



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 08/18/2026

ITEM NO: 08

ADDENDUM

DATE: August 13, 2026

TO: Mayor and Town Council

FROM: Chris Constantin, Town Manager

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

REMARKS:

Supplemental information from Appellant 2, the Farley Road Neighborhood Coalition is included as Attachment 34.

Public comments received between 3:01 p.m., Thursday, August 14, 2026, and 3:00 p.m., Friday, August 14, 2026, are included as Attachment 35.

ATTACHMENTS:

Previously Received with the August 18, 2026, Staff Report:

1. March 25, 2026, Planning Commission Staff Report, with Exhibits 1 through 11
2. March 25, 2026, Planning Commission Addendum Report, with Exhibit 12
3. March 25, 2026, Planning Commission Addendum Report 2, with Exhibit 13
4. March 25, 2026, Planning Commission Desk Item Report, with Exhibits 14 through 16
5. March 25, 2026, Planning Commission Verbatim Minutes
6. March 31, 2026, Planning Commission Staff Report, with Exhibit 17

PREPARED BY: Jocelyn Shoopman
Senior Planner

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

7. March 31, 2026, Planning Commission Addendum Report, with Exhibit 18
8. March 31, 2026, Planning Commission Desk Item Report, with Exhibits 19 through 23
9. March 31, 2026, Planning Commission Verbatim Minutes
10. April 22, 2026, Planning Commission Staff Report, with Exhibits 24 through 26
11. April 22, 2026, Planning Commission Addendum Report, with Exhibits 27 and 28
12. April 22, 2026, Planning Commission Addendum Report 2, with Exhibit 29
13. April 22, 2026, Planning Commission Desk Item Report, with Exhibits 30 through 33
14. April 22, 2026, Planning Commission Verbatim Minutes
15. May 13, 2026, Planning Commission Staff Report, with Exhibits 34 through 37
16. May 13, 2026, Planning Commission Addendum Report, with Exhibits 38 and 39
17. May 13, 2026, Planning Commission Desk Item Report, with Exhibits 40 through 43
18. May 13, 2026, Planning Commission Verbatim Minutes
19. May 21, 2026, Planning Commission Staff Report, with Exhibits 44 through 46
20. May 21, 2026, Planning Commission Addendum Report, with Exhibits 47 through 49
21. May 21, 2026, Planning Commission Desk Item Report, with Exhibits 50 and 51
22. May 21, 2026, Planning Commission Verbatim Minutes
23. June 16, 2026, Town Council Staff Report
24. June 16, 2026, Town Council Addendum Report with Attachment 1
25. Appeal of the Planning Commission Decision 1, received June 1, 2026
26. Appeal of the Planning Commission Decision 2, received June 1, 2026
27. Additional Information from Appellant 2, received June 12, 2026
28. Track Changes Draft Modified Resolution to Deny the Appeals and Approve the Application Subject to the Modified Conditions of Approval (included as Exhibit A)
29. Draft Modified Resolution to Deny the Appeals and Approve the Application Subject to the Modified Conditions of Approval (included as Exhibit A)
30. Draft Resolution to Grant the Appeals and Remand the Project to the Planning Commission
31. Public Comments Received Between 11:01 a.m., Thursday, May 21, 2026, and 3:00 p.m., Thursday, August 13, 2026
32. Appellant 1 Request for Continuance
33. Appellant 2 Response

Received with this Addendum Report:

34. Supplemental Information from Appellant 2
35. Public Comments received between 3:01 p.m., Thursday, August 13, 2026, and 3:00 pm, Friday, August 14, 2026

From: Farley Road Neighborhood Coalition <[REDACTED]>
Sent: Friday, August 14, 2026 2:31 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>
Subject: FRNC Council Follow-Up: Concise Ask and CUP Pause Request

Dear Mayor and Town Council Members,

Per Staff recommendation to provide a streamlined summary, the Farley Road Neighborhood Coalition (FRNC) supplements our June 18 appeal packet with this concise call to action. Attached as Exhibit D is the redline text of the original CUP Conditions of Approval.

PRIMARY ASK: THREE ITEMS

1. Review of New Traffic Data (Requires Remand Under Town Code 29.20.275)

FRNC's independent traffic engineer observed LGIC traffic during a typical Friday and during Ramadan evening prayers, and concluded:

- Fridays generally see orderly traffic, minimal vehicle/pedestrian conflicts. However, blocked driveways and school children biking home on Safe Routes are concerns. See [today's video capturing street being blocked](#).
- Ramadan evenings are unsafe: Street parking fills up, forcing vehicles and pedestrians to share the same travel lane on Farley Road, with repeated conflicts at LGIC driveways.
- LGIC drives a large share of traffic: Especially during Ramadan, effectively a daily special event for 30 days.
- Parking spillover violates the CUP: WVMA's street parking use contradicts the Planning Commission's approved CUP condition on avoiding spillover.
- No baseline data exists: It's problematic that the Town has no site-specific traffic data to evaluate real impacts.

Professional Opinion: Ramadan evening activities create unsafe, incompatible conditions on Farley Road due to vehicle/pedestrian conflicts from parking spillover, conditions the WVMA CUP was meant to prevent. The engineer warns this could lead to accidents involving injury or fatality. He recommends the Town study and implement safety measures before proceeding.

This is a substantial departure, not a negligible change: Under Resolution 2005-037, Section 2c, a parking or traffic impact to other properties constitutes a substantial departure under Town Code §29.20.200. The 300 overflow cars documented above squarely meet that definition. The Commission's finding of a negligible change, reached without any study of the 10:30 PM to 8 AM period, is an abuse of discretion unsupported by substantial evidence.

A full report from our independent traffic expert will be submitted separately.

2. Review of New Noise Data (Requires Remand)

FRNC commissioned a third-party acoustic expert to conduct sound measurements. A full report from our independent sound expert, who noted that WVMA's Salter noise level study is incomplete, will be submitted separately.

3. CUP Vote Deferral (Pause Until After Ramadan 2027) – Least Restrictive Means

We formally request that the Town Council pause the CUP vote until after Ramadan 2027 (approximately May 2027). This pause is fully RLUIPA-compliant and protects long-term community harmony:

- **Objective Real-Time Monitoring:** It allows the Town to monitor real-time impacts during peak usage.
- **Comprehensive Peak Studies:** It ensures the Town can conduct independent, third-party studies on actual peak traffic patterns, parking overflow, outdoor noise decibels, and light/glare spillover during peak evening and late-night usage.

Why this protects the Town under RLUIPA: RLUIPA requires the Town to articulate a land-use impact and show that its zoning conditions are the *least restrictive means* to address a *compelling government interest*. The current record lacks accurate baseline data. Staff and the Planning Commission admitted to guessing on occupancy numbers (869 vs. 1,217), variations in worship posture (standing, sitting, praying), parking ratios, and traffic metrics. Without an accurate baseline, any condition imposed is vulnerable to a federal RLUIPA lawsuit from one of both of the appellants. Deferring the vote to study actual conditions protects the Town from litigation, ensures strict municipal compliance, and is the least restrictive because it does not deny religious exercise but defers to get data, protects community harmony, and protects the Town from federal litigation.

Activity Creep and Intensification - Neutral Land Use Basis

The original CUP U-89-11 in 1990 authorized maintaining an existing church facility with hours not past 10:00 PM. That church had one service on Sunday morning with

approximately 700 attendees and 200 vehicles. Modified CUP U-20-001 in 2020 allowed 10:00 PM to 11:00 PM for 30 days during Ramadan for religious services, with applicant representation of 5 to 10 additional cars. Applicant's own websites and verbatim testimony show the current operation includes far more than five daily prayers: weddings and receptions, bazaars and vendors, coffee hours, youth programs, community events, and Sunnah festivals. Staff Reports and traffic counts only analyzed five daily prayers and Ramadan — not weddings, festivals, coffee hours, fee-based summer camps, rentals, or vendors.

This is intensification and substantial departure under Section 29.20.200 and Resolution 2005-037 Section 2c parking and traffic impact and Section 1e increasing hours example. Under General Plan LU-6, the Town must preserve and enhance existing character and prohibit deterioration. A six to ten times increase in attendance on a landlocked lot sharing three sides with 13 neighbors, lacking gutters, sidewalks, and uniform width, impairs that character.

ALTERNATIVE REQUEST: MANDATORY BASELINE CONDITIONS

If Council decides it cannot defer the vote, we request the immediate implementation of the following baseline conditions. These represent the least restrictive measures necessary to protect public safety and residential quality of life. They are directly drawn from 8 other religious institution CUPs in Los Gatos reviewed by Commissioner Stump, as well as conditions imposed on Faith Lutheran and St. Mary's, ensuring equal terms per RLUIPA.

A. Hours of Operation & Event Limits

- **Adherence to 2020 Operational Hours:** The facility must honor its original 2020 hours: building and parking lot closed completely by 10:00 PM. This baseline is proven achievable; WVMA successfully concluded general activities by 10:00 PM and Ramadan by 11:00 PM for six consecutive years (2020–2026). The land was purchased in 2018 with full knowledge of this 10:00 PM residential limit.
- **Narrowly Tailored Daily Prayer Exception:** The sole exception is the indoor accommodation of the five daily prayers and directly related brief talks/coffee (maximum 15 minutes). No other activities, programs, rentals, or vendors may operate before 8:00 AM or after 10:00 PM. This protects core religious exercise while preventing illegal commercial intensification.
- **Annual Ramadan Variance Process:** Eliminate blanket, permanent late-night extensions for Ramadan. The applicant must apply annually for the specific hours

needed that year based on shifting sunset times, accompanied by a dynamic traffic and parking plan for that specific year. This matches the annual Ramadan variance conditions legally imposed on the Fiji Jamaat Ul Islam of America (FIJA) mosque in South San Francisco and is common for high-intensity uses in R-1 zones.

- **Strict Cap on Special Events:** Limit large weekend events—including festivals, weddings, and receptions—to a maximum of 4 per year. The applicant must provide 2 weeks' advance written notice to all residents within 1,000 feet. (*Precedent: St. Mary's outdoor fair is limited to 1x/year; no other church uses its residential parking lot weekly for commercial festivals*).

B. Parking & Attendance Management (Town Code 1:4 Ratio)

- **Maximum Occupancy Limit of 720:** Town Code for churches in R-1 zones requires 1 space per 4 seats (4 attendees per space). Capping occupancy at 720 perfectly aligns with the site's 180 available spaces. (*Precedent: Commissioner Stump's review showed that all eight R-1 zoned Los Gatos church CUPs have max capacities, and five of those churches have parking caps formally written into their respective CUP to comply with TC §29.10.150(c)(26). Venture Church uses this methodology: 703 spaces x 4 = 2,812 capacity*). The 180-space cap must be formally written into this CUP and enforced.
- **Mandatory High-Attendance Ticketing:** Implement a mandatory ticketing system for special events and Ramadan nights where projected attendance exceeds 100 people. Tickets must be capped to match the 180-space capacity to prevent neighborhood overflow. This builds directly upon the applicant's existing framework used for the Sunnah Festival and resolves independent expert findings regarding ongoing violations of Condition #19 (avoidance of parking spillover).
- **Verified Offsite Parking Leases:** The applicant must maintain and keep on file verified, legally binding lease agreements for sufficient offsite parking to accommodate overflow daily car trips, including documented surge capacity for Ramadan.

C. Traffic Control & Right-of-Way Compliance (Compelling Safety Interest)

- **Professional Traffic Control Enforcement:** Cease using untrained private volunteers to direct traffic on public roads. Per California Vehicle Code Section 21100, any active traffic management on public rights-of-way must be handled exclusively by hired, off-duty law enforcement or certified traffic professionals. Town Code §15.20.020 prohibits directing of traffic by anyone other than a designee of the Director of Parks and Public Works, a police officer, a person authorized by the Chief

of Police, or a person authorized by law. This eliminates the severe safety hazards observed during Ramadan 2026 at the Izorah/Farley intersection, which directly impacted one Los Gatos Town Council Member's vehicle. (*Precedent: This condition is already strictly imposed on Faith Lutheran*).

- **Mandatory Friday Traffic Breaks:** On Fridays, professional traffic management must mandate regular, timed breaks in the vehicle queue so residents can safely enter and exit their driveways, with specific prioritization for 16793 Farley Road.
- **Mandated Traffic Flow Restrictions:** Install a permanent "Left-Hand Turn Only" sign at the facility exit to protect children biking home via Safe Routes to School on Friday afternoons during peak prayer traffic. Instituting this restriction not only protects children, but also limits severe traffic, vehicle noise, and light pollution impacts to 10 homes versus 100 homes.
- **Prohibition of On-Street Obstructions:** Strictly prohibit all passenger drop-offs, pick-ups, and traffic idling along Farley Road.

D. Noise, Lighting & Neighbor Protections (General Plan Compliance)

- **Sound and Privacy Barriers:** Require the installation of an 8-ft sound absorbing concrete barrier wall at the WVMA driveway exit (along the 16793 property line) to physically block vehicular noise and headlight pollution as specified by acoustic expert. See example below.



- **Partial Parking Lot Closures:** Physically block off portions of the parking lot immediately adjacent to 16793 Farley Road and 16761 Corcel Court properties on weekends, weeknights, and overnight when the lot is not at peak capacity to safeguard residential privacy. (*Precedent: This condition is already strictly imposed*

on Calvary Church on both Shannon Road ingress/egress and parking lot @ Robie Lane).

- **Outdoor and Indoor Sound Restrictions:** Ban all outdoor audio amplification entirely. Indoor audio amplification must be strictly prohibited before 8:00 AM and after 10:00 PM per General Plan quiet hours.
- **Exterior Lighting Compliance:** All exterior lighting must be full-cutoff and downward-directed. Lights must drop to Building Code minimums during Quiet Hours, with a full system shut-off coinciding exactly one hour after facility operating hours.

E. Strict Enforcement Mechanisms

- **Three-Strike Non-Compliance Clause:** Three validated zoning or operational violations within any rolling 12-month period must automatically trigger a mandatory municipal compliance review and a defined, legally binding reversion to the restrictive 2020 baseline hours.
- **Annual Compliance Review for 3 Years:** Mandate an annual compliance review at the applicant's expense for the first three years. This is entirely reasonable due to the landlocked location sharing three sides with 13 direct neighbors, a complete lack of public infrastructure, a 6–10x increase in attendance over the previous land use, and a documented pattern of 34 reported violations. *(Precedent: Hillbrook School, the Muslim Community Association of Santa Clara, and the Islamic Association of Hayward all operate under mandatory annual reviews—ensuring Equal Terms).*

Regional attendance data proves this is a regional-scale institution being forced onto a landlocked R-1 residential street without the critical infrastructure. Under RLUIPA, courts evaluate whether alternative properties are reasonably available; the fact that attendees bypass multiple mosques within a 10-mile radius to reach Farley Road shows that expanding on this specific, non-conforming, landlocked lot is not the least restrictive means, especially with a less impactful alternative available (the applicant's \$16–17M Cupertino property currently in escrow).

We ask the Town Council to uphold the integrity of local zoning laws, prioritize public safety and health, and reverse the Planning Commission's decision.

Respectfully submitted,

Farley Road Neighborhood Coalition (FRNC)

Redline CUP Conditions of Approval Under Appeal (Appendix D)

FRNC is redlining only the specifics listed below from the original 34 Conditions of Approval. All omitted conditions are accepted as written and require no further discussion.

B. Use and Occupancy

9. Permitted Use

Operate an existing institution for religious observance. In addition to worship services, the applicant may use the facility for religious exercise, including but not limited to prayers, religious educational classes, Sunday school, as well as community events, charitable events, and other activities related to the religious mission of the institution. The facility may be rented to community members or by organizations providing educational, charitable, religious or other services for the benefit of the institution's members. **Limit weekend events, including festivals, weddings, receptions, and the like, to four per year. Two weeks' notice to be provided to all residents within 1,000 feet and others who request notice.**

10. Living Quarters

The leaders' quarters shall not be used for any purpose other than living quarters for ~~visiting scholars and/or~~ leaders associated with the institution.

11. Occupancy Limits

On-site events shall be limited to the maximum building occupancy established by Fire and Building Code. **Limit total facility occupancy strictly based on the number of available on-site parking spaces. Town code for churches in R-1 zones requires one space per four seats (or four attendees per space), capping total building attendance at 720 individuals based on the 180 available spaces. In addition, once the building occupancy is reached there may not be people congregating outside of the building.**

C. Facility Operations

12. General Hours

a. Worship services shall not begin earlier than 1.5 hours before sunrise or extend past ~~1030~~ 10:00 p.m. daily, except as specified in Condition 13, Seasonal Late-Hours Exception.

b. ~~Other activities are limited to the hours of 8 a.m. to 10 p.m.~~ The sole exception to this rule is the accommodation of the five daily prayers. No other activities, programs, or events may occur before 8:00 AM or after 10:00 PM, ensuring core religious exercises remain fully protected. (Note: This standard is proven and achievable, as WVMA has successfully concluded general activities by 10:00 PM for the past six consecutive years.)

c. ~~The congregation for general worship services shall be limited to a maximum of 720 Persons.~~ (Note: Covered under Condition 11).

13. Seasonal Late-Hours Exception

Thirty (30) day period during Ramadan, **worship** services may extend beyond ~~10:30~~ 11:00 p.m. as follows:

No blanket extension of hours shall be granted for Ramadan. Instead, the applicant must apply annually for the specific hours needed that year. The requested hours must be calculated based strictly on the specific lunar calendar dates for that corresponding calendar year. (Note: This mirrors a condition legally imposed on the Fiji Jamaat Ul Islam of America ["FIJA"] mosque in South San Francisco).

- ~~• Until 11:30 p.m. when sunset is before 7:30 p.m.~~
- ~~• Until 12:00 a.m. when sunset is after 7:30 p.m.~~

The applicant shall maintain a publicly available website and list on an annual basis the dates seasonal late hours will be exercised for Ramadan. seasonal-late hours in this Section are not transferable to another owner or use for nighttime worship is not a component of their religion.

a. ~~The congregation for seasonal late-hour worship services shall be limited to a maximum of 869 persons.~~ (Note: Covered under Condition 11).

14. Intentionally omitted.

~~15. Lot Closure Rule~~

~~Notwithstanding the Quiet Hours limitation, for worship the parking lot shall be vacated by 11:00 p.m. 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 services. For all other activities, the parking lot shall be vacated by 10 p.m.~~

Opening of the parking lot shall not begin more than 15 minutes prior to the first daily prayer and must be vacated by General Hours of operation 10pm or Seasonal Late-Hours 11pm, with no additional time allocated for lot vacancy.

16. Windows and Doors

Windows and doors on the west elevation shall remain closed ~~when indoor services are taking place~~, except for ingress and egress to the building.

~~18. Food Vendors~~

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

(Note: Food vendors are an incremental change that was NOT submitted as part of the original application.)

~~19. High Attendance Guidelines~~

~~At least thirty (30) days before any recurring or seasonal period of high attendance where on-site parking is insufficient to accommodate parking demand, the applicant shall provide members and attendees written reminders regarding:~~

- ~~a. Respectful parking practices, including use of on-site spaces, carpooling where possible, and avoidance of spillover impacts on surrounding residential streets.~~
- ~~b. Minimizing congregating in the parking lot to adhere to Quiet Hours requirements.~~
- ~~c. Compliance with all applicable Conditions of Approval.~~

~~Documentation of this communication (e.g., copy of written notice, email, and posting on the facility's website) shall be maintained on file and made available to the Community Development Director or Public upon request.~~

D. Noise

20. Noise Mitigation

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

~~During Quiet Hours:~~

- ~~a. Noise Standard—All activities shall comply with the Town’s Noise Ordinance residential standard in effect at the time of the activity measured at the property line during 10:00 p.m.—8:00 a.m.~~
- ~~b. Parking Lot Operations—During Quiet Hours when a service is not in session, the lot may only be used for ingress, egress, security, emergency access, or use by the leaders’ quarters occupants.~~
- ~~c. Building Operations—Windows facing residences shall remain closed during Quiet Hours. Doors facing residences shall remain closed during Quiet Hours, except when necessary to permit ingress and egress to the building for morning and nighttime services. Doors may be opened for the limited purpose of ingress and egress.~~
- ~~d. Signage and Communication—The applicant shall maintain posted “Quiet Hours” signage and provide reminders to attendees regarding minimizing noise when leaving. Such signage specifying the established quiet hours shall be prominently displayed and appropriately maintained on the building in such a manner to ensure signs are clearly visible and easily readable at all times to individuals entering and exiting the building.~~
- a. Install a concrete wall or an 8-foot mature hedge at the WVMA driveway and along the 16793 property line exit (final specifications to be determined by a sound expert) to block headlight pollution and vehicular noise within 6 months of approval.
- b. No outdoor audio amplification is permitted at any time. Indoor audio amplification is strictly prohibited before 8:00 AM and after 10:00 PM.
- c. The applicant must physically block off portions of the parking lot adjacent to the 16793 Farley Road and 16761 Corcel Court properties on weekends, weeknights, and overnight when the lot is not operating at full capacity to protect neighbor privacy.

E. Parking and Traffic

~~22. Monthly Communication~~

~~The applicant shall continue monthly outreach to members encouraging carpooling, use of on-site spaces, and to be sensitive to the concerns of the neighborhood residents. (Note: Condition ineffective and unenforceable).~~

23. Parking Lot Monitoring

~~For events anticipated to exceed available on-site parking, the applicant shall implement traffic management measures which may include parking attendants, directional signage, carpooling encouragement, or other measures. The applicant shall designate a person, volunteer, or parking attendant to monitor on-site parking during any service or event expected to generate attendance that may approach or exceed available on-site parking capacity, with training as available by an entity that provides this type of training.~~ To ensure public safety and compliance with California Vehicle Code Section 21100, any active traffic management on public rights-of-way including Farley Road and surrounding feeder streets must be handled exclusively by hired, off-duty law enforcement officers or certified traffic professionals. The monitor shall make reasonable efforts to ensure that:

- ~~a. All on-site spaces are utilized before attendees seek parking off-site.~~
- ~~b. All vehicles parked on-site shall maintain emergency vehicle access.~~
- c. LGMS Police are informed 30 days in advance, in writing of such events.
- d. The applicant must physically block off portions of the parking lot adjacent to the 16793 Farley Road and 16761 Corcel Court properties on weekends, weeknights, and overnight when the lot is not operating at full capacity to protect neighbor privacy.

(Note: This mirrors a condition legally imposed on Faith Lutheran).

24. Driveway Operations

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

- a. The applicant is to erect a left turn only sign at the end of the egress driveway.
- b. On Fridays, traffic management from the parking lot must ensure regular breaks in the vehicle queue so that residents can safely enter or exit their driveways and access Farley Road, with specific prioritization given to protecting access for 16793 Farley Road.
- c. Strictly prohibit all on-street traffic obstructions, including picking up or dropping off passengers along Farley Road.

25. Event Parking Overflow Plan

For events where on-site parking is insufficient to accommodate parking demand, the

applicant shall implement an overflow parking plan.

- a. The applicant must implement a mandatory ticketing system for all special events and Ramadan programs where projected attendance exceeds 100 individuals. Ticket distribution must be strictly capped to align with the facility's 180-space parking lot capacity to prevent neighborhood overflow. This system directly builds upon the applicant's existing, successful ticketing framework utilized for the Sunnah Festival and addresses independent traffic expert findings regarding current violations of Condition #19 (avoidance of parking spillover effects).
- b. The applicant must maintain and keep on file verified proof of a lease agreement for sufficient offsite parking to accommodate estimated daily car trips. This must include documented proof of parking capacity for extra vehicles anticipated during Ramadan and special events.

~~29. Portable Screening~~

~~Prior to the mature growth of landscape plantings, as detailed in Condition #30, the applicant shall obscure vehicle headlights on the perimeter properties to the facility through the use of privacy mesh, wind screens, or the use of portable planters/screening as proposed by Zayn Zaafran's letter dated, April 20, 2026, included in Exhibit 29 of the April 22, 2026, Planning Commission staff report packet.~~



Northern
California

August 13, 2026

VIA EMAIL

Mayor and Town Council
Town of Los Gatos
110 E. Main Street
Los Gatos, CA 95030
clerk@losgatosca.gov

Re: West Valley Muslim Association Conditional Use Permit

Dear Honorable Mayor and Town Council:

We write on behalf of the ACLU Foundation of Northern California (ACLU NorCal) regarding the West Valley Muslim Association's (WVMA) appeal of the Planning Commission's imposition of several new conditions on their conditional use permit (CUP) at 16769 Farley Road in Los Gatos.

ACLU NorCal wrote to the Los Gatos Planning Commission several times during the Commission's consideration of WVMA's CUP, and we remain concerned that at least some of the conditions adopted by the Planning Commission may present issues under the Religious Land Use and Institutionalized Persons Act (RLUIPA). For that reason, we write to remind the Town Council of the purpose and requirements of RLUIPA. We also write specifically to note concern regarding the Planning Commission's decision to impose capacity limits that we understand cap attendance at levels below what building capacity permits.

We urge the Town Council to conduct the necessary analysis to ensure that all conditions imposed on WVMA comply with RLUIPA and either modify the conditions or, if this Council deems it necessary, return the application to the Planning Commission for further findings.¹ To the extent that the Town Council considers information that was not "presented to or considered by the Planning Commission," the matter must be returned to the Planning Commission for further review.²

¹ Los Gatos, CA, Code of Ordinances § 29.20.295 (2019).

² *Id.*

American Civil Liberties Union Foundation of Northern California

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I. Religious Land Use and Institutionalized Persons Act

For decades, cities and towns across the country improperly denied zoning permits and other approvals for houses of worship and congregations seeking to use their property for religious purposes.³ These denials were often rooted in discrimination against a particular faith or religious practice, even as local officials cited ostensibly “neutral” reasons—such as noise, traffic, or parking concerns—for their decisions.⁴

To address these practices, Congress passed RLUIPA. Under RLUIPA, the government is generally prohibited from imposing or implementing a land use regulation “in a manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution.”⁵ Such an imposition is permitted only if the government shows that the condition the government seeks to impose is “in furtherance of a compelling governmental interest” and “is the least restrictive means of furthering that compelling governmental interest.”⁶ As we have previously explained, this legal standard is known as “strict scrutiny.”⁷ It is rigorous and exceptionally demanding and “requires the government to show that it lacks other means of achieving its desire goal without imposing a substantial burden on the exercise of religion.”⁸ Importantly, generalized and speculative concerns relating to traffic, parking, noise, or safety are not sufficient to overcome an applicant’s religious-freedom rights.⁹

In addition, RLUIPA includes an “equal terms” provision which states that the government may not impose a land use regulation that “treats a religious assembly or institution

³ See DOJ, *Report on the Twentieth Anniversary of the Religious Land Use and Institutionalized Persons Act*, 3-5 (Sep. 22, 2020), <https://www.justice.gov/media/1096176/dl?inline>.

⁴ See *id.* at 4.

⁵ 42 U.S.C. § 2000cc(1) (2000).

⁶ *Id.*

⁷ See *Holt v. Hobbs*, 574 U.S. 352, 364 (2015) (internal quotation marks omitted).

⁸ See *id.* (internal quotation marks omitted).

⁹ See, e.g., *Burwell v. Hobby Lobby Stores, Inc.*, 573 U.S. 682, 726 (2014) (noting that, under strict scrutiny, the governmental interest cannot be “couched in very broad terms” but must be “focused” on the particular claimant whose religious exercise is substantially burdened) (internal quotation marks omitted); *Guru Nanak Sikh Soc. of Yuba City v. Cnty of Sutter*, 456 F.3d 978, 982, 990-91 (9th Cir. 2006) (holding that county violated RLUIPA by denying conditional use permits based, in part, on neighbors’ asserted noise and traffic concerns); *Westchester Day Sch. v. Vill. of Mamaroneck*, 417 F. Supp. 2d 477, 562-63 (S.D.N.Y. 2006), *aff’d*, 504 F.3d 338 (2d Cir. 2007) (“Factors bearing on the public health, safety and welfare, such as traffic, that may suffice to deny a permit for commercial use generally will not suffice to deny an educational or religious use.”); *Fortress Bible Church v. Feiner*, 734 F. Supp. 2d 409, 505 (S.D.N.Y. 2010), *aff’d*, 694 F.3d 208 (2d Cir. 2012) (ruling that traffic, parking, and other concerns cited by town as basis for rejecting zoning requests “were contrived for the sole purpose of rationalizing the Town’s denial”); *cf.*, e.g., *Beaulieu v. City of Alabaster*, 454 F.3d 1219, 1234 (11th Cir. 2006) (holding, under strict-scrutiny analysis, that city’s “interests in aesthetics and traffic safety [were] substantial but they [were] not compelling” and could not justify restriction on political signs in residential areas).

on less than equal terms with a nonreligious assembly.”¹⁰ Governments are also prohibited from discriminating between religious faiths or denominations in imposing land use regulations.¹¹

II. WVMA's Conditional Use Permit

As explained, RLUIPA prohibits the Town from imposing conditions that substantially burden religious exercise unless the condition is the least restrictive alternative. We are particularly concerned that the Planning Commission's decision to impose a capacity limit that we understand is *more restrictive* than the limit provided for by the fire code may substantially burden religious exercise by limiting the number of congregants who can attend daily prayers at the mosque. The Town Council should not endorse the condition limiting capacity as written for at least two reasons.

First, the Town Code section that the Planning Commission relied upon to set the “capacity limit” does not speak to building capacity. The Commission suggested that capping attendance at 720 people is consistent with the Town Code provision requiring one parking space for every four seats.¹² In doing so, the Commission appears to have mistakenly imported the Town's requirement that a building have a parking space for every four seats into a limit on building capacity. Town Code Section 29.10.150(c)(26) states that there must be “[o]ne (1) parking space for each four (4) seats in each building used separately, or together with any other building, for worship.” These provisions about parking spaces are solely “intended to ensure the provision of a sufficient number of off-street parking spaces privately and publicly owned and operated to satisfy needs generated by permissible uses.” Town Code Section 29.10.150(a). Nowhere do the referenced Town Code provisions suggest building capacity limits are based on parking spaces.

Second, the justification offered by the Commission for imposing the proposed capacity limits appears to be at least in part based on a misunderstanding of the congregants' religious practices. At the May 13, 2026 Planning Commission meeting, the Town Attorney instructed the Commission that “whenever the Commission is imposing a condition, it's good to specify what the impact is that needs to be addressed and how the condition will address that impact.”¹³ In response, one Commissioner justified the capacity limits stating that the capacity limit of “720 [people], that's per service, times five [means WVMA] could have 3,500 people at their site per today, *so what is really the restriction?*”¹⁴ But the restriction is clear when it is understood that the five prayers that congregants may attend at the mosque each day are not five identical “services,” such that attendees could choose to go to an alternative “service” if a prior one is at the lower capacity limit imposed by the Town. Attending the morning (Fajr) prayer is not the same as attending the afternoon (Asr) prayer: they are distinct prayers and do not constitute the same “service” five times per day.

¹⁰ 42 U.S.C. § 2000cc(b)(1).

¹¹ 42 U.S.C. § 2000cc(b)(2).

¹² Town of Los Gatos, *Town of Los Gatos Planning Commission Meeting*, at 3:11:37-3:11:53 (YouTube, May 13, 2026), <https://www.youtube.com/watch?v=upP5zXDTCuY>.

¹³ Town of Los Gatos, *Town of Los Gatos Planning Commission Meeting*, at 3:13:57-3:14:08 (YouTube, May 13, 2026), <https://www.youtube.com/watch?v=upP5zXDTCuY>.

¹⁴ *Id.* at 3:16:00-3:16:15.

Given that RLUIPA is intended to protect “new, small, or unfamiliar” faiths¹⁵, it is concerning that the Commission conducted an analysis of substantial burden through the lens of the norms of other faith traditions. Suggesting that there is no burden for imposing a capacity limit because mosque attendees could attend the four other “services” per day, does not appear to fully or accurately account for the religious practices of WVMA’s attendees and therefore does not fully appreciate the attendant burdens that the capacity limits may impose.

We urge the Town to do a rigorous RLUIPA analysis of each of the newly imposed conditions, ensuring that WVMA is treated on equal terms with other similarly situated religious and non-religious institutions *and* ensuring that where the conditions create a substantial burden on religious exercise, the Town has a “compelling interest” for imposing that condition and the condition is “the least restrictive means of furthering that compelling governmental interest.”¹⁶

Sincerely,



Angélica Salceda, Director
Democracy, Speech, and Technology Program
ACLU Foundation of Northern California



Lauren Davis, Legal Fellow
ACLU Foundation of Northern
California

¹⁵ 146 CONG. REC. S7774. (daily ed. July 27, 2000) (joint statement of Sen. Hatch and Sen. Kennedy).

¹⁶ 42 U.S.C. § 2000cc(a)(1).

From: Gus Who <[REDACTED]>
Sent: Friday, August 14, 2026 10:40 AM
To: Clerk <Clerk@losgatosca.gov>
Subject: Public Comment Item #8

To whom it may concern,
re: Town Hall meeting 8/18/26 @7pm

Please take note of article published in the Los Gatos Weekly Times paper today for the record. ('Stewards of the town's money' - front page news)

It does mention something about "findings to Town Council on Aug. 18."

under Trump are not minor technical tweaks. They are political choices that will increase emissions and lock in new fossil fuel infrastructure, making the conditions that drive today's severe wildfire seasons that much worse. If you think the smoke is bad now, just wait until those projects start operating at full capacity.

Trump is now threatening Canada with tariffs and demanding damages for pollution while his administration expands the industry principally responsible for heating the planet. The members of Congress who wrote the letter to Canada voted for policies that are making the smoke problem worse. The audacity is stunning.

The letter points to shortcomings in Canada's forest management and argues that Canada has underinvested in thinning forests, fuel reduction, prescribed burns and enforcement against arson. Canada should certainly do more to prevent and fight wildfires. More than 5,300 firefighters were battling the fires, and Canada should commit additional funding to preventing these blazes before they start, while

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JOIN, OR DIE.

CLAY BENNETT

COMMENTARY

Los Gatos should step back and gather facts on mosque's operations

Farley Road Neighborhood Coalition

The Farley Road Neighborhood Coalition (FRNC) has appealed the Los Gatos Planning Commission's approval of the West Valley Muslim Association's (WVMA) conditional use permit modification.

When WVMA was granted a CUP in 2020, the town already made accommodations for Ramadan. The current modification goes substantially further. It permits operations beyond the town's established quiet hours; no other religious or secular organization facility in an R-1 residential zone is permitted to operate past 10 p.m. While the decision contains 34 conditions, more conditions do not

necessarily mean effective conditions. Quantity is not quality.

WVMA operates the town's busiest religious facility, yet its property sits deep inside a residential neighborhood, landlocked by 15 homes and without arterial road access. The facility has grown substantially, and neighbors have been forced to endure the intensification's resulting escalation of safety hazards, traffic congestion, noise levels and parking shortages.

After five Planning Commission meetings, some lasting up to five hours, the proposed conditions expanded significantly beyond WVMA's original request for five daily prayers and a Ramadan

curfew extension. The final approval provides a year-round 6.5-hour expansion of operating time until as late as 12:30 a.m.

It also expands beyond worship and religious activities to permit WVMA autonomous usage including community center and secular activities such as 60-day summer camps with after-hours child care, as well as movie nights, sports leagues, social events, charitable events and parking lot festivals. The approval also allows unlimited facility rentals.

The issue is not whether WVMA should be able to worship. It is whether the town has sufficient evidence to determine what

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MOSQUE

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conditions are necessary to make this use compatible with its residential surroundings.

The numbers warrant careful examination. According to Planning Commissioner Rob Stump, vehicle trips associated with WVMA have increased from approximately 400 to 4,000 per week. The facility has 180 parking spaces, yet during Ramadan, as many as 300 vehicles park on surrounding streets while volunteer traffic directors attempt to manage chaotic and congested traffic for 30 consecutive nights. The town's own infrastructure assessment scored the site 2 out of 10 for residential compatibility.

As WVMA's counsel has

stated, "A mosque should not be treated differently from other houses of worship." FRNC agrees. Religious institutions should be treated fairly and neutrally. That makes evidence-based, consistently applied standards even more important.

Both the applicant and FRNC should agree on one fundamental principle: Government decisions should be supported by evidence.

Before finalizing conditions that could affect this neighborhood for years, the town should commission comprehensive studies of traffic, parking demand, noise, acoustics, light pollution, emergency access and public safety. FRNC urges the town to conduct those studies during Ramadan 2027, when the facility experiences its greatest intensity, so that decisions are

based on actual conditions.

The goal is not to restrict religious exercise. It is to establish neutral, measurable and enforceable conditions that protect both religious freedom and the legitimate safety and quality-of-life interests of nearby residents.

FRNC is a grassroots coalition of more than 70 families, including young families, senior citizens and retirees. Members have had to raise their own funds to hire a traffic expert with 45 years of professional experience. To ensure his work was impartial, FRNC agreed that he meet with WVMA leadership and conduct a site visit. He will present his findings to the Town Council on Aug. 18.

Why should neighbors have to fund the research necessary to understand impacts created by a municipal land-use decision?

Have any of the town planning staff conducted comprehensive site visits during the highest-intensity periods? We know the town engineer has not. Why have residents had to make repeated trips to the Santa Clara County Fire Department to try to obtain critical information concerning occupancy, capacity, emergency access and fire lane requirements only to be sent back to the town and vice versa?

The town has an opportunity to step back and gather the facts.

Meaningful coexistence requires more than 34 conditions on paper. It requires conditions be grounded in evidence, applied fairly and enforceable in practice. Before this landmark decision becomes a model for other neighborhoods, Los Gatos should do the studies — and get it right.

Also .. note a class action lawsuit has been filed in federal court, that will probably make

this all moot point at some point and time, and though monetary damages are not sought ..
so far.. Who knows

Respectfully Submitted

😊 Capt. Seuss

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