

FILING FEES
\$538.00 (PLAPPEAL) Residential
\$2,161.00 (PLAPPEAL), per
Commercial, Multi-family, or
Tentative Map Appeal
TRANSCRIPTION \$500 (PLTRANS)

Town of Los Gatos
Office of the Town Clerk
110 E. Main St., Los Gatos CA 95030

APPEAL OF PLANNING COMMISSION DECISION

I, the undersigned, do hereby appeal a decision of the Planning Commission as follows: (PLEASE TYPE OR PRINT NEATLY)



DATE OF PLANNING COMMISSION DECISION: May 21, 2026
PROJECT / APPLICATION NO: U-24-010
ADDRESS LOCATION: 16769 Farley Road, Los Gatos CA 95032

BPD-2473

Pursuant to the Town Code, any interested person as defined in Section 29.10.020 may appeal to the Council any decision of the Planning Commission.

Interested person means:

1. *Residential projects.* Any person or persons or entity or entities who own property or reside within 1,000 feet of a property for which a decision has been rendered, and can demonstrate that their property will be injured by the decision.
2. *Non-residential and mixed-use projects.* Any person or persons or entity or entities who can demonstrate that their property will be injured by the decision.

Section 29.20.275 The notice of appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Commission or wherein its decision is not supported by substantial evidence in the record.

1. There was an error or abuse of discretion by the Planning Commission:
See attached letter for abuse of discretion by the Planning Commission
_____; OR
2. The Planning Commission's decision is not supported by substantial evidence in the record:
See attached letter for details on how the Planning Commission's decision is not supported
by substantial evidence in the record.

IF MORE SPACE IS NEEDED, PLEASE ATTACH ADDITIONAL SHEETS.

IMPORTANT:

1. **Appellant is responsible for fees for transcription of minutes. A \$500.00 deposit is required at the time of filing.**
2. **Appeal must be filed within ten (10) calendar days of Planning Commission Decision accompanied by the required filing fee. Deadline is 4:00 p.m. on the 10th day following the decision. If the 10th day is a Friday, the appeal must be filed by 1:00 P.M. If the 10th day a Saturday, Sunday, or Town holiday, then it may be filed on the workday immediately following the 10th day, usually a Monday.**
3. **The Town Clerk will set the hearing within 56 days of the date of the Planning Commission Decision (Town Ordinance No. 1967).**
4. **Once filed, the appeal will be heard by the Town Council.**
5. **If the basis for granting the appeal is, in whole or in part, information not presented to or considered by the Planning Commission, the matter shall be returned to the Planning Commission for review.**

PRINT NAME: Razi Mohiuddin SIGNATURE: Razi Mohiuddin
DATE: June 1, 2026 ADDRESS: 16769 Farley Road, Los Gatos CA 95032
PHONE: [REDACTED] EMAIL: [REDACTED]

*** OFFICIAL USE ONLY ***

DATE OF PUBLIC HEARING: _____
Pending Planning Department Confirmation

DATE TO SEND PUBLICATION: _____ DATE OF PUBLICATION: _____

WVMA Appeal to Town Council
06/01/2026

Address: 16769 Farley Road, Los Gatos CA 95032

Property Zoned: R-1:8

APN: 424-21-062

Owner and Applicant: West Valley Muslim Association ("WVMA")

Conditional Use Permit Application: U-24-010

Planner: Jocelyn Shoopman, Senior Planner, Town of Los Gatos

The West Valley Muslim Association ("WVMA") appeals 19 of the 33 new conditions imposed as part of the Planning Commission's May 21, 2026 decision approving amendments to CUP U-24-010 to voluntarily impose a limit on morning hours (in deference to our neighbors) and modestly extend nighttime hours to allow adequate time for religious observance consistent with our faith. WVMA appeals these 19 conditions on two independent grounds pursuant to LGMC §29.20.275:

- **Ground 1 – Abuse of Discretion:** The Commission imposed conditions that substantially burden WVMA's religious exercise without conducting the analysis required by the Religious Land Use and Institutionalized Persons Act ("RLUIPA") – no analysis of the burden to WVMA was considered, no compelling governmental interest was identified, and no least restrictive means analysis was performed. The Commission also violated RLUIPA's Equal Terms provision. WVMA, the only mosque in Los Gatos, was discriminated against by being treated on materially worse terms than every other similarly situated religious institution in Los Gatos.
- **Ground 2 – Lack of Substantial Evidence:** For each condition challenged herein, the Commission imposed conditions with little or no evidentiary support or acted on unverified and subjective neighbor complaints rather than objective evidence entered into the public record. This does not meet the substantial evidence standard. Further, where WVMA submitted objective evidence – including a professional acoustic analysis – the Commission imposed conditions the evidence did not support.

WVMA does not appeal the Commission's decision to approve the requested changes to the hours of operation. WVMA seeks only to remove the 19 conditions identified below or have them revised in a manner that complies with RLUIPA.

Applicable Legal Standards

RLUIPA Substantial Burden and Strict Scrutiny. RLUIPA defines "religious exercise" broadly to include any exercise of religion, whether or not compelled by or central to a system of religious belief. 42 U.S.C. §2000cc-5(7). The government may not determine what constitutes religious exercise for a congregation. RLUIPA prohibits imposing a substantial burden on religious exercise unless the government demonstrates (a) a compelling governmental interest and (b) that the condition is the least restrictive means of furthering it. 42 U.S.C. §2000cc(a)(1).

Any land use regulations that create significant "delay, uncertainty, and expense" for religious exercise violate RLUIPA if not narrowly tailored to a compelling government interest. *Guru Nanak Sikh Soc. Of Yuba City v. County Of Sutter*, 456 F.3d 978, 991 (9th Cir. 2006). To justify such regulations with a "compelling interest," the government must raise a concern of "the highest order." *Id.* The burden of proof is on the government. *Holt v. Hobbs*, 574 U.S. 352, 364 (2015). Generalized neighbor concerns about traffic, parking, noise, and neighborhood character do not constitute a compelling governmental interest. See *Guru Nanak*, 456 F.3d at 990–91. (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*, 694 F.3d 208 (2d Cir. 2012) (holding that traffic, parking, and other neighborhood concerns do not constitute a compelling governmental interest).

If a compelling governmental interest is shown, the government must demonstrate that it has “actually considered and rejected the efficacy of less restrictive measures before adopting the challenged practice.” *Alvarez v. Hill*, 518 F.3d 1152 (9th Cir. 2008); *see also Warsoldier v. Woodford*, 418 F.3d 989 (9th Cir. 2005). To meet this requirement, the government must provide evidence that no alternative measures could achieve its compelling interest while imposing a lesser burden on religious exercise.

RLUIPA Equal Terms. RLUIPA independently prohibits treating a religious assembly on less than equal terms with a comparable religious institution. 42 U.S.C. §2000cc(b)(1). Where no other religious institution in Los Gatos is subject to a given condition, that disparity is itself a violation. It also prohibits governments from imposing land use regulations that treat a religious institution on less than equal terms with a similarly situated nonreligious institution.

Conditions Subject to Appeal

Condition 7 – Annual Compliance Reviews (*3 years, ~\$10,000+ per review, chilling effect, significant consultant costs*)

- **Abuse of Discretion:**

- **Equal Terms Violation:** No other religious institution in Los Gatos is subject to annual review of its religious observance, making this a plain equal terms violation. The Town's existing Code Compliance process under LGMC §29.20.310 is the established less restrictive mechanism used for every other institution, and no finding was made that it is inadequate.
- **Substantial Burden:** The substantial cost and chilling effect of several Planning Commission annual reviews are a substantial burden for WVMA and its members. There is no compelling governmental interest in requiring a compliance review, especially given that WVMA has demonstrated its ability to operate lawfully during its busiest time of year (Ramadan) including for the *past two years* while the CUP amendment was pending. Even if some compelling governmental interest were present, numerous less restrictive means would further it (e.g., the Town's Code Compliance process, staff communication of any compliance concerns to the applicant, etc.).

- **Lack of Substantial Evidence:** No objective evidence of past non-compliance by WVMA with its existing CUP obligations was entered into the public record (the Town Attorney agreed during the Commission proceedings that there is no limit on morning hours in the existing CUP). The condition rests on the possibility of future non-compliance, which is speculative and prejudicial, not substantial evidence.

Conditions 12(a), 13, 15 – Restriction to “Worship Services”

- **Abuse of Discretion:**

- **Substantial Burden:** RLUIPA expressly prohibits the government from determining what constitutes religious exercise for a congregation. 42 U.S.C. §2000cc-5(7). Restricting the facility to “worship services” before 8 a.m. and until 10:30 p.m. places the Town in precisely that role – requiring case-by-case determinations about whether each activity qualifies as worship. This modification sought only an hours extension. Restricting the scope of religious exercise that was freely permitted under the 2020 CUP, without any compelling interest finding or any attempt to address one through less restrictive means, imposes a new substantial burden beyond the scope of the modification.

- **Equal Terms Violation:** Such a restriction also violates RLUIPA's Equal Terms provision, as no other religious institution CUP in Los Gatos uses activity-type restrictions in place of objective operational hours language, making this a plain equal terms violation.
- **Lack of Substantial Evidence:** No objective evidence was entered into the public record that any specific religious activity conducted by WVMA – post-prayer fellowship, Quranic study, visiting scholar lectures – produces any measurable impact warranting restriction. These activities have been conducted lawfully under the 2020 CUP for years.

Conditions 12(c), 13(a) – Sub-Fire Code Attendance Caps (*720 general / 869 Ramadan; Fire Code maximum 1,217*)

- **Abuse of Discretion:**
 - **Equal Terms Violation:** Staff confirmed on the record at the April 22, 2026 hearing that no other religious institution in Los Gatos is subject to a sub-Fire Code attendance cap. Capping attendance at the only mosque in Los Gatos at a level materially below Fire Code limits while applying no equivalent cap to any comparable religious institution is a direct equal terms violation.
 - **Substantial Burden:** Limiting attendance is a self-evident substantial burden because it requires WVMA to turn away adherents to its faith where it would otherwise welcome them. There is no compelling governmental interest in restricting attendance below Fire Code limits, and to the extent the condition is intended to restrict street parking, the Town Attorney acknowledged during the Commission proceedings that it is not possible to impose a condition that will limit street parking. Less restrictive means are available to address any concerns (e.g., Fire Department occupancy limits) and address street parking concerns (e.g., Town-adopted parking restrictions).
- **Lack of Substantial Evidence:** No objective safety, traffic, or parking analysis connecting a specific attendance number to a specific documented harm was entered into the public record. Staff acknowledged at the April 22, 2026 hearing that the Town cannot legally prevent on-street parking, meaning the attendance caps do not resolve the on-street parking concern used to justify them.

Conditions 12(b) and 15 – Hours for “Other Activities” and Lot Closure Rule – “All Other Activities” by 10 PM

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

Condition 18 – Food Vendor 20-Foot Setback

- **Abuse of Discretion:**

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

Conditions 19, 22, 33 – Layered Member and Public Communication Requirements

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

Conditions 8, 20(a), and 21 – Laws and Noise Ordinance Incorporated into CUP

- **Abuse of Discretion:**
 - **Equal Terms Violation:** Converting a civil noise or other infraction, for example, into grounds for CUP revocation is a consequence applied to no other religious institution in Los Gatos. This constitutes a clear equal terms violation.
 - **Substantial Burden:** The Commission imposed a substantial burden on WVMA when it elevated any potential violation and the risk of a noise exceedance from a Municipal Code violation to a basis for potential revocation of the CUP. No compelling governmental interest exists in raising the stakes for a noise or other violation in this manner, and less restrictive means are available to address violations, including of the noise ordinance. The Town's standard Code Compliance process is sufficient – as it is for every other institution.
- **Lack of Substantial Evidence:** WVMA commissioned a professional acoustic analysis by Salter & Co. (Project 25-0042) – the only independent expert measurement in the record – which found departure noise at all property-line locations to be within ambient levels and below the Town's applicable 54 dBA nighttime standard. No noise reading was entered into the public record that demonstrated a violation of the Town's ordinance attributable to WVMA's operations. The neighbor's competing measurements were rebutted in the record for applying the wrong standard and for using incorrect meter settings. Similarly, no evidence was submitted regarding any other potential violation of “all applicable laws” and certainly no least restrictive means was considered.

Condition 23 – Parking Lot Monitor with Training Requirement

- **Abuse of Discretion:**
 - **Equal Terms Violation:** No comparable religious institution in Los Gatos is required to designate a trained parking monitor within its own parking lot, making this a self-evident equal terms violation.
 - **Substantial Burden:** The requirement is a substantial burden because it requires WVMA to create a training protocol at substantial cost for members who direct traffic in an effort to minimize potential noise and disruptions to neighbors. It is also void for vagueness – no training entity, curriculum, or

competency standard is identified, making compliance criteria indeterminate at the time of imposition. No compelling governmental interest was cited in requiring training, and in fact volunteer members have been monitoring the parking lot without incident. No attempt was made to minimize the restrictions imposed by this condition.

- **Lack of Substantial Evidence:** No objective evidence of a parking lot management failure at this facility was entered into the public record.

Condition 24 – Left-Turn-Only Sign at Egress Driveway and Ensuring Ingress and Egress to Neighboring Driveways

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

Conditions 26, 28, 29, 30, 31, 32 – Capital Improvement Conditions *(parking expansion, landscaping, portable screening, fencing, pedestrian opening, lighting)*

- **Abuse of Discretion:**
 - Substantial Burden: These conditions impose substantial burdens on WVMA and its membership by requiring substantial outlays of capital on a defined schedule within short timelines, requiring WVMA to spend funds on capital improvements that it would otherwise have devoted to religious exercise (e.g., programming). No compelling governmental interest was identified to justify imposing these requirements on an existing use that exists lawfully under all current Town requirements (including the noise ordinance). Even if a compelling governmental interest existed there was no attempt to find less restrictive means to address it.
 - Equal Terms Violation: No comparable religious institution in Los Gatos has been required to undertake capital improvements as a condition of an hours modification, making this a self-evident equal terms violation.
- **Lack of Substantial Evidence:** No objective evidence connecting any of these capital expenditures to a measurable impact of the modest hours extension request was entered into the public record. The Commission's own CEQA finding that this modification constitutes "a negligible change in hours of operation" is itself inconsistent with conditions that presuppose material parking, lighting, fencing, and pedestrian impacts – a change the Commission found negligible for environmental purposes cannot simultaneously justify significant capital improvement conditions premised on significant impacts. No noise reading or acoustical analysis was entered into the record showing that vehicles traveling at 10 to 15 miles per hour within a private parking lot produce noise that violates any Town standard – the only acoustic data in the record, the Salter study, showed compliance. Similarly, no light measurement was entered into the record establishing that headlight or lighting

levels at any neighboring property line exceed any applicable standard. Neighbor descriptions of annoyance, without independent validation, are not substantial evidence for conditions requiring significant capital expenditures.

Relief Requested

WVMA requests that the Town Council strike or revise the following conditions based on the record as it stands:

1. Condition 7 – *Strike* the annual compliance review condition in its entirety.
2. Conditions 12(a), 13, 15 – *Restore* objective “hours of operation” language consistent with every other religious institution CUP in Los Gatos; the Town may not determine what constitutes religious exercise.
3. Conditions 12(c), 13(a) – *Strike* sub-Fire Code attendance caps; occupancy is already governed by Condition 11 consistent with the Fire Code.
4. Conditions 12(b) and 15 – *Strike* out condition 12(b) and for condition 15, the “all other activities” 10 PM lot-clearance clause; operative rule: facility closes at 10:30 PM, lot cleared by 11 PM.
5. Condition 18 – *Strike* the food vendor setback; no documented incident or harm in the record.
6. Conditions 19, 22, 33 – *Strike* the layered communication requirements beyond what any comparable religious institution is required to do.
7. Conditions 8, 20(a), and 21 – *Strike* the compliance with laws and noise ordinance incorporation; standard Code Compliance enforcement is the mechanism used for every other institution.
8. Condition 23 – *Revise* to a plain on-site parking management obligation; *strike* the undefined training requirement.
9. Condition 24 – *Strike* the left-turn-only requirement and the requirement that WVMA be responsible for preserving ingress and egress for neighbor driveways; no objective safety data in the record supports routing vehicles to an unprotected left turn onto a high-speed arterial or that WVMA should monitor other neighbors driveway access.
10. Conditions 26, 28, 29, 30, 31, 32 – *Strike* all capital improvement conditions; no nexus to a negligible hours extension; no objective evidence in the record of any harm requiring capital expenditure. The Commission’s own CEQA finding that the modification is a negligible change forecloses any factual basis for capital improvement conditions premised on significant impacts.

Conclusion

The Town would never have considered re-opening the 2020 CUP to impose the conditions discussed above. Doing so would have been a clear RLUIPA violation, particularly given the evidence in this record. The legal standard does not change because WVMA applied to amend the 2020 CUP to voluntarily impose a limit on morning hours (in deference to our neighbors) and modestly extend nighttime hours to allow adequate time for religious observance consistent with our faith. While we are mindful of our immediate neighbors’ concerns and have worked assiduously to find ways to address them, their objections to our existing use do not justify the conditions discussed above, no matter how strongly held. WVMA respectfully requests that the Council grant the appeal and modify the conditions of approval as requested above.



May 29, 2026

Town Council
Town of Los Gatos
110 E. Main Street
Los Gatos, CA 95030

Re: Concern Regarding Conditions Imposed on the West Valley Muslim Association Conditional Use Permit – A Precedent That Affects All Los Gatos Faith Communities

Dear Mayor Moore and Members of the Town Council,

I write both personally and in my role as the Rabbi of Congregation Shir Hadash regarding the conditions imposed on the West Valley Muslim Association's (WVMA) Conditional Use Permit application and to express concern regarding the manner in which this application has been reviewed and conditioned over the past several months (last discussed at the May 21, 2026 Planning Commission Meeting, item #1).

As a spiritual leader serving a fellow religious institution in the Los Gatos community, I recognize the important role that houses of worship play in fostering spiritual life, community connection, charitable service, and civic engagement. WVMA has long been part of the fabric of this community, and their efforts throughout this process demonstrate a sincere commitment to being good neighbors while meeting the needs of their congregation. I write today not only in solidarity with our Muslim neighbors but out of direct concern for our own congregation. The conditions the Commission imposed on WVMA represent a new standard for religious land use in Los Gatos – one that could be applied to Congregation Shir Hadash, or any other house of worship, the next time we seek a modification to our own Conditional Use Permit.

It is particularly concerning that a project, which qualifies for a categorical exemption under CEQA, has nevertheless undergone an unusually extensive and burdensome review process. The purpose of categorical exemptions is to streamline approvals for projects that are not expected to result in significant environmental impacts. Yet, despite this exemption, WVMA undertook substantial outreach efforts and commissioned technical studies related to traffic, noise, and arborist review — efforts that were likely costly and time-consuming. Their willingness to engage so extensively with the community, specifically the Farley Road Neighborhood Coalition, reflects good faith and civic responsibility.

At the same time, it is difficult to ignore the perception that WVMA may be facing scrutiny not historically imposed on other religious institutions in Los Gatos. During recent Planning Commission discussions, comparisons were made to other local houses of worship, raising important questions about equitable treatment. Federal law, including the Religious Land Use and Institutionalized Persons



Act (RLUIPA), exists specifically to prevent religious institutions from being subjected to unequal or unduly burdensome land use regulations.

While we understand that neighbors may have concerns regarding traffic, parking, and noise on Farley Road, such concerns cannot be used to override federal protections for religious land use, particularly when the property owner, WVMA, has repeatedly demonstrated a willingness to work collaboratively with the Town and the Farley Road Neighborhood Coalition to address safety and noise mitigation measures. The record reflects a good-faith effort by WVMA to engage constructively, study potential impacts, and identify reasonable solutions. Concerns of this nature should be addressed through cooperation and proportional mitigation — not through conditions or processes that effectively burden the rights of a religious institution under federal law.

Writing as a leader of a congregation, we are particularly troubled by several of the adopted conditions and what they would mean if applied to Congregation Shir Hadash. Under RLUIPA, once the Town establishes a standard by applying it to one religious institution, it satisfies the “equal terms” requirement by applying the same standard to similarly situated institutions. In practical terms, the conditions imposed on WVMA are now the baseline for what the Town may require of us. We ask the Council to consider whether the following – all adopted as conditions of WVMA’s CUP – would be acceptable if imposed on our High Holiday services, our programming, or a future permit modification:

- For the next three years of annual compliance reviews before the Planning Commission, each requiring a \$10,000+ deposit, plus unknown additional costs, to evaluate whether our congregation is operating as permitted.
- A cap on attendance set materially below the Fire Code maximum, requiring us to turn away congregants on our holiest days.
- A requirement that the Town – not our clergy – determine which of our activities qualify as “worship services” for permitting purposes, with all “other activities” subject to stricter restrictions.
- Capital improvement requirements – parking expansion, landscaping, fencing, lighting upgrades, and more – imposed as conditions for a minimal 30-minute extension (from 10 pm to 10:30 pm) that the Commission’s own environmental review called “a negligible change.”
- Numerous other conditions that both individually and collectively place a substantial operational burden that would require additional cost and staff resources if they were applied to our congregation.

While reasonable conditions may be appropriate for any project, conditions that effectively impede a religious institution’s ability to operate or expand should be carefully scrutinized to ensure compliance with both the spirit and letter of RLUIPA. From my perspective, the Town should take great care to avoid imposing requirements that could be perceived as discriminatory or disproportionately onerous when compared with similarly situated institutions.



As I shared the public record with congregants, we were also saddened to hear comments from recent meetings that did not reflect the welcoming and inclusive values many of us strive to uphold in Los Gatos. I and my community were particularly troubled by several public comments that appeared dismissive or disrespectful toward Muslim religious practices, such as the timing of religious prayers in the evening, by members of our community. Such rhetoric is deeply painful and harmful, especially in light of the recent horrific tragedy at the Islamic Center of San Diego. At a moment when Muslim communities across California and the nation are experiencing grief, fear, and vulnerability, it is essential that Los Gatos demonstrate compassion, fairness, and solidarity rather than suspicion or exclusion.

Based on the information available, it appears likely that the project's impacts on the surrounding Farley Road neighborhood would be limited and manageable. More importantly, WVMA has demonstrated a consistent willingness to work collaboratively with neighbors and Town staff to address concerns.

I respectfully urge the Town Council to grant WVMA's appeal and ensure the Town's review process remains fair, objective, and consistent with federal protections for religious land uses – not only for WVMA, but for Congregation Shir Hadash and every other house of worship in this community. Religious institutions of all faiths deserve equal treatment, and our Muslim neighbors should feel welcomed, respected, and protected in this community.

Sincerely,

Rafi Ellenson
Rabbi, Congregation Shir Hadash
Los Gatos, California



June 1, 2026

Town Council
Town of Los Gatos
110 E. Main Street
Los Gatos, CA 95030

Re: Support for West Valley Muslim Association Appeal (CUP U-24-010)

Dear Honorable Mayor and Members of the Town Council,

On behalf of the San Francisco Bay Area office of the Council on American-Islamic Relations, California (CAIR-SFBA), I write in strong support of the West Valley Muslim Association's (WVMA) appeal and to raise serious concerns about the legal and civil rights implications of the conditions imposed by the Planning Commission.

CAIR-CA is the largest Muslim civil rights organization in the United States. For decades, we have worked to ensure that Muslim communities can establish and maintain houses of worship without discrimination. That work has included advocacy, formal complaints, and litigation involving violations of the Religious Land Use and Institutionalized Persons Act (RLUIPA), including cases where mosques faced unequal treatment or unjustified burdens.

The concerns raised in WVMA's appeal are serious and familiar. They include concerns about conditions that restrict the scope of religious activity, impose attendance limits below otherwise applicable safety standards, require ongoing compliance reviews, and create layered operational and administrative burdens. The appeal also raises concerns about conditions that single out WVMA for requirements not imposed on other religious institutions, as well as conditions that lack clear evidentiary support.

Taken together, these are not routine land use issues. They go to the core of how a religious institution functions. When a local government imposes restrictions that substantially burden the ability of a congregation to gather and attempts to govern religious practice, those actions are subject to strict scrutiny under federal law.

WVMA has demonstrated a consistent willingness to work with the Town and its neighbors, including accepting limitations and operational adjustments. Against that backdrop, the imposition of uniquely burdensome conditions is particularly worrying.

We are especially troubled by the unequal application of these types of conditions. When one house of worship, particularly the only mosque in the Town, is subject to requirements that others are not, it raises serious concerns under RLUIPA's equal terms provision. The law does not permit singling out a religious community for heightened restrictions, even where those restrictions are framed as responses to neighborhood concerns.

WASHINGTON D.C.

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CAIR has addressed similar situations across country where Muslim institutions faced heightened scrutiny, shifting standards, or conditions that were later found to be unlawful. In some cases, resolution required escalation to the U.S. Department of Justice or litigation in federal court. While we would prefer to see this matter resolved amicably at the local level, we are prepared to support WVMA in pursuing all available remedies, including federal enforcement where necessary.

We urge the Town Council to grant the appeal and ensure that the conditions applied to WVMA comply with federal law and reflect equal treatment. The Council should correct course and ensure that its actions are both lawful and consistent with the Town's commitment to equal treatment.

Thank you for your consideration.

Sincerely,

Zahra Billoo

Zahra Billoo, Esq.
Executive Director

cc: Aliah Abdo, The Abdo Law Firm, P.C.
Matthew Visick, Reuben Law
Lauren Davis, ACLU Northern California
Angelica Salceda, ACLU Northern California

REUBEN, JUNIUS & ROSE, LLP

Matthew D. Visick

mvisick@reubenlaw.com

June 1, 2026

Town Council
Town of Los Gatos
110 E. Main Street
Los Gatos, CA 95030

**Re: 16769 Farley Road
The Issues Actually Presented by This CUP Amendment**

Honorable Mayor and Members of the Town Council,

This office is land use counsel to the West Valley Muslim Association (“WVMA”) regarding its pending appeal of nineteen conditions imposed on its Conditional Use Permit (“CUP”) by the Planning Commission (“Commission”) at its meeting on May 21, 2026.

It is critically important the Council keep in mind the scope of the CUP amendment WVMA is seeking. Many of the comments submitted to the Commission in opposition—and even some of the deliberations of the Commission itself—could lead one to believe that WVMA is seeking to establish a new mosque on vacant land. Almost all of the comments in opposition describe aspects of the *existing* use the commenters find objectionable. They want the Town to evaluate not just whether the modest hours adjustment sought is appropriate, but rather whether WVMA’s use is appropriate in this location at all.

WVMA has an existing CUP that allows the use of the 16769 Farley Road (the “Property”) in the manner in which they’ve been using it. That CUP has ten conditions of approval, four of which limit the use of the Property. Those four conditions are pasted below. A copy of the existing CUP is attached as Exhibit A.

7. USE: Maintain an existing Church facility
8. The leaders’ quarters shall not be allowed for any use other than living quarters for leaders associated with the institution.
9. HOURS: Maximum hours of operation shall not extend past 10:00 p.m. except for 30 days during religious service for the month of Ramadan which hours of operation shall not extend past 11:00 p.m.
10. Windows on the west elevation shall remain closed.

On July 5, 2024, WVMA received a letter from the Town Attorney that attached complaints the Town received from neighbors objecting to WVMA’s operations. The letter expressed concerns regarding whether WVMA was in compliance with its CUP and appreciation

San Francisco Office
One Bush Street, Suite 600, San Francisco, CA 94104
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that WVMA was working with Town staff to resolve the issues identified in the letter. It also acknowledged steps WVMA had already taken to address concerns expressed by the neighbors (e.g., removing an existing safety gate to limit noise). The letter identified three things WVMA should do to ensure it was in compliance with the existing CUP:

In order to come into compliance with the CUP and Town Code, please:

- 1) Revise the worship schedule to conform with condition of approval #9.
- 2) Do not rent the facility for events that are not related to mosque activities.
- 3) Avoid noise disturbances prior to 8 a.m. and after 10 p.m.

The record from the Commission hearing amply demonstrates that WVMA is in compliance with its existing CUP, though neighbors opposed to WVMA's use continue to claim there are significant compliance issues that remain unaddressed.¹ A copy of the letter from the Town Attorney is attached as Exhibit B.

On August 11, 2024, WVMA applied to amend their existing CUP to (1) voluntarily impose a morning limit on hours of operation and (2) modestly extend the nighttime hours of operation. The voluntary imposition of a morning time restriction was intended to provide certainty for neighbors regarding morning hours. The extension of the nighttime hours of operation was intended to allow adequate time for religious observance centered around Isha (the night prayer) and Taraweeh (nightly Ramadan prayers). WVMA hoped to have the CUP amendment in place by Ramadan in late February 2025 so that there would be sufficient time for religious observance during Ramadan and less of a rush to exit the facility at the end of the night.

In an effort to find compromise, WVMA agreed to accept 15 new conditions of approval proposed by Town staff. These conditions regulated the *existing* use of the mosque and were intended to address concerns expressed by neighbors about the *existing* use (e.g., requiring all parking lot lighting to be upgraded to eliminate shining onto neighboring properties, planting shrubs along fence lines in the parking lot to prevent headlights shining through).

On March 25, 2026, the CUP amendment application was heard by the Commission. Two Ramadan celebrations had occurred at the Property since WVMA submitted the application—both witnessed by police department and fire department staff and without incident—demonstrating WVMA could operate within Town ordinances and in compliance with

¹ The neighbors have no objective evidence to support their claim. Despite their many calls to Code Enforcement staff and the police department, there is no record of repeat violations of the current CUP. Their "evidence" is a list of alleged repeat violations that they themselves compiled. Given the level of scrutiny on this matter, it is implausible that there could be repeated violations of the CUP and no official records that reflect it.

its CUP even on its busiest days of the year. WVMA anticipated some neighbors would still oppose the amendment and claim WVMA was in violation of their existing CUP, but felt confident their actual operations and the objective evidence in the record before the Commission would expose those objections as an unfounded attempt to attack WVMA's character and minimize its existing use of the Property.

The Commission took many hours of public comment. They listened to neighbors who characterized WVMA's operations as being akin to The Mountain Winery, the description of cars exiting the property as being akin to a "freight train", and parking lot lights described as "stadium lighting." The neighbors submitted a petition. They argued that WVMA's existing operations posed a safety risk to older residents and children. They repeatedly characterized the amendment as seeking an "expansion" of the existing use, despite evidence that the amendment would not lead to additional people, cars, noise, construction, etc.²

After many hours of comments and deliberations, the Commission voted to impose a raft of new conditions on top of the 15 new conditions already recommended by Town staff. Commissioners were clearly sympathetic to the concerns expressed by the neighbors, particularly the neighbor who lives at the end of the exit driveway from the Property. Unfortunately, in their haste to craft those additional conditions they lost sight of the limitations imposed upon them by the Religious Land Use and Institutionalized Persons Act ("RLUIPA"). They appeared to believe that the Town could impose a condition so long as it had imposed the same condition on another CUP. That is not the law. RLUIPA requires a thorough analysis and much more carefully tailored conditions.

Ironically, even with the onerous conditions the Commission imposed, the neighbors remained just as upset. They did not want to minimize the impacts they claimed regarding light or parking. They wanted the Commission to scale back the existing hours of operation and limit attendance.

² The neighbors used similar arguments to defeat a housing development proposed on the Property in 2018. As reported in the Los Gatan, the neighbor who has led the charge against WVMA's application claimed:

We already have a ton of traffic on Farley Road from Jack in the Box and Affordable Treasures . . . Distracted speedsters race up and down the street making it dangerous to walk our dog or children to ride bikes and scooters. No sidewalks exacerbates the problem. A large scale development project will add more traffic to our neighborhood both during the building phase and afterward with an influx of new residents.

It is worth noting they characterized the neighborhood this way before WVMA purchased the Property.

(Drew Penner, Residents urged Town to keep current mosque site zoned for worship, Los Gatan, Apr. 8, 2026, <https://losgatan.com/residents-urged-town-to-keep-current-mosque-site-zoned-for-worship/>)

Honorable Mayor and Members of the City Council
Town of Los Gatos
June 1, 2026
Page 4

As you deliberate regarding this appeal, it is essential that you remember that the only thing sought through this CUP application is a self-imposed morning hours limitation and a modest increase in nighttime hours of operation, particularly during Ramadan, to allow for religious observance. It is also essential that you not approach the competing interests in the same way you might with a generic CUP application. Because the land is used for religious exercise, you must clearly and carefully apply the "strict scrutiny" test RLUIPA requires and make robust, legally-adequate findings for any condition the Town seeks to impose beyond the 15 conditions recommended by staff in the March 25, 2026 agenda item.

Regardless what you do, it is safe to assume the neighbors will remain opposed.

Very truly yours,

REUBEN, JUNIUS & ROSE, LLP



Matthew D. Visick

EXHIBIT A

CONDITIONS OF APPROVAL

16769 Farley Road

Conditional Use Permit Application U-20-001

Requesting approval of a modification to 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. APN 424-21-062.

PROPERTY OWNER: West Valley Muslim Association

APPLICANT: Javed Khan

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 and in substantial compliance with the approved plans. Any changes or modifications to the approved plans shall be approved by the Community Development Director, DRC or the Planning Commission depending on the scope of the changes.
2. **EXPIRATION:** The approval will expire two years from the approval date pursuant to Section 29.20.320 of the Town Code, unless the approval has been vested.
3. **LAPSE FOR DISCONTINUANCE:** If the activity for which the Conditional Use Permit has been granted is discontinued for a period of one (1) year, the approval lapses pursuant to Section 29.20.340 of the Zoning Ordinance.
4. **CERTIFICATE OF USE AND OCCUPANCY:** A Certificate of Use and Occupancy must be obtained prior to commencement of use.
5. **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.
6. **COMPLIANCE MEMEMORANDUM:** A memorandum, in compliance with standard Town practice, shall be prepared and submitted with the building permit detailing how the conditions of approval will be addressed.
7. **USE:** Maintain an existing Church facility
8. **The leaders' quarters shall not be allowed for any use other than living quarters for leaders associated with the institution.**
9. **HOURS:** Maximum hours of operation shall not extend past 10:00 p.m. except for 30 days during religious service for the month of Ramadan which hours of operation shall not extend past 11:00 p.m.
10. **Windows on the west elevation shall remain closed.**

EXHIBIT B



TOWN OF LOS GATOS
OFFICE OF THE TOWN ATTORNEY
(408) 354-6818
Attorney@LosGatosCA.gov

July 5, 2024

Sent Via U.S. Mail & Electronic Mail

West Valley Muslim Association
ATTN: Aliah Abdo
16769 Farley Road
Los Gatos, CA 95032

Re: Conditional Use Permit and Town Code Violations at 16769 Farley Road

Dear Ms. Abdo:

I wish to thank you and the West Valley Muslim Association ("WVMA") leadership for meeting with Joel Paulson, Allen Meyer, and me regarding operations at this location. As promised, I have provided copies of the complaints received by the Town to date, and copies are also enclosed with this letter. The purpose of this letter is to follow up on the issues we discussed and to work together to resolve them. Those matters are:

- 1) The gate: Thank you for addressing the gate to eliminate the noise.
- 2) Hours of operation: I have reviewed the conditional use permit and the application for the conditional use permit ("CUP") modification to determine whether the hours of operation include car traffic to and from services. As explained below in more detail, the hours of operation include car traffic to and from services.
- 3) Number of attendees: The application for the CUP modification stated that there would be up to 25 attendees. The number of attendees currently exceeds this amount.

Background

As you know, the property is subject to a CUP, a copy of which is enclosed. The CUP authorizes maintenance of "an existing Church facility." The CUP was modified in 2020 to authorize worship until 11 p.m. during the month of Ramadan. Worship activities are permitted until 10 p.m. for the remainder of the year. The application for the CUP modification included a description of the proposed project. The project description, a copy of which is enclosed, 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 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 p.m. for Ramadan. As service begins at 8:30 p.m. no new members will be arriving past 9 p.m. and the conditional use permit is to allow the use of the facility from 10 p.m. till 11 p.m. allowing WVMA members to finish prayer service and exit the facility.¹

The application to modify the CUP was approved and includes the following provisions:

- 1) Condition of approval #7 provides that the approved use is to “maintain an existing church facility.”
- 2) Condition of approval #9 provides: “Maximum hours of operation shall not extend past 10 p.m. except for 30 days during religious service for the month of Ramadan which hours of operation shall not extend past 11:00 p.m.”

Current Operations

Operations have changed since the time the CUP was modified. Those changes include the following:

- 1) The enclosed copy of the mosque worship schedule indicates that the first service is held starting at 4:27 a.m. and the last service begins at 9:50 p.m. As a result, members enter the facility before 4:30 a.m. and exit the facility after 10 p.m. for most of the year and after 11 p.m. during Ramadan. This violates condition of approval #9. ‘
- 2) The number of members using the facility now exceeds 25, which deviates from the information provided on the approved application for the CUP modification regarding the maximum number of attendees.
- 3) The West Valley Muslim Association website indicates that the property is available for event rentals. If the Association wishes to rent space for events other than those related to the mosque’s activities, a modification of the approved CUP will be required.

In addition to the terms of the existing CUP, the Town Code contains the following noise restrictions:

¹ At our meeting, we discussed whether or not the word “operation” includes the time needed for worshippers to enter and exit the facility. Based on the application for the modification, which was approved, the hours of operation include the time needed to enter and exit the property.

- 1) Per Town Code Section 16.20.010(a)(1), no person shall between the hours of 10 p.m. and 8 a.m. make, cause, suffer, or permit to be made any noise disturbance which is made within 100 feet of any building or place regularly used for sleeping purposes.
- 2) Per Town Code Section 16.20.015, no person shall cause, make, suffer, or allow to be made by any machine, animal, device, or any combination of same in a residential zone, a noise level more than 6 dB above the noise level specified for that particular noise zone, as shown on the Noise Zone Map, during that particular time frame, at any point outside of the property plane.

In order to come into compliance with the CUP and Town Code, please:

- 1) Revise the worship schedule to conform with condition of approval #9.
- 2) Do not rent the facility for events that are not related to mosque activities.
- 3) Avoid noise disturbances prior to 8 a.m. and after 10 p.m.

In sum, please bring the activities at this location into compliance with the approved CUP within the next 30 days. If this does not occur, the Town will initiate code enforcement.

Modification of Conditional Use Permits

Town Code Section 29.20.200 provides that changes in use will require modification to the approved conditional use permit.² The mosque could seek modification of the approved CUP to reflect current operations. If you wish to seek a modification of the conditional use permit, please contact Joel Paulson, Community Development Director.

Please feel to contact me if you have any questions regarding this letter at gwhelan@losgatosca.gov or at 408-354-6818.

Sincerely,



Gabrielle Whelan
Town Attorney

² Town Code Section 29.20.200 reads: "A use authorized by conditional use permit 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 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 conditional use permit approval.

Enclosures

Complaints Received
Conditional Use Permit
Copy of Mosque Worship Schedule

cc: Joel Paulson, Community Development Director
Allen Meyer, Code Enforcement Officer

Remaining Part of Exhibit B
Sent by Email Only