storm and incorporating onsite storm water detention measures sufficient to reduce the peak runoff to a level that will not cause capacity of downstream channels to be exceeded. Existing offsite drainage patterns, i.e., tributary areas, drainage amount and velocity shall not be altered by the development. The detailed grading and drainage plan with supporting calculations and a completed Drainage Review Checklist shall be approved by the City Engineer and by the ACFC&WCD prior to issuance of any construction or grading permit.
44. STORM - Improvements for storm drain systems shall incorporate the following:
 - a) The locations and design of storm drains shall meet the City's standard design and be approved by the City Engineer and if necessary, the Alameda County Flood Control and Water Conservation District (ACFC&WCD). Any alternative design shall be approved by the City Engineer prior to installation.
 - b) Storm drain pipes in streets and alleys shall be a minimum of twelve inches in diameter with a minimum cover of three feet over the pipe.
 - c) The latest edition of the Alameda County Flood Control and Water Conservation District's Hydrology and Hydraulics Criteria Summary shall be used to determine storm drainage runoff. A detailed grading and drainage plan with supporting calculations and a completed Drainage Review Checklist shall be submitted, which shall meet the approval of the Alameda County Flood Control and Water Conservation District (ACFC&WCD) and the City. Development of this site shall not augment runoff to the ACFC&WCD's downstream flood control facilities. The hydrology calculations shall substantiate that there will be no net increases in the quantity of runoff from the site versus the flow rate derived from

the original design of downstream facilities.

- d) The project shall not block runoff from, or augment runoff to, adjacent properties. The drainage area map developed for the project hydrology design shall clearly indicate all areas tributary to the project area. The developer is required to mitigate unavoidable augmented runoffs with offsite and/or on-site improvements.
 - e) No surface runoff is allowed to flow over the sidewalks and/or driveways. Area drains shall be installed behind the sidewalks to collect all runoff from the project site.
 - f) All storm drain inlets must be labeled "No Dumping - Drains to Bay," using City-approved methods.
 - g) The starting water surface elevation(s) for the proposed project's hydraulic calculations and the corresponding determination of grate/rim elevations for all the on-site storm drainage structures shall be based on Federal Emergency Management Agency's Flood Insurance Study for the 100-year storm event.
 - h) Post-development flows should not exceed the existing flows. If the proposed development warrants a higher runoff coefficient or will generate greater flow, mitigation measures shall be implemented.
45. SEWER - Sewer service is available from the City of Hayward and is subject to standard conditions and fees in effect at the time of application.
46. WATER - Water service is available from the City of Hayward and is subject to standard conditions and fees in effect at the time of application.
47. WATER - Water mains and services, including the meters must be located at least 10 feet horizontally from and one-foot vertically above any parallel pipeline conveying untreated sewage (including sanitary sewer laterals), and at least four feet from and one foot vertically above any parallel pipeline conveying storm drainage, per the current California Waterworks Standards, Title 22, Chapter 16, Section 64572. The minimum horizontal separation distances can be reduced by using higher grade piping materials with the City's approval.
48. WATER - All water series from existing water mains shall be installed by City Water Distribution Personnel at the applicant/developer's expense. This includes relocating existing services and water main tie-ins. The developer may only construct new services in conjunction with the construction of new water mains. Only Water Distribution Personnel shall perform operation of valves on the Hayward Water.
49. WATER - Each different use shall have an individual water meters
- a. All water meters shall be radio-read type.
 - b. Water meters shall be located a minimum of two feet from the top of driveway flare as per City Standard SD-213 thru SD-218.
50. WATER - Each structure shall have its own fire service, sized per the requirements of the Fire Department. Fire Services shall have an above ground Double Check Valve Assembly per City Standard SD-201 and SD-204.

51. WATER - Separate irrigation water meter shall be installed for landscaping purposes. The applicant/developer shall install a Reduced Pressure Backflow Prevention Assembly on each irrigation water meter, per City Standard SD-202. Backflow prevention assemblies shall be at least the size of the water meter or the water supply line on the property side of the meter, whichever is larger.
52. UTILITIES - All service to the development shall be an "underground service" designed and installed in accordance with the Pacific Gas and Electric Company, AT&T (phone) Company and local cable company regulations. Transformers and switch gear cabinets shall be placed underground unless otherwise approved by the Planning Director and the City Engineer. Underground utility plans must be submitted for City approval prior to installation.
53. UTILITIES - All proposed surface-mounted hardware (fire hydrants, electroliers, etc.) along the Folsom Avenue shall be located outside of the sidewalk within the proposed Public Utility Easement in accordance with the requirements of the City Engineer or, where applicable, the Fire Chief.
54. UTILITIES - The developer shall provide and install the appropriate facilities, conduit, junction boxes, etc., to allow for installation of a fiber optic network within the development.
55. UTILITIES - All utilities shall be designed in accordance with the requirements of the City of Hayward and applicable public agency standards.
56. UTILITIES - The improvements associated with the Pacific Gas and Electric Company, AT&T (phone) company and local cable company shall be installed to the satisfaction of the respective companies.
57. GENERAL SUBMITTAL – Prior to building permit issuance, submit the following documents for review and approval, or for City project records/files:
 - a. Copy of the Notice of Intent filed with State Water Resources Control Board;
 - b. Engineer's estimate of costs, including landscape improvements;
 - c. Easement document;
 - d. Signed Public Improvement Agreement; and
 - e. Public Improvement bonds.
58. GENERAL SUBMITTAL – To avoid or reduce the potential impact related to the site specific geotechnical hazards related to seismic hazards, the project developer shall implement the following mitigation measures:
 - a. The applicant shall submit a final grading plan subject to review by the City Engineer prior to issuance of grading permits.
 - b. New construction will comply with the latest California Building Code and mitigation measures outlined in the Geotechnical Investigation report.
 - c. For each building constructed in the development plan area, the required site specific geotechnical investigation shall address expansive soils and provide appropriate engineering and construction techniques to reduce potential damage

to buildings.

- d. To reduce the potential impacts related to the presence of low to moderately expansive clays in the subsurface soils of the project site, mitigation measures to avoid the effects of expansive soils outlined in the Geotechnical Investigation shall be followed.
59. CONSTRUCTION BMP - The developer shall ensure that unpaved construction areas are sprinkled with water as necessary to reduce dust generation. Construction equipment shall be maintained and operated in such a way as to minimize exhaust emissions. If construction activity is postponed, graded or vacant land shall immediately be revegetated.
 60. CONSTRUCTION BMP - All diesel powered equipment (≥ 100 horsepower) shall be California Air Resources Board (CARB) Tier 3 Certified or better.
 61. CONSTRUCTION BMP - The following control measures for construction noise, grading and construction activities shall be adhered to, unless otherwise approved by the Planning Director or City Engineer:
 - a. Grading and site construction activities shall be limited to the hours 8:00 AM to 5:00 PM Monday through Friday with no work on weekends and Holidays unless revised hours and days are authorized by the City Engineer. Building construction hours are subject to Building Official's approval;
 - b. Grading and construction equipment shall be properly muffled;
 - c. Unnecessary idling of grading and construction equipment is prohibited;
 - d. Stationary noise-generating construction equipment, such as compressors, shall be located as far as practical from occupied residential housing units;
 - e. Applicant/developer shall designate a "noise disturbance coordinator" who will be responsible for responding to any local complaints about construction noise. Letters shall be mailed to surrounding property owners and residents within 300 feet of the project boundary with this information.
 - f. The developer shall post the property with signs that shall indicate the names and phone number of individuals who may be contacted, including those of staff at the Bay Area Air Quality Management District, when occupants of adjacent residences find that construction is creating excessive dust or odors, or is otherwise objectionable. Letters shall also be mailed to surrounding property owners and residents with this information prior to commencement of construction.
 - g. Daily clean-up of trash and debris shall occur on project street frontages, and other neighborhood streets utilized by construction equipment or vehicles making deliveries.
 - h. Gather all construction debris on a daily basis and place them in a dumpster or other container which is emptied or removed on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to storm water pollution;
 - i. Remove all dirt, gravel, rubbish, refuse and green waste from the sidewalk, street

- pavement, and storm drain system adjoining the project site. During wet weather, avoid driving vehicles off paved areas and other outdoor work;
- j. The site shall be watered twice daily during site grading and earth removal work, or at other times as may be needed to control dust emissions;
 - k. All grading and earth removal work shall follow remediation plan requirements, if soil contamination is found to exist on the site;
 - l. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites;
 - m. Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites;
 - n. Sweep public streets daily if visible soil material is carried onto adjacent public streets;
 - o. Apply (non-toxic) soil stabilizers or hydroseed to inactive construction areas (previously graded areas inactive for 10-days or more);
 - p. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).
 - q. Broom sweep the sidewalk and public street pavement adjoining the project site on a daily basis. Caked on mud or dirt shall be scraped from these areas before sweeping;
 - r. No site grading shall occur during the rainy season, between October 15 and April 15, unless approved erosion control measures are in place.
 - s. Install filter materials (such as sandbags, filter fabric, etc.) at the storm drain inlet nearest the downstream side of the project site prior to: 1) start of the rainy season; 2) site dewatering activities; or 3) street washing activities; and 4) saw cutting asphalt or concrete, or in order to retain any debris or dirt flowing into the City storm drain system. Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding. Dispose of filter particles in the trash;
 - t. Create a contained and covered area on the site for the storage of bags of cement, paints, flammables, oils, fertilizers, pesticides or any other materials used on the project site that have the potential for being discharged to the storm drain system through being windblown or in the event of a material spill;
 - u. Never clean machinery, tools, brushes, etc., or rinse containers into a street, gutter, storm drain or stream. See "Building Maintenance/Remodeling" flyer for more information;
 - v. Ensure that concrete/gunite supply trucks or concrete/plasters finishing operations do not discharge washwater into street gutters or drains; and
 - w. The developer shall immediately report any soil or water contamination noticed during construction to the City Fire Department Hazardous Materials Division, the Alameda County Department of Health and the Regional Water Quality

Control Board.

62. GENERAL CONSTRUCTION - The minimum soils sampling and testing frequency shall conform to Chapter 8 of the Caltrans Construction Manual. The subdivider shall require the soils engineer to daily submit all testing and sampling and reports to the City Engineer.
63. GENERAL CONSTRUCTION - In the event that human remains, archaeological resources, prehistoric or historic artifacts are discovered during construction or excavation, the following procedures shall be followed: Construction and/or excavation activities shall cease immediately and the Planning Division shall be notified. A qualified archaeologist shall be retained to determine whether any such materials are significant prior to resuming groundbreaking construction activities. Standardized procedure for evaluation accidental finds and discovery of human remains shall be followed as prescribed in Sections 15064.f and 151236.4 of the California Environmental Quality Act.
64. GENERAL CONSTRUCTION - Prior to final inspections, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Planning Director.
65. GENERAL CONSTRUCTION - All buildings shall be designed using the California Building Codes in effective at the time of submitting building permit applications.
66. GENERAL CONSTRUCTION - All common area landscaping, irrigation and other required improvements shall be installed according to the approved plans.
67. GENERAL CONSTRUCTION - All public improvements, including the complete installation of all improvements relative to streets, fencing, sanitary sewer, storm drainage, water system, underground utilities, etc., shall be completed and attested to by the City Engineer before approval of occupancy. Where facilities of other agencies are involved, such installation shall be verified as having been completed and accepted by those agencies.
68. GENERAL - The developer shall submit an "as built" plans indicating the following:
 - a. Approved landscape and irrigation improvements;
 - b. All underground facilities, sanitary sewer mains and laterals, water services (including meter locations), Pacific Gas and Electric, AT&T (phone) facilities, local cable company, etc.;
 - c. All the site improvements, except landscaping species, buildings and appurtenant structures; and
 - d. Final Geotechnical Report.

Fire Department:

Access:

The proposed site will be providing two access driveways into the parking lot. The proposed driveway entrance(s) are approximately greater than 20 feet in width. The parking lot has been designed for circulation around the building.

69. The following access requirements shall be applicable:

- a. Curbing shall be painted red (where applicable) along the dedicated fire travel lanes and throughout the parking lot area on applicable landscape islands. White letters shall be stenciled with the words "Fire Lane – No Parking". Red painted striping will be required where curbs do not exist;
- b. Fire lane signage will be required. Fire lane signs shall be installed per Hayward Fire Department Standards. Signage shall be installed at the driveway entrance and every 100 (linear) feet thereafter in locations acceptable to the Hayward Fire Marshal;
- c. If the site has a security gate installed, measures to meet Hayward Fire Department access and entry shall be met. A lock box or key switch will be required on any gate;
- d. All paved areas shall be designed with an all-weather surface material and the pavement shall be designed to withstand the gross vehicle weight of fire apparatus (75,000 lbs.).

Water Supply:

The site may require additional (private) fire hydrant(s). There are existing public fire hydrants along Folsom Road. These hydrant locations and flows shall be noted with the submittal of building plans.

70. The following access requirements shall be applicable:

- a. Fire hydrant installation shall meet COH and HFD Standards;
- b. Minimum fire flow requirements will be established with the building permit application. A 50% reduction in fire flow will be allowed for fire sprinklers within the building;
- c. Type of fire hydrant shall be double steamer with 2-4 ½" outlets and 1-2 ½" outlet;
- d. Crash post may be required for the fire hydrant if it is installed in a susceptible location capable of receiving potential vehicular impact;
- e. A blue reflective hydrant marker shall be installed on the pavement adjacent to the fire hydrant location.

Ground Level:

The ground level will include the men's prayer assembly area, ladies prayer assembly, restrooms, elevator lobby.

71. **"A" Occupancy Requirements (1st/2nd floors)** – The plans have been approved for an A occupancy (50 occupants or more and less than 300 occupants). The following requirements shall be applicable:

- a. As reflected on the approved plans, exit doors leading to the exterior shall have panic hardware installed.
- b. Exit illumination signs shall be installed as per the California Building Code, including low-level exit signage.

- c. As per the approved plans, aisle widths are in compliance with the California Building and Fire Codes for fixed seating and non-fixed seating.
- d. Decorative materials shall be flame treated and a "Certificate of Flame Treatment" shall be presented to the fire department prior to certificate of occupancy.
- e. Occupant load signs shall be installed in all "A" occupancy areas with fixed and non-fixed seating, reflecting the seating capacity for each "A" area. In addition, a total capacity shall be posted at the front door stating the maximum seated and standing occupant loads.
- f. An evacuation plan shall be posted in approved areas within the building. Locations to be approved by the Fire Department.
- g. The building will be required to have an Annual Permit for Place of Assembly. Permit shall be obtained prior to certificate of occupancy.
- h. Fire and evacuation drill shall be conducted QUARTERLY by employees.

72. **Emergency/Evacuation Plans** - Emergency/Evacuation plans shall be posted at every stairway landing, at every elevator landing and immediately inside all public entrances to the building, not located more than 4-feet above the floor, where it can be easily identified. The information shall include, but not limited to, a floor plan, identification of floor level, locations of exits, suggested exit paths of travel, area of refuge, directions for exiting procedure, locations of fire alarm initiating stations, locations of fire extinguishers, fire department emergency telephone number (911), the prohibition of elevator use, each map at each location shall have a "You Are Here." indicator pin pointing the occupants location. Emergency procedures information shall be printed with a minimum of 3/16-inch non-decorative lettering providing a sharp contrast to the background.

Second Floor Level:

Some of the building construction requirements listed below will be imposed and are not limited to the following:

- 73. Submit for proper building permits for review and approvals;
- 74. All construction shall be in accordance with the California Building Code (CBC), the California Fire Code (CFC) and all other applicable codes, standards and ordinances adopted by the City of Hayward;
- 75. Proper construction separations between the different use areas of the building shall be in compliance with the CBC;
- 76. Occupancy classifications shall meet additional construction requirements as addressed in the CBC;
- 77. Exiting shall be in compliance with the CBC;

78. Construction shall be in compliance with requirements per the CBC and the California Fire Code (CFC) for assembly use which shall include proper exiting, installation of approved door hardware, exit sign illumination, low-level exit signs, occupant load signage, flame retardant decorative materials, etc.;
79. The proposed installation of an elevator shall meet state and local requirements. Additional requirements and conditions will be enforced by the Hayward Fire Department for hydraulically driven elevators;
80. Design and installation of building address numbers shall be in accordance with Hayward Fire Department Standards.

Fire Protection:

The proposed building will require additional fire protection and life safety systems as described below:

81. An automatic fire sprinkler system for the entire building shall be installed per NFPA 13 Standards;
82. A dedicated fire service line shall be installed (to supply the fire sprinkler system) as per NFPA 24 Standards;
83. A minimum of one (1) on-site fire hydrant shall be installed independent of the fire sprinkler system in a manner that will allow the fire hydrant to remain in service if the fire sprinkler system was out of service or being worked on;
84. A manual and automatic fire alarm system shall be installed per NFPA 72 Standards. The system shall be installed throughout the entire building and shall include pull stations at all exit doors, audible and visual signaling devices, common area smoke detectors, heat detectors (where applicable), duct detectors in HVAC, etc. ADA requirements shall also be applicable;
85. Central station monitoring shall be required for the fire sprinkler system and the fire alarm (evacuation) system;
86. Portable fire extinguishers having a minimum rating of 2A:10BC shall be installed throughout the building.
87. Proper methods for elevator recall service shall be installed and interconnected to the buildings' fire alarm system;
88. Separate plans and fire permit submittals shall be required for the installation of any fire protection and life safety system.

Hazardous Materials:

The site may require a Phase I assessment. Contact Hugh Murphy, Hazardous Materials Coordinator, for additional information regarding this requirement. Site clearance shall be approved prior to building permit issuance.

Solid Waste:

89. Separate collection of recyclables and organics (if facility generates significant food waste)

is required per City Ordinance. For more information on the Ordinance, please visit <http://www.recyclingrulesac.org/>.

90. Section four is included for your information (Exhibit B) and will be required at the time of your building permit.
91. Solid Waste conditions shall not to be construed as an approval for any code items not noted, or commented on. It is the applicant's/contractor's responsibility to conform to the provisions of all relevant laws, codes, ordinances, rules and regulations in effect at the time of project building permit review.

Building Department

92. The building design, construction plans, etc. shall meet minimum requirements of the California Building Code, California Plumbing Code, California Mechanical Code, California Electrical Code, California Energy Code, California Green Building Code, etc. in effect at the time a building permit is submitted for the project.

From: Farley Road Neighborhood Coalition <[REDACTED]>

Sent: Wednesday, May 6, 2026 4:47 PM

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

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

Subject: 16769 Farley Road – Request for Peak-Use Impact Studies and Enforceable Conditions of Approval

Dear Chair, Vice Chair, and Members of the Planning Commission,

On behalf of the Farley Road Neighborhood Coalition (“FRNC”), we respectfully submit this letter in advance of the upcoming hearing regarding the proposed Conditional Use Permit (“CUP” #U-24-010) Modification for 16769 Farley Road. We appreciate the thoughtful consideration, diligence, and engagement demonstrated by the Planning Commission and Town staff throughout this process. The Commission’s April 22, 2026 discussion reflected a meaningful effort to balance institutional use rights with the Town’s longstanding obligation to preserve neighborhood compatibility and protect residential quality of life.

As neighboring residents directly impacted by the operation of this facility, we respectfully urge the Commission to ensure that the critical conditions outlined in our submitted recommendations are formally incorporated into any Resolution approving modifications to the CUP. These provisions are not peripheral matters; they are essential mitigation measures necessary to ensure the findings required under the Los Gatos Municipal Code can continue to be made on an ongoing basis.

The requested operational expansions represent a material intensification of use within an established residential area. Without enforceable operational limitations and measurable performance standards, the proposed modifications risk creating continued and escalating impacts related to noise, traffic circulation, parking overflow, nighttime activity, light pollution, and neighborhood livability. These impacts directly affect the health, welfare, safety, and peaceful enjoyment of surrounding residential properties.

The Town has historically recognized the sensitivity of this site. Prior CUP approvals for the property included explicit operational limitations, including restrictions on hours of operation, parking, and activity management. Those prior conditions reflected the Town’s clear acknowledgment that institutional uses within residential neighborhoods require carefully tailored operational safeguards to maintain compatibility with adjacent homes.

To ensure this expansion is sustainable and compatible with our neighborhood, we ask the Commission to address two critical priorities before moving forward:

1. **No Decision Without Peak-Season Data:** We also respectfully urge the Commission not to adopt a final Resolution until the necessary impact studies have been completed and evaluated. Given the proposed expansion of operational hours and intensity of use, it is critical that the Town base any long-term CUP framework on objective data captured during peak-usage periods, such as Ramadan, rather than assumptions. Delaying adoption until such information is available is both prudent and consistent with sound planning practice.
2. **Required Conditions for Approval:** We respectfully request that the following categories of conditions be expressly incorporated into the final Resolution to include these Conditions for Approval (Details - Attachment 1):
 - Strict operational end times requiring complete property and parking lot vacancy by designated cutoff hours;
 - Clearly defined limits on expanded prayer hours and Ramadan exceptions to prevent operational creep beyond the stated application scope;
 - Prohibition of rolling or staggered service models that effectively intensify occupancy and traffic turnover;
 - Enforceable occupancy limitations tied directly to available on-site parking capacity;
 - Prohibitions on outdoor congregation, outdoor events, parking lot socializing, and amplified outdoor activity;
 - Limitations on the number, size, timing, and operational structure of special events;
 - Mandatory advance public scheduling and neighborhood notification requirements;
 - Permanent restrictions on future physical expansion or additional site intensification along Farley Road;
 - Mandatory annual compliance review hearings for a minimum of three years, at the applicant's expense; and
 - Explicit enforcement, revocation, suspension, and modification provisions tied to violations, nuisance activity, or noncompliance.

These conditions are necessary to provide objective operational standards that can be monitored, enforced, and evaluated over time. Without clearly articulated conditions, neighboring residents are left without meaningful recourse when impacts occur, and the Town is left without practical enforcement mechanisms to address ongoing incompatibilities.

Importantly, many of these requested provisions are not novel restrictions. Rather, they are consistent with standard land use principles routinely utilized by the Town to ensure that conditional uses remain compatible with surrounding residential neighborhoods. The requested conditions are narrowly tailored to address demonstrated operational impacts while still allowing the applicant to continue religious and institutional activities on-site.

Ultimately, this matter is not about opposing religious use. It is about ensuring that any expanded operational entitlements remain compatible with the surrounding residential neighborhood, consistent with the Town's General Plan goals, conditional use findings, and longstanding planning principles regarding neighborhood preservation.

We respectfully ask the Planning Commission to incorporate the FRNC's recommendations into the final Conditions of Approval and Resolution language so that any CUP modification adopted by the Town remains enforceable, measurable, balanced, and sustainable for all stakeholders over the long term.

Thank you again for your thoughtful consideration and continued public service to the Town of Los Gatos.

Respectfully submitted,

Farley Road Neighborhood Coalition (FRNC)

Attachment 1: Conditions of Approval

Vacate Parking Lot - No additional ½ hour to vacate parking lot

Proposed Language: The property and parking lot must be fully vacated by the designated end time. No additional expansion of hours will be provided for cars/attendees to vacate Loss of

Request to Expand Hours

General Daily Hours - Expanding the hours to support the five (5) daily prayers on-site in alignment with the religion's use of the lunar calendar.

Proposed Language: The facility is permitted to operate from 1.5 hours before sunrise until 10:00 p.m.; All members and vehicles must exit the property, including the parking lot, by the 10:30 p.m. cutoff. The newly expanded hours are not to be repurposed for non-prayer functions in alignment with the applicant's written application (FYI, see below reference notes).

Ramadan Exceptions - Expanding the evening hours, in conjunction with the religion's use of the lunar calendar, to support the annual 30 days of Ramadan holiday, on-site.

Proposed Language: During the annual, 30-day period of Ramadan the following modified hours apply: Pre-Sunrise: Services may begin up to one hour before sunrise; Post-Sunset: Services may extend past the standard 10:30 p.m. cutoff, but are strictly capped at: 11:00 PM if sunset occurs before 7:30 PM; 11:30 PM if sunset occurs at or after 7:30 PM. The property and parking lot must be fully vacated by the designated exception end time (11:00 or 11:30); To mitigate neighborhood impact, radar speed signs must be placed ON Farley Road throughout the 30-day Ramadan period; Advanced Notice: Specific dates and times for Ramadan services must be posted on the public website 365 days in advance.

Friday Service: The facility shall continue to offer only one Friday Jumu'ah service session. A staggering, three-session model is prohibited.

Events

- **Capacity Management**: Total on-site occupancy is strictly limited to 720 people or the available on-site parking capacity (whichever is reached first). This number is derived from the 180-space on-site parking limit (4:1 ratio). In any instance where all 180 on-site parking stalls are occupied, no further occupants shall be permitted on-site, regardless of the building's maximum occupancy.
- **Permitted Use**: Use is restricted to religious worship and related institutional activities only. All services, gatherings, and events must be held indoors only. There shall be no outdoor activities permitted on the property, without exception, including but not limited to outdoor prayer, socializing in the parking lot, or amplified sound.
- **Organized Gathering Restrictions**: All organized gatherings—including, but not limited to, Eid, festivals, weddings, receptions, fundraisers, or private events—shall be restricted

to a maximum of four (4) occurrences per calendar year and are subject to the following mandatory requirements:

- **Indoor Only:** All event-related activities, including guest congregation, food service, and amplified sound, shall occur strictly within the interior of the permanent primary structure. No outdoor events, tents, or outdoor congregation areas are permitted.
- **No Staggered Attendance:** Events must have a fixed start and end time with a single group of attendees; "rolling" or "staggered" arrivals/departures to bypass capacity limits are prohibited.
- **Operating Hours:** All operations, including set-up, guest attendance, and tear-down, shall be limited to the hours of 8:00 AM to 10:00 PM.
- **Parking:** All guest, staff, and vendor vehicles shall be contained exclusively within designated on-site parking stalls. Off-site, overflow, or street parking is strictly prohibited.
- **Public Scheduling:** The annual event calendar must be posted on the facility's public website twelve (12) months in advance. (A one-time exception is granted for 2026, requiring only six (6) months' advance posting).
- **Neighbor Notification:** The operator shall provide written notice at least thirty (30) calendar days prior to each event to all residents and property owners within a 1,000-foot radius of the property lines. Notice must include the event date, times, and a 24-hour phone number for a live, on-site coordinator.
- **Weekend Restrictions:** No staging or breakdown or construction activities are permitted on weekends.

Future Expansion

- **No Permitted Square Footage Expansion of the Building:** The total gross square footage of the existing primary structure and any accessory buildings shall be strictly limited to the current square footage permitted footprint.
- **The organization will not be permitted to expand on Farley Road** - The existing site (Parcel # 123) at 16769 Farley Road in Los Gatos is the maximum square footage and real estate available for the organization.

Delay of Adopting Resolution

- **Completion of a xyz studies** - Studies must be completed prior to adoption of a resolution -In order to provide a consistent, long-term and viable conditions of Approval for the CUP # 123, the Town must have data to accurately represent the noise, traffic, safety and health impacts to the residents living in the FRNC neighborhood during the prayer hours and Ramadan period, before approving requirements and prior to any new modifications being allowed (in effect).

Annual Compliance Review

- **Annual Compliance Review:** The Planning Commission will conduct a mandatory annual review for a minimum of three (3) years to assess impacts on the neighborhood (violations, accidents, complaints) at the applicant's expense.
- **Revocation, Suspension, Modification.** This Conditional Use Permit may be revoked, suspended or modified by the Planning Commission, or by the City Council on appeal, at any time whenever, after a noticed hearing in accordance with Section 29.20.310 of the Town of Los Gatos Code it finds:
 - A violation of any conditions of the Conditional Use Permit was not abated, corrected or rectified within the time specified on the notice of violation; or
 - A violation of any City ordinance or State law was not abated, corrected or rectified within the time specified on the notice of violation; or
 - The use as presently conducted creates a nuisance.
 - Expense: All costs for investigation, monitoring, and processing violations are the responsibility of the applicant.

From: Bismah Jaffer <[REDACTED]>
Sent: Wednesday, May 6, 2026 5:03 PM
To: Jocelyn Shoopman <jshoopman@losgatosca.gov>
Cc: cup@wvmuslim.org.cup <cup@wvmuslim.org.cup>
Subject: Support of WVMA's CUP and Protection of Religious Freedoms

Good Evening,

My name is Bismah Jaffer and I am a civil rights attorney at CAIR-SFBA. I'm writing in support of WVMA's requested modification to their Conditional Use Permit for their mosque on Farley Road. The conditions being proposed by opposing neighbors cannot be approved for several legal reasons. I've detailed these reasons in the letter attached.

Do not hesitate to contact me at bjaffer@cair.com with any questions.

Thank you.

Bismah Jaffer
Civil Rights Attorney

Council on American-Islamic Relations - California
San Francisco Bay Area Office



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May 6, 2026

VIA ELECTRONIC MAIL: JShoopman@losgatosca.gov

Town of Las Gatos Planning Commission
110 E. Main Street
Los Gatos, CA 95030

RE: NOTICE OF POTENTIAL FEDERAL RELIGIOUS FREEDOMS VIOLATIONS West Valley Muslim Association's CUP Modification Request – 16769 Farley Road.

Dear Town of Los Gatos Council Planning Commission:

I write on behalf of the San Francisco Bay Area office of the Council on American-Islamic Relations (“CAIR-SFBA”), the nation’s largest American Muslim civil rights advocacy organization. Our mission is to enhance the understanding of Islam, protect civil rights, promote justice, and empower American Muslims.

CAIR -SFBA is informing the Los Gatos Planning Commission of the discriminatory nature of the proposed conditions for the modification of the Conditional Use Permit (“CUP”) for the Los Gatos Islamic Center (“LGIC”) at 16769 Farley Road, Los Gatos, CA 95032. This serves as a notice to the Town of the federal laws in place to protect religious places from regulations like the proposed conditions on LGIC and to inform Los Gatos officials of their potential violations of these federal protections.

The West Valley Muslim Association (“WVMA”), founders of LGIC have requested that LGIC be allowed to conduct pre-sunrise indoor congregational prayer services, and to extend LGIC’s operating hours for 30 days during the month of Ramadan until 11:30pm. Both requested modifications are critical to preserve Muslims ability to practice their faith in community in Los Gatos. The requested modifications align with the Town’s stated desires to “invigorate Los Gatos as a special place for community gathering.”¹ Accommodating these modifications will go a long way to demonstrating the Town’s commitment to valuing and promoting diversity and equity.²

On March 25, at the Los Gatos Planning Commission meeting, WVMA expressed their need for the modification. Several supporters and congregation members were present to advocate for the requested modification to be approved. Weeks later, the Los Gatos Planning Commission has not yet come to a decision. Instead, unfortunately burdensome conditions have been proposed for the mosque violating federal protections of Muslims in Los Gatos.

VIOLATION OF THE RELIGIOUS LAND USE & INSTITUTIONALIZED PERSONS ACT

This country was founded as a refuge for people to be free to practice their faiths without government intrusions as cemented in the First Amendment of the Constitution.³ The federal government further codified religious protections in the Religious Land Use and Institutionalized Persons Act (“RLUIPA”). This is a

¹ Town of Los Gatos 2040 General Plan 1-5 (2022), https://www.losgatosca.gov/DocumentCenter/View/31990/_JGGP_2040_Full-Book.

² See, e.g., *id.* at 1-6 and 2-1.

³ U.S. Const. amend. I.

WASHINGTON D.C.

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landmark federal law that protects people of all faiths and their institutions from unduly burdensome or discriminatory land use regulations. “Religious exercise” under RLUIPA includes any exercise of religion, “whether or not compelled by, or central to, a system of religious belief.”⁴ The use of real property for purposes of religious exercise is itself considered to be a religious exercise.⁵

This federal law prohibits governments from unreasonably limiting religious assemblies, institutions, or structures within a jurisdiction.⁶ It also prohibits governments from implementing land use regulations that impose a “substantial burden” on religious exercise, unless justified by a “compelling governmental interest” using the least restrictive means possible.⁷ A substantial burden exists where “the governmental authority puts substantial pressure on an adherent to modify his behavior and to violate his beliefs”⁸; or where government imposes a significantly great restriction on religious use of a property.⁹

The Town’s approval and implementation of these proposed conditions are a substantial burden on the congregation’s religious exercise. The congregation’s use of 16769 Farley Road for religious exercise itself is considered religious exercise. The proposed conditions impose substantial burdens demonstrated by the substantial pressure on the Los Gatos Muslims to modify their behavior and violate their beliefs. The proposed conditions also impose a significantly great restriction on religious use of 16769 Farley Road property.

The implementation of these proposed conditions is only permissible if they can be justified by a compelling governmental interest and is using the least restrictive means possible. RLUIPA prohibits all regulations that do not meet this standard to protect the right to religious freedoms for all. The Town’s approval will violate RLUIPA as explained below:

SUBSTANTIAL BURDENS

PRESSURE TO MODIFY BEHAVIOR AND VIOLATE BELIEFS

Islam is a peaceful and welcoming faith. To practice Islam, communal worship and at least five specifically timed prayers are necessary. Muslims, followers of Islam, will generally congregate to their respective mosques around the same times every day throughout the day. Friday is a day of heightened speciality because Muslim men must pray together in the day, known as Jummah (the word for Friday).

One of the proposed conditions is to cap the attendance of LGIC to 100 people. LGIC has a congregation of 150 people. If this condition was approved and implemented, LGIC leaders would have to dismiss at least a third of the worshippers. Worshippers who were not the first 100 people to enter LGIC are forced to practice their faith and pray in their cars or on the pavement; or to miss their time for prayer trying to find a welcoming space. LGIC leadership would have to modify their prayers as well to ensure the congregation is not growing above 100 people. With a cap, there is a possibility that family members will not always be able to pray together. A regular occurrence of these instances would amount to a violation of many Los Gatos Muslims’ beliefs. This cap will pressure believers to modify their behaviors and violate their beliefs if they are not able to pray on time and communally.¹⁰

Another proposed condition is requiring LGIC leadership to provide notices for when attendance is over 100 and for “events”. If this condition was approved and implemented, LGIC leaders will feel pressured to dismiss

⁴ 42 U.S.C. § 2000cc-5(7)(A).

⁵ See 42 U.S.C. § 2000cc-5(7)(B).

⁶ RLUIPA, 42 U.S.C. § 2000cc(b)(3)(B).

⁷ RLUIPA, 42 U.S.C. § 2000cc(a).

⁸ *Int’l Church of Foursquare Gospel v. City of San Leandro*, 673 F.3d 1059, 1067 (9th Cir. 2011) (internal quotations omitted).

⁹ See, e.g., *Guru Nank Sikh Soc’y v. City of Sutter*, 456 F.3d 978, 988 (9th Cir. 2006).

¹⁰ See *Int’l Church of Foursquare Gospel*.

again a third of the worshippers to keep attendance at 100 which is not aligned with Islam further violating Los Gatos Muslims' beliefs.

IMPOSE SIGNIFICANTLY GREAT RESTRICTION ON RELIGIOUS USE

RLUIPA considers land regulations a substantial burden when the government imposes a significantly great restriction on religious use of a property.¹¹ The proposed condition to cap attendance imposed a significantly great restriction on using 16769 Farley Road as a mosque. The practical matter of adhering to a capped attendance would require LGIC leaders to constantly count and track entries and exits. These responsibilities would take time away during prayer times to stay in accordance with the condition. More specifically, the religious use of the property is for religious gatherings for Muslims. Declining some Muslims entry is restricting the congregation from coming together and praying at LGIC.

The other conditions such as raising the fences and obtaining noise reducing technology impose significantly great restrictions on Los Gatos Muslims' ability to freely practice their faith. To meet these conditions, LGIC would have to procure funds to purchase fencing material and noise reducing technology that may not even exist and all against their choice. It is beyond unreasonable and incredibly restrictive for a religious organization maintained through donations to meet these conditions that change the look and feel of the building.¹² The Town would be taking the congregation's choice for legally permitted fence heights and forcing installation of unknown and unfamiliar technology in their place of worship. And to note, the fences have already been raised to accommodate the neighbors before, and noise studies on the property concluded that the noise level increase is minimal. These conditions would not provide a solution to the neighborhood's concerns but will impose significantly great restrictions on religious use of the religious property at 16769 Farley Road.

COMPELLING GOVERNMENT INTEREST WITH THE LEAST RESTRICTIVE MEANS

The proposed conditions are undoubtedly substantially burdensome on Muslims in Los Gatos. A compelling government interest must be achieved by the least restrictive means to justify these proposed conditions. WVMA does not disagree that the neighbors' desires for a quiet neighborhood with open roads is of interest to the Town. The Town's interest in meeting this desire does not outweigh its interest in protecting religious freedom of the Muslims who congregate at LGIC. The neighbors' desire for approval of these conditions is not a *compelling* interest to the Town.

These proposed conditions are certainly not the least restrictive means to fulfill a compelling government interest. Below describes how the means to fulfill the non-compelling government interest is restrictive and discriminatory.

DISCRIMINATORY OUTCOMES

RLUIPA prohibits discrimination "against any assembly or institution of the basis of religious or religious denomination."¹³ One proposed condition requires an annual review of the CUP for LGIC. This review goes against the essential nature of the First Amendment, and it violates RLUIPA because no other religious institution is bound to justify their purpose and use every year when granted a CUP.¹⁴ This condition creates a constant monitoring of the mosque and the believers who visit it. These reviews are unnecessary because the mosque has met all legal requirements to exist and legally inherited the original CUP on Farley Road. And implementing this condition is discriminatory and violative of RLUIPA.

Similarly, there is a proposed condition of regular police patrolling of LGIC. This is also obviously discriminatory. RLUIPA provides that religious assemblies and institutions must be treated as well as

¹¹ See, e.g., *Guru Nank Sikh Soc'y v. Cty. Of Sutter*, 456 F.3d 978, 988 (9th Cir. 2006).

¹² 42 U.S.C. section 20000(b)(3)(B).

¹³ 42 U.S.C. section 2000(b)(2).

¹⁴ *Id.*

nonreligious assemblies and institutions.¹⁵ LGIC has chosen to work with police in ensuring harmony among the Los Gatos Muslims and the non-Muslims in the past. Forcing LGIC to agree to police patrolling is a different matter. Same as other religious places not being subjected to annual reviews, non-religious places such as schools, grocery stores, offices, etc., are not subjected to increased policing. Similarly situated religious institutions are not being burdened with similar conditions, thus discriminating against Muslims in Los Gatos.¹⁶ This country has an examinable history of discriminating against Muslims with over-policing and monitoring. Los Gatos should not perpetuate this pattern.

A proposed condition requires LGIC to accept and receive deliveries at a specific time. Like other religious institutions, the Imam lives on site. It is unreasonable and discriminatory to condition a Muslim faith leader to make orders for food, house needs, and recreational items to be delivered at a time only accepted by neighbors. Similarly situated religious leaders such as priests living on church sites are not being treated with similar conditions, thus this condition is discriminatory.¹⁷ Additionally, the institution's delivery needs would have to be confined to the neighbors' chosen time-period. Again, there are no similar conditions placed on similarly situated institutions of other faiths making this condition a violation of RLUIPA.¹⁸

Similarly situated religious and non-religious institutions are not subjected to these worrisome conditions. Thus, implementing these conditions will violate RLUIPA while also creating fear for the Muslims in the Los Gatos community that they are not welcome and are being watched.

PRACTICAL MATTERS

As to the proposed condition of notice requirements, if LGIC leaders choose to permit more than 100 people entry, then the leaders must develop and distribute notices in the neighborhood. Providing notices for events also affects leadership to possibly distribute hundreds of notices every day. One of the five daily prayers can be considered an event. LGIC would be expected to send multiple notices a day. The notice proposed condition does not serve those against the modifications nor the worshippers, but it along with the other conditions sends a message that Los Gatos will only allow a certain number of Muslims to openly practice their faith in the Town's neighborhoods.

It is not within any member of LGIC to control delivery services and their delivery times. It would be unduly burdensome for LGIC leadership to ensure every delivery needed is able to only be delivered at specified times and this is not the option provided for most deliveries.¹⁹

Overall, the Town approving and implementing these proposed conditions will limit the religious exercise of the Los Gatos Muslims in their use of the real property and of their worshipping practices.²⁰ Providing convenience to the neighbors by removing some traffic and further limiting scientifically tested noise volumes is not a compelling governmental interest that would justify these substantial burdens. Ultimately, if the proposed conditions are implemented in LGIC's CUP, the Town of Los Gatos would be violating RLUIPA and harming their Muslim community members.

IN CLOSING

The 16769 Farley Road property was specifically chosen as the location for the mosque because it accommodated the mosque's large congregation safely and legally. LGIC has worked together with community members, the police department, and city officials so they may practice their faith and be good neighbors. The

¹⁵ *Id.*

¹⁶ 42 U.S.C. section 2000(b)(2).

¹⁷ 42 U.S.C. section 2000(b)(2).

¹⁸ *Id.*

¹⁹ *See* Int'l Church of Foursquare Gospel.

²⁰ *See* 42 U.S.C. § 2000cc-5(7)(B).

consideration for these conditions is disheartening because Los Gatos, home to many Muslims, should be a safe place for people to exercise their faith freely. These conditions violate federal law as discussed above. They also alienate and target the Los Gatos Muslim community which can only lead to further divide and uncertainty. We urge the West Valley Muslim Association's request to modify its Conditional Use Permit for the Los Gatos Islamic Center be granted without limiting conditions that violate Muslims' free exercise of religious freedoms.

CAIR-SFBA is attentively observing the path to Los Gatos Planning Commission's ultimate decision on the CUP. Your continued engagement with the local Muslim community is noted and appreciated. We are optimistic that the Commission will take care not to violate any federal protections for Los Gatos Muslims in their free exercise of religion. And we hope this letter serves as a reminder of those protections.

Sincerely,

/s/ Bismah Jaffer

Bismah Jaffer, Esq.
Civil Rights Attorney
bjaffer@cair.com

From: [REDACTED] <[REDACTED]>

Sent: Wednesday, April 22, 2026 11:18 AM

To: Gabrielle Whelan <GWhelan@losgatosca.gov>; Jocelyn Shoopman <jshoopman@losgatosca.gov>

Cc: Alexa Nolder <ANolder@losgatosca.gov>; Planning <Planning@losgatosca.gov>; Chris Constantin <CConstantin@losgatosca.gov>; Sean Mullin <SMullin@losgatosca.gov>; Joel Paulson <jpaulson@losgatosca.gov>; Town Manager <Manager@losgatosca.gov>; Farley Road Neighborhood Coalition <[REDACTED]>

Subject: Re: Request for Continuance – WVMA CUP Modification (Hearing Date: 4/22)

Dear Planning Commission,

As a neighborhood of individual residents, we continue to research mediation service options. Attached is a recent response from a non-profit we connected with.

We will be prepared to discuss our findings in more detail at tonight's meeting.

Regards,

Farley Road Neighborhood Coalition

On Sun, Apr 19, 2026 at 11:00 PM Farley Road Neighborhood Coalition

<[REDACTED]> wrote:

Dear Planning Commission,

We have submitted our recommended CUP conditions on April 17, 2026. If you have specific questions or need clarification, we will be happy to provide answers during the 4/22 meeting. Given the comprehensive nature of our proposal, we believe a continuance of the April 22nd vote is necessary to allow for a thorough review of the details and to further engage with mediation services.

Following your recommendation, we have contacted the [Peninsula Conflict Resolution Center](#) and the [Center for Human Development](#) and are awaiting their response.

We are also vetting a shortlist of highly qualified neutrals to ensure a productive session:

- Hon. James Ware (Ret.): Former State/Federal Judge; complex litigation expert.
- Hon. Edward Infante (Ret.): Former U.S. Magistrate Judge; public policy specialist.
- Tamara Lange: JAMS neutral; civil rights and complex dispute resolution.
- Howard Herman: Environmental and public policy mediation expert.
- Hon. Robert Baines (Ret.): Former Judge; deep Santa Clara County experience.
- Jeffrey P. Blum: Local Los Gatos attorney; private judging and mediation.

A brief continuance is essential to finalize these professional arrangements and ensure a fair, sustainable agreement for the community.

Sincerely,
Farley Road Neighborhood Coalition

On Tue, Apr 21, 2026, 4:12 PM Shannon Wolfe <[REDACTED]> wrote:

[REDACTED]

Thank you for contacting the Mediation and Conflict Resolution Program to request our neutral assistance in working to resolve the ongoing issues you are experiencing with the West Valley Muslim Association.

We believe that mediation offers a unique opportunity for all parties to address the issues in dispute in a positive and supported process. Mediation is a voluntary process in which experienced and trained mediators ensure that everyone has the opportunity to discuss their concerns and any other issues that have been a source of conflict.

We provide a safe, neutral, and confidential setting where a panel of mediators facilitates a conversation that helps you explore possible resolutions together. All solutions are designed by you and the other party. As mediators, we do not advocate for either party, take sides, or decide who is right or wrong.

For your case, we would charge each side \$200 for a three hour meditation on Zoom. Given the unique nature of your case, we also wanted to offer you the option of an in-person conciliation process. This would be a custom-built process that we could facilitate for you, your neighbors and members of the West Valley Muslim Association. We could perform this service for you in-person and allow for more people to be involved in the process. Given the more intensive nature of this process, we would charge each side \$400.

In either case, we do charge \$15 to open a case. Opening a case means that I can then reach out to the WVMA and see if they are interested in participating in mediation or conciliation.

Upon your review of these materials, if you'd like to move forward please send me a reply email with the following information:

1. A statement acknowledging your interest in moving forward with opening a case and permission to contact a representative of the West Valley Muslim Association to ask them about their experience of this situation, inform them of your interest in mediation and how mediation could be beneficial to this situation.
2. I will also need their full name and contact information (email and phone number). Please also provide a street mailing address if you have this information, as I can send them a letter in the mail if they are unresponsive to my email and calls.

3. Please fill out the attached form titled “Open Your Case File.” You can send your payment in via check, or visit our [website](#) and scroll down to “Pay Mediation Fee” to pay your case opening fee via PayPal. Please include your name with the payment. Again, thank you for reaching out to us and I hope we can be of assistance. Please let me know if you have any questions about the above information request for moving forward.

Take care,

Shannon Wolfe

Case Developer

Mediation and Conflict Resolution Program

Center for Human Development

[901 Sunvalley Blvd., Suite 220, Concord, CA 94520](#)

Shannon@chd-prevention.org

Voice or Text: 925-246-5459



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From: Linda S <[REDACTED]>
Sent: Wednesday, April 22, 2026 11:16 AM
To: Planning <Planning@losgatosca.gov>
Cc: Gabrielle Whelan <GWhelan@losgatosca.gov>; Jocelyn Shoopman <jshoopman@losgatosca.gov>
Subject: Desk item for tonight's hearing about WVMA

Please accept this desk item, and despite it being a few minutes late. I am currently injured and unable to type, and the dictation has been taking much longer than I expected.

Dear planning commissioners,

I'm writing as a concerned resident regarding the proposed conditional use permit for the West Valley, Muslim Association (WVMA). I do not live in the Farley Road neighborhood, but I do live in a nearby neighborhood which is similarly situated near a church property. I have been a resident of Los Gatos for more than 30 years. I am concerned about the integrity of the character of our residential neighborhoods and maintaining the primary purpose for them as clearly laid out in our town ordinance and General Plan.

Prior to writing this, I read most of the updated addenda to this meeting as I could. I will attempt not to repeat anything that has been so eloquently put forth to you. My intent with the submission is to clarify a few things and to correct the record.

From what I understand, the property was being used in compliance of the 2020 CUP for a few years and then something changed. Operations started to go late into the night and started very early in the morning, and the traffic impacts on the neighborhood became overwhelming. What happened? I'm very confused as to how the town responded. When it became evident that the property was not being used in compliance with the CUP, wasn't the town required to initiate immediate enforcement proceedings? (Sections 1.10.100, 29.10.185, 29.10.210, 29.10.215, 29.10.220, 29.10.225, 29.10.230)

There were potentially violations of many areas of the town code, including traffic, lighting, operating hours, uses that go beyond what was authorized in the conditional use permit, and noise. I'd like to devil a little bit further into just one of those issues: noise.

As far as modifications, the town clearly defines modifications of a non-conforming use in the town code. I have added emphasis to the parts of this section which apply in this case.

Sec. 29.10.215. Modification of a nonconforming use.

After March 22, 1986, for hotels and motels located in residential zones that were converted to multiple-family dwelling units, and after May 6, 1981, for all others, a ***use which is nonconforming shall not be modified without obtaining a conditional use permit therefor.*** For purposes of this section, a modification shall be defined as follows:

(1) Any change that is an intensification of use, including but not limited to:

- a. Additions to seating capacity or gross floor area;
both than an increase imposed by an ordinance amendment;
- c. Use of additional land;
- d. Commencement of new activities; and/or [cup or intensification]***
- e. Increase in the number of hours of operation or staying open later and such change of hours imposes a new burden on the surrounding neighborhood; or***
- (2) Any change that is a substantial departure from plans which were the basis of any approved; existing use.***

(Ord. No. 1316, § 3.50.085, 6-7-76; Ord. No. 1496, 4-20-81; Ord. No. 1821, § II, 5-21-90; Ord. No. 2024, § II, 12-2-96; Ord. No. 2024, § II, 12-2-96; Ord. No. 2149, § I, 5-1-06

The Neighborhood previously submitted some objections to the Salter noise analysis that was submitted to the town. I've been pretty dismayed with how this study has been treated and how it has been relied upon during the hearing process for the CUP. It almost seems that the applicant has been deemed to be in compliance with the town's noise ordinance simply because they had a study prepared. The study doesn't even demonstrate that the applicant is in compliance at all. All that it shows is that during two specific hours over a month that does not even include Ramadan that the applicant had certain average noise levels. And somehow it is asserts at the end of the study that the noise levels would comply with the town code, despite the fact that the measurements that they submitted actually exceed the maximum allowed during curfew hours for holidays and weekends.

The max allowed are the following (ambient + 6 dB):

| Time Period | weekdays | weekends and holidays |
|---------------|----------|-----------------------|
| 6 AM - 1 PM: | 61 dBA | 56 dBA |
| 1 PM - 10 PM: | 59 dBA | 54 dBA |
| 10 PM - 6 AM: | 54 dBA | 49 dBA |

And here are the reported sound levels from the report.

| Weekend and Holiday Ambient/Max 43/49 dBA | Reported LT-1* | Reported LT-2* | Reported LT-3* |
|---|----------------|----------------|----------------|
| 2/7/2025 8-9 PM | 49 dBA | 53 dBA | 53 dBA |
| 2/6/2025 9-10 AM | 53 dBA | 56 dBA | 53 dBA |

**Measured at 12 ft, not at level of windows of neighboring properties' bedrooms. Average noise levels are reported. No reports from curfew time or during Ramadan.*

*** Additional reported values "accounting for fences" are included in the report and excluded here as these are estimates or extrapolations based on assumptions about fences.*

Note that the five measurements in red would all be out of compliance with the weekends and holidays maximum allowed of 49 DBA

There are other deficiencies of the report:

- According to the requirements of your noise, ordinance, chapter 16, the measurements should be made with the meter set to the "fast" response for one type of Meter and the "slow" type of response for another type of Meter unless the noise issue is impulsive. Car doors shutting in the middle of the night in a noise, sensitive zone would definitely be characterized as impulsive. I'm pretty sure that I heard the engineering consultant for the applicant state during one of the hearings that the noise ordinance requires that noise studies set the meter to the "slow" response. I understand that it's hard to access all of the town codes and ordinances Wen put on the spot verbally during a public hearing, but that is an oversimplification of the ordinance.
- we have no idea if the reported two hours are at all representative of what the neighbors experienced late at night. Were they the same number of participants? Were their cars parked on the road?
- why were the meters placed where they were were the placements they were so high. At that height, with the noise have dissipated? Would it be representative of what a neighbor in the bedroom of an adjoining house with experience

The applicant also continues to maintain that the noise that they admitted was legal because as something to do with vehicle noise or that the noise is necessary in connection with an activity which is being lawfully conducted. The noise ordinance as a whole does not only apply to the noise from vehicles. That is simply one type of noise that the code addresses (sec. 16.20.055).

I submit here the sections of the code which are most pertinent to this concern:

Sec. 16.10.015. Declaration of policy.

(a) The Town Council finds that unnecessary, excessive and disturbing noise and vibration is detrimental to the health, safety and welfare of the public and is contrary to public interest. Residents of Los Gatos are to be entitled to the reasonable use and enjoyment of their property without exposure to noise disturbances.

(b) The Town Council hereby declares a policy to prohibit such noise and vibration as specified herein, and protect the peace, health and safety of its citizens from such noise and vibration.

The standards prescribed hereunder shall be enforceable by the Town's Code Compliance Officer and Police Department.

(Ord. No. 1852, § II(11.20.010), 5-20-91)

Sec. 16.20.010. Curfew noise disturbance.

(a) Except for any professional refuse collection agency acting pursuant to a franchise agreement with the Town or regional agency, no persons shall between the hours of 10:00 p.m. and 8:00 a.m. make, cause, suffer or permit to be made any noise disturbance which:

(1) Is made within one hundred (100) feet of any building or place regularly used for sleeping purposes; or

(2) Disturbs any person(s) within hearing distance of such noise.

(b) No persons shall make, cause, suffer or permit to be made any noise or sounds which:

(1) Are unreasonably disturbing or physically annoying to people of ordinary sensitivity or which are so harsh or prolonged or unnatural or unusual in their use, time or place as to cause physical discomfort to a person(s); or

(2) Are not necessary in connection with an activity which is otherwise lawfully conducted.

(Ord. No. 1852, § II(11.30.010), 5-20-91; Ord. No. 2356, § VII, 4-2-24)

And, once again, I remind you of the intent of the establishment of the R1 zones in our town:

Sec. 29.40.380. Intent.

The R-1 zone provides a means to create the best possible location and development standards for single-family dwellings, assure adequate light, air privacy and open space for each dwelling, minimize traffic and parking congestion, and reduce hazards from encroachment of industry and commercial activity.

(Ord. No. 1316, § 4.26.010, 6-7-76)

Regards,

Linda Swenberg