TOWN OF LOS GATOS
COUNCIL AGENDA REPORT

MEETING DATE: 11/17/2026
ITEM NO: 12

DATE: October 29, 2026

TO: Mayor Moore and Town Council

FROM: Chris Constantin, Town Manager
Gabrielle Whelan, Town Attorney

SUBJECT: **Appointment of Two Councilmembers to Serve on an Ad Hoc Committee to meet with staff and SB 330 Applicants as needed.**

RECOMMENDATION: Appointment of two Councilmembers to serve on an ad hoc committee to meet with staff and SB 330 applicants as needed.

FISCAL IMPACT:

Creation of an ad hoc committee is not anticipated to have a financial impact.

STRATEGIC PRIORITY:

Creation of an ad hoc committee would serve the goal of preserving the Town's charm while providing a range of housing opportunities.

BACKGROUND:

Senate Bill 330 ("SB 330") authorizes applicants for planning entitlements to submit "SB 330 preliminary applications." Once submitted, SB 330 preliminary applications vest applicants to the development standards that were in place at the time the preliminary application was submitted.

A number of planning applications vested prior to certification of the Town's Housing Element by the State's Housing and Community Development Department ("HCD"). As a result, a number of applicants qualify for the "Builder's Remedy" under the state Housing Accountability Act ("HAA"), codified in California Government Code Section 65589.5. . Builder's Remedy limits

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Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, and Administrative Services Director

a local agency's ability to deny qualifying housing development projects or require them to comply with certain local zoning and general plan requirements that would otherwise apply. The extent of the Town's review authority depends on the applicable statutory requirements and the circumstances of each project.

The Town is currently processing approximately ten SB 330 planning applications. Some applicants may be open to discussions with Town representatives regarding potential changes to "Builder's Remedy" projects. However, under California Government Code Section 65905.5, qualifying housing development projects are subject to a limit of five hearings after the application is deemed complete. Because the statute defines "hearing" to include public hearing, workshop, or similar meeting, including an appeal, the Town must be mindful of this limitation when considering opportunities for further project discussions.

DISCUSSION:

The Brown Act authorizes the Town Council to create ad hoc committees for specific purposes for a limited amount of time (Government Code Section 54952). An ad hoc committee must meet the following criteria:

1) It must be composed of less than a quorum of the Town Council;
2) It must operate for a limited, short-term duration to complete a specific, single task;
3) It must serve an advisory function; and
4) It must end once its objective has been completed.

Town staff believes that it could be productive for members of an ad hoc committee to meet with staff and applicants for pending SB 330 projects to discuss potential changes or alternatives to the proposed projects. The applicant's ultimate project proposals will come to the Town Council for a decision.

CONCLUSION:

For the reason stated above, staff recommends that the Town Council select two of its members to form an ad hoc committee for the limited purpose of meeting with SB 330 applicants to discuss potential changes or alternatives to the proposed projects through June 30, 2027.

ALTERNATIVES:

Alternatively, these discussions could occur at Town Council meetings when the projects are under consideration. However, at that stage, the applicants will have committed to the project, and it will be less likely that the applicants will consider changes.

COORDINATION:

This report was coordinated with the Town Manager's Office and the Community Development Department.

ENVIRONMENTAL ASSESSMENT:

Formation of an ad hoc committee is not a project subject to CEQA, because it can be seen with certainty that this action will not impact the physical environment.