



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 06/16/2026

ITEM NO: 19

ADDENDUM

DATE: June 12, 2026
TO: Mayor and Town Council
FROM: Chris Constantin, Town Manager
SUBJECT: **Continue Consideration of an Appeal 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. Conditional Use Permit Application U-24-010. 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.**

REMARKS:

Attachment 1 contains public comment received between 3:01 p.m., Thursday, June 11, 2026, and 3:00 p.m., Friday, June 12, 2026.

A public commenter noted that their public comment may not have been entered into the public record for the Planning Commission proceedings. The public comment was received and included in Exhibit 11 of the March 25, 2026, Planning Commission staff report packet.

Attachment received with this addendum:

1. Public comments received between 3:01 p.m., Thursday, June 11, 2026, and 3:00 p.m., Friday, June 12, 2026.

PREPARED BY: Jocelyn Shoopman
Senior Planner

From: Linda S <[REDACTED]>
Sent: Friday, June 12, 2026 9:59 AM
To: Council <Council@losgatosca.gov>
Cc: Clerk <Clerk@losgatosca.gov>; Gabrielle Whelan <GWhelan@losgatosca.gov>; Planning <Planning@losgatosca.gov>
Subject: Fwd: RLUIPA comments

Attached, please find an email from me that was sent to planning and the town attorney on March 1, 2026. This was prior to any of the Planning Commission hearings on this matter.

It has come to my attention that this may not have been entered into the public record for those proceedings. At the time, I was concerned (and still am) about the citywide implications of the outcome of the CUP modification hearings. I had come across some useful information in my research on the matter. I was hopeful that the town attorney, town staff, and Planning Commission would find this information to be helpful in understanding how to conduct hearings and make decisions in any potential RLUIPA challenge.

Regards,

Linda Swenberg

Begin forwarded message:

From: Linda S <[REDACTED]>
Date: March 1, 2026 at 5:00:19 PM PST
To: Gabrielle Whelan <GWhelan@losgatosca.gov>, jshoopman@losgatosca.gov
Cc: Planning@losgatosca.gov
Subject: RLUIPA comments

Dear Ms. Whelan and Ms. Shoopman,

I understand that Los Gatos might be facing a RLUIPA challenge by WVMA on Farley Road in a residential neighborhood.

Although I don't live in the immediate neighborhood, I do live in a similar area. I don't want the protections I enjoy as a resident to be compromised if a new precedent is set on Farley Road. If the CUP modification is allowed (and violations of the current CUP go unchecked), this would allow some organizations to operate under different conditions than others. I live very close to a quiet church property (on Old Blossom Hill Road) that currently has minimal impact on our neighborhood. The current church complies with the Town's noise ordinance, but hypothetically, that could change, especially if this CUP modification request is granted.

The request from the organization on Farley Road worries me because they seem to be asking for disparate treatment with respect to other religious and secular organizations located in

residential neighborhoods. I don't believe RLUIPA mandates disparate treatment; rather, it protects against it.

The proceedings of CUP modification requests by other institutions in residential neighborhoods, such as Hillbrook School and Faith Lutheran serve as good background to establish equal treatment.

I found some excellent advice for municipalities on these matters while researching this topic, which I hope you will review in preparation for the upcoming Planning Commission hearing. I've attached a pdf below to the document that you can find at

<https://www.rluipa-defense.com/wp-content/uploads/sites/30/2017/02/Avoiding-and-Defending-Against-RLUIPA-Claims-w-002-9215.pdf>

The 9th Circuit has found that towns have a compelling interest when they have legitimate zoning concerns, including preservation of the quiet residential character of the neighborhood and addressing traffic/noise/disturbance issues from residents. (*Pentecostal Church of God v. Douglas County* (U.S. District Court for the District of Nevada, Case No. 3:16-cv-00400, with appeal to the 9th Circuit in 2020) <https://caselaw.findlaw.com/court/us-9th-circuit/2042793.html>)

I genuinely hope the Town of Los Gatos continues to uphold the integrity of the CUP process you've established. Please maintain the tranquility of residential neighborhoods and take into consideration residents' concerns about traffic and noise.

Regards,
Linda Swenberg



From: [Gus Who](#)
To: [Clerk](#)
Cc: [Council](#)
Subject: Public Comment Item #19 for 6/18/26 Town Hall meeting
Date: Friday, June 12, 2026 10:46:17 AM
Attachments: [IMG_6684.png](#)
[IMG_6685.png](#)

[EXTERNAL SENDER]

To Whom It May Concern

On the night of May 21, 2026, the Planning Commission finally approved 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). This process took a lot of TIME.

On May 22, 2026, (Friday) a Member of the Public had emailed twice and went down to the Clerks Office to **FILE** an Appeal to this Subject Matter. The Clerks office would not accept this Appeal, even when explained of the circumstances in which violates the First Amendment of the Constitution.

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”

On Monday May 26, 2026 this same ‘Member of the Public’ attended a TOWN OF LOS GATOS COUNCIL POLICY COMMITTEE MEETING, and spoke to the Mayor and committee stating this “Appeal” and hand delivered the form of appeal to the Town Attorney. The Clerks office and Town Attorney did not respond until about a week after the facts by emails ... giving reasons why .. and the email that the attorney said, stated an appeal has been filed.

Last night about 11pm, due to the late posts of Town Council Meetings agendas, in which there were over 1,000 pages, and the public has the minimum amount of time to try and review (24 business day hours or 3 days.. on average though 23 and 1/2 hours, given this is typically posted at 7:30 pm on Thursday.) over 1,000 pages .. and found on pages 840 and 841 in the “AGENA PACKAGE” these 2 pages



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RECOMMENDATION: Continue this appeal hearing to a date certain of August 18, 2026.

FISCAL IMPACT:

There is no fiscal impact associated with this action.

STRATEGIC PRIORITY:

This item does not directly address a Strategic Priority.

DISCUSSION:

On May 21, 2026, the Planning Commission approved 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).

PREPARED BY: Jocelyn Shoopman
Senior Planner

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

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www.losgatosca.gov

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ITEM NO. 19





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SUBJECT: 16769 Farley Road/U-24-010

DATE: June 11, 2026

ITEM NO. 18

On June 1, 2026, the decision of the Planning Commission was appealed to the Town Council by two separate parties:

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

Although the Planning Commission approved the Conditional Use Permit modification, the applicant and a neighborhood group each filed appeals seeking review of the Commission's decision, specifically the conditions of approval.

Pursuant to Town Code 29.20.280, an appeal shall be heard by the Town Council within 56 days after the date of the hearing at which the final decision by the Planning Commission was made. The Council may continue from time to time any hearing held by it.

Both appellants have waived the 56-day deadline for hearing the appeal. Due to the time required to prepare the materials associated with the appeal and staff analysis, the matter could not be prepared for consideration at the June 16, 2026, Town Council meeting. Given the Town Council's summer recess during July and the appellants' availability, staff recommends continuing the appeal hearing to the August 18, 2026, Town Council meeting.

ENVIRONMENTAL ASSESSMENT:

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.

COORDINATION:

This report was coordinated with the offices of the Town Manager and Town Attorney.



For the Record... I have not waived my rights to Appeal as an unlisted Appellant or waive my 56 day time period. This is a schedule meeting on this subject mater and it should be heard as such.

I do not represent either 2 of these listed parties ...

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

I would request, that we place actually names on the record, as I come as an individual representing a much larger and broader belief as a religious person first, and under my 1st Amendment Rights as a citizen of this country.

As all parties should be informed of basic information such as how many members is WVMA and Farley Rd Coalition? Just in case this has to be heard in a Class Action Lawsuit in Federal Court, if the Town Council does not take up this Appeal.

Respectfully Submitted,

Gus Who

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