



Northern  
California

May 13, 2026

**VIA EMAIL**

Sean Mullin  
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Town of Los Gatos  
Planning Division  
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**Re: Additional Conditions of Approval for West Valley Muslim Association  
Conditional Use Permit**

Dear Mr. Mullin:

We write again on behalf of the ACLU Foundation of Northern California regarding the West Valley Muslim Association’s (WVMA) pending Conditional Use Permit (CUP) at 16769 Farley Road.

As you are aware, the Religious Land Use and Institutionalized Persons Act (RLUIPA) was enacted to put an end to harmful zoning procedures. Prior to Congress enacting RLUIPA, zoning permits were often improperly denied based on ostensibly “neutral” reasons—such as noise, traffic, or parking concerns, but the denials were often rooted in discrimination against a particular faith or religious practice.<sup>1</sup> We again urge the Town to take seriously its legal obligations under RLUIPA.

We remain concerned that some proposed conditions, specifically several conditions introduced verbally at the April 22, 2026, Los Gatos Planning Commission meeting, may be inconsistent with RLUIPA’s substantial burden and equal treatment clauses. Municipalities may not impose a “substantial burden” on a permit applicant’s religious exercise unless that burden is “in furtherance of a compelling governmental interest” and “is the least restrictive means of furthering that compelling governmental interest.”<sup>2</sup> RLUIPA further provides that “[n]o

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<sup>1</sup> 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>.

<sup>2</sup> 42 U.S.C. § 2000cc(a).

government shall impose or implement a land use regulation in a manner that treats a religious assembly or institution on less than equal terms with a nonreligious assembly or institution.<sup>3</sup>

We urge the Town to consider and account for both the substantial burden and equal treatment clauses of RLUIPA when determining final conditions. As just one example, to the extent the Town seeks to impose a 60-day notification for all events, this condition raises concerns as to both RLUIPA's substantial burden and equal treatment prongs. First, the condition likely imposes a substantial burden as, absent the Town narrowing the condition, WVMA would be unable to plan *any* gathering outside of regular prayers or funerals absent two months' notice. Accordingly, the condition may violate RLUIPA unless the Town can show that the condition is the *least restrictive means* to achieve a *compelling* interest. Second, the condition may violate the equal terms provision if other similarly situated religious or non-religious institutions are not subject to the same limitations. We are not aware of a comparable condition imposed on other similarly situated religious or non-religious institutions in the Town.

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The American Civil Liberties Union of Northern California asks the Town to approve WVMA's modified conditional use permit, giving appropriate and full consideration to the Town's obligations under RLUIPA. Please feel free to contact us if you have any questions.

Sincerely,



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



Lauren Davis, Legal Fellow  
ACLU Foundation of Northern  
California

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<sup>3</sup> *Id.* § 2000cc(b)(1).