



**TOWN OF LOS GATOS  
PLANNING COMMISSION  
REPORT**

MEETING DATE: 03/25/2026

ITEM NO: 2

DATE: March 20, 2026  
TO: Planning Commission  
FROM: Joel Paulson, Community Development Director  
SUBJECT: Consider a Request for Approval to Modify an Existing Conditional Use Permit for Expanded Hours of Operation in an Institution for Religious Observance (West Valley Muslim Association) on Property Zoned R-1:8. **Located at 16769 Farley Road.** APN 424-21-062. Categorically Exempt Pursuant to CEQA Guidelines Section 15301: Existing Facilities. Property Owner: West Valley Muslim Association, Osmar Ghafoor, President. Applicant: Razi Mohiuddin. Project Planner: Jocelyn Shoopman.

RECOMMENDATION:

Consider approval of a request to modify an existing Conditional Use Permit (CUP) for expanded hours of operation in an institution for religious observance (West Valley Muslim Association) on property zoned R-1:8 located at 16769 Farley Road.

PROJECT DATA:

General Plan Designation: Low Density Residential  
Zoning Designation: R-1:8, Single-Family Residential, 8,000 sf lot minimum  
Applicable Plans & Standards: General Plan  
Parcel Size: 2.76 acres  
Surrounding Area:

	Existing Land Use	General Plan	Zoning
North	Residential	Low Density Residential	R-1:8
South	Residential	Low Density Residential	R-1:8
East	Residential	Low Density Residential	R-1:8
West	Residential	Low Density Residential	R-1:8

PREPARED BY: Jocelyn Shoopman  
Senior Planner

Reviewed by: Planning Manager, Community Development Director, and Town Attorney

FINDINGS:

- The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15301: Existing Facilities.
- The project meets the objective standards of Chapter 29 of the Town Code (Zoning Regulations).
- As required by Section 29.20.190 of the Town Code for granting a Conditional Use Permit.

ACTION:

The decision of the Planning Commission is final unless appealed within ten days.

BACKGROUND:

A. Project Site History

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

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

Per the minutes of the March 11, 2020, Planning Commission meeting, the applicant stated: "The extended hours of operation would be from 10:00 p.m. to 11:00 p.m., and for that amount of time they expect possibly 5-10 cars to leave prior to 11:00 p.m., so it would not be extensive."

The existing CUP and the proposed CUP modification do not include a limit on the number of evening attendees or cars exiting the property.

B. Law Regarding Conditional Use Permits

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

Town Code Sections 29.20.180 through 29.20.200 and following address the issuance of CUPs.

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

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

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

C. Federal Religious Land Use and Institutionalized Persons Act

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

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

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

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

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

If a land use regulation imposes a “substantial burden,” on religious exercise, the local agency must show that the regulation is the least restrictive means of furthering a compelling governmental interest. [42 U.S.C. § 2000cc(a)(1)(A)–(B)]. “Compelling interests” constitute only those interests of the “highest order,” and typically involve substantial threats to public health, peace, and welfare. (*Statement of the Department of Justice on the Land Use Provisions of the Religious Land Use and Institutionalized Person Act (RLUIPA)*, *supra*, at 7).

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

In addition, RLUIPA requires the following:

1. *Equal terms*. “No government shall impose or implement a land use regulation in a manner that treats a religious assembly or institution on less than equal terms with a non-religious assembly or institution.” [42 U.S.C. § 2000cc(b)(1)].
2. *Nondiscrimination*. “No government shall impose or implement a land use regulation that discriminates against any assembly or institution on the basis of religion or religious denomination.” [42 U.S.C. § 2000cc(b)(2)].
3. *Exclusions and limits*. “No government shall impose or implement a land use regulation that:
  - a. Totally excludes religious assemblies from a jurisdiction; or
  - b. Unreasonably limits religious assemblies, institutions, or structures within a jurisdiction.” [42 U.S.C. § 2000cc(b)(3)(A)–(B)].

PROJECT DESCRIPTION:

A. Location and Surrounding Neighborhood

The subject property, located at 16769 Farley Road, is approximately 700 feet west of Los Gatos Boulevard and is presently used as an institution for religious observance by WVMA. The surrounding uses on all sides of the property are residential (Exhibit 1).

B. Project Summary

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

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

When reviewing a CUP, the deciding body should consider the information in the applicant's letter of justification (Exhibit 5); however, the key consideration should be the proposed use since the CUP runs with the land and the operational details can change from owner to owner. The applicant's letter of justification provides additional background on WVMA's congregational prayer services and information on the religious practices of Ramadan (Exhibit 5).

C. Zoning Compliance

The property is zoned R-1:8. A church, monastery, convent, and other institutions for religious observance requires a CUP in the R-1:8 zone.

DISCUSSION:

A. Zoning

Pursuant to Town Code, the proposed use is an institution for religious observance, which is allowed in the R-1:8 zone, subject to the approval of a CUP. Town Code Section 29.20.750 (8) requires Planning Commission consideration of CUPs not assigned to the Development Review Committee or Town Council.

B. Conditional Use Permit Modification

Town Code Section 29.20.200 provides that a use authorized by CUP shall not be modified unless a modification to the permit is approved. The following changes in use are modifications:

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

The applicant proposes to modify the hours of operation to not begin prior to one and a half hours before sunrise or extend past 10:30 p.m., seven days a week to accommodate indoor, morning and nighttime prayer services, in addition to expanding the hours of operation during the 30-day month of Ramadan to 11:30 p.m. whenever sunset is prior to 7:30 p.m., or until 12:00 a.m. whenever sunset is after 7:30 p.m. (Exhibit 5).

The proposed use of the facility remains consistent with the March 11, 2020, Planning Commission approval as a religious institution. The applicant's request for approval to modify the existing CUP is limited to the hours of operation. No additional requested modifications to the CUP or existing structures are proposed. Under the current conditions, vehicles enter and exit the property for multiple services until 10:00 p.m. for most of the year and until 11:00 p.m. during Ramadan. Because the parking lot capacity is 180 spaces, it is estimated that the number of vehicles currently entering and exiting the property is approximately 180 vehicles at the heavily-attended services. The proposed modification would extend this use by one-half hour for most of the year and for one hour during Ramadan.

The applicant indicates that the CUP modification is being requested to accommodate the religious institution's requirement for five daily prayers, as well as the required prayers during the 30-day month of Ramadan. Based on the religious institution's faith, the prayer schedule is prescribed by sunrise and sunset timings, based on the Islamic (Lunar) calendar. Details of the Islamic calendar, as well as background on the facility and the Islamic faith are included in the applicant's letter of justification (Exhibit 5).

Based on concerns that the Town has received regarding the noise levels of vehicle activity on the subject property, a noise study was prepared by the applicant pursuant to Chapter 16 (Noise Ordinance) of the Town Code. The findings of the noise study determined that the applicant's request for expanded hours of operation, in the form of vehicles arriving and departing the facility, would not exceed the Town's Noise Ordinance (Exhibit 7).

In response to neighborhood concerns, additional conditions of approval have been included in Attachment A of Exhibit 2 regarding occupancy limits, general hours of operation, seasonal late-hours, noise, signage and communication, parking lot monitoring, landscaping, delivery hours, and a one-time compliance review by the Planning Commission one-year after approval.

C. Required Findings for a Conditional Use Permit Modification

Pursuant to Town Code Section 29.20.190, the required findings for approval of a CUP are:

1. The proposed use of the property is essential or desirable to the public convenience or welfare;
2. The proposed use would not impair the integrity and character of the zone;
3. The proposed use would not be detrimental to public health, safety, or general welfare; and
4. The proposed use of the property is in harmony with the various elements or objectives of the General Plan and the purposes of the Town Code.

In regard to the first finding, the use will continue providing an existing facility for religious observance which is essential and desirable to its members. As required by the second finding, the use will not impair the integrity and character of the residential zone in that conditions of approval regarding occupancy limits, general hours of operation, seasonal late-hours, noise, signage, communication, parking lot monitoring, landscaping, delivery hours, and a one-year compliance review will be included (Exhibit 2, Attachment A). In regard to the third finding, the use will not be detrimental to public health, safety, or general welfare because the conditions of approval address any potential noise, traffic, and safety impacts to the surrounding residential neighborhood in that the hours of operation are limited to one and a half hours before sunrise or extend past 10:30 p.m., seven days a week to accommodate indoor, morning and nighttime prayer services; during the 30-day month of Ramadan, indoor nighttime prayer services shall not extend past 11:30 p.m. whenever sunset is prior to 7:30 p.m., or until 12:00 a.m. whenever sunset is after 7:30 p.m.; and the use is required to comply with the noise mitigation, parking lot monitoring, and overflow parking plan set forth in the conditions of approval (Exhibit 2, Attachment A). In regard to the fourth finding, the proposed use meets the objectives of the General Plan, as outlined in Section E. below, and Town Code, because the site is currently used for religious observance and therefore would not result in an increase in traffic impacts beyond what existed at the time of this application for a CUP modification; additionally, there is no additional square footage being proposed.

D. Traffic and Parking

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

A site plan detailing the number of on-site parking spaces and the applicant's efforts to communicate with its membership to utilize on-site parking and carpool, whenever possible, is provided in Exhibit 5. The applicant has indicated to staff that they are exploring a reconfiguration of the existing parking lot to add up to an additional 23 parking spaces, for a total of 203 on-site parking spaces. The conceptual plan has been included on the last page of Exhibit 6. The conceptual plan would require a formal submittal for review by Town staff to determine its conformance with the Town Code and any applicable development permits that would be required.

E. General Plan

The 2020 General Plan Land Use designation for the site is Low Density Residential. This designation provides for single-family residential properties located on generally level terrain. It encourages single-family residential development in either the standard development established by traditional zoning or by innovative forms obtained through planned development.

Applicable goals and policies of the 2024 General Plan Racial, Social, and Environmental Justice Element, as well as the 2020 General Plan Land Use and Community Design Elements include, but are not limited to the following:

- Policy LU-6.2 - Allow non-residential activity in residential areas only when the character and quality of the neighborhood can be maintained.

Conditions of approval will be included to maintain the quality and character of the neighborhood as outlined in the CUP findings above in Section C and as included in Exhibit 2, Attachment A.

- Action LU-6.2 - The conditional use permit approvals for non-residential uses in residential zones shall be reviewed by the Planning Commission on as-needed basis for for any adverse impacts, nuisances, or any required modifications.
- The Planning Commission is the deciding body for the proposed CUP modification. Additionally, conditions of approval will be included to address adverse impacts as outlined in the CUP findings above in Section C and as included in Exhibit 2, Attachment A.

PUBLIC COMMENTS:

Written notice was sent to property owners and tenants within 300 feet of the subject property. Public comments received by 11:00 a.m., Friday, March 20, 2026, are included as Exhibit 10. The applicant's neighborhood outreach efforts are detailed in Exhibits 6 and 10.

CEQA DETERMINATION:

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

CONCLUSION:

A. Summary

The applicant is requesting approval for modification of an existing CUP to allow for the following clarification and expansion of the hours of operation:

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

No change in use or additional square footage is proposed; therefore, there will be no increase in traffic impacts or required parking. The proposed use would be in conformance with the Town Code and is consistent with the General Plan.

B. Recommendation

Based on the analysis above, staff recommends approval of a modification of the CUP subject to the recommended conditions of approval included as Exhibit 2, Attachment A. If the Planning Commission finds merit with the request, it should:

1. Find that the proposed project is Categorically Exempt, pursuant Guidelines for the Implementation of the California Environmental Quality Act, Section 15301;
2. Find that the project meets the objective standards of Chapter 29 of the Town Code (Zoning Regulations)
3. Make findings as required by Town Code section 29.20.190 for granting approval of a modification to a CUP; and
4. Adopt the draft Resolution to approve the CUP application, U-24-010, with the recommended conditions of approval contained in Exhibit 2, Attachment A.

C. Alternatives

Alternatively, the Planning Commission can:

1. Continue the matter to a date certain with specific direction; or
2. Approve the application with additional and/or modified conditions; or
3. Deny the application.

**PAGE 11 OF 11**

**SUBJECT: 16769 Farley Road/U-24-010**

**DATE: March 20, 2026**

**EXHIBITS:**

1. Location Map
2. Draft Resolution Making the Required Findings and Approving the Application Subject to the Conditionals of Approval (Included as Attachment A)
3. Conditional Use Permit U-89-11
4. Conditional Use Permit U-20-001; March 11, 2020 Planning Commission Staff Report; and March 11, 2020 Planning Commission Minutes
5. Letter of Justification
6. Neighborhood Outreach
7. Noise Analysis
8. Site Map
9. Applicant's Response to Public Comments Regarding Noise
10. Additional Information from the Applicant
11. Public Comments Received by 11:00 a.m., Friday, March 20, 2026, with Attachment A, Videos Provided as Part of Public Comments

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