



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 6/17/1025

ITEM NO: 22

DATE: June 12, 2025
TO: Mayor and Town Council
FROM: Gabrielle Whelan, Town Attorney
SUBJECT: Authorize the Town Manager to Execute a Tolling Agreement with the Applicant for a Housing Development Project at 101 Blossom Hill Road

RECOMMENDATION:

Authorize the Town Manager to execute a tolling agreement with the applicant for a housing development project at 101 Blossom Hill Road.

BACKGROUND:

The Town is currently processing a planning application for a housing development project at 101 Blossom Hill Road.

On June 4, 2024, the applicant submitted a “preliminary application” pursuant to Government Code Section 65941.1. The submission of a preliminary application entitled the project to certain protections under the state Housing Accountability Act.

On November 26, 2024, the applicant submitted a formal planning application to the Town. In accordance with Government Code Section 65943, the Town issued its first notice of application incompleteness on December 23, 2024. On March 20, 2025, the applicant resubmitted the planning application. On April 16, 2025, the Town notified the applicant that the second resubmittal remained incomplete.

Based on the Town’s reading of Government Code Section 65941.1, the project is no longer eligible for the protections afforded by a “preliminary application” under the state Housing Accountability Act. The Town is seeking declaratory relief on this issue.

On April 28, 2025, the applicant appealed the Town’s incompleteness determination. Pursuant to Government Code Section 65943(c), the Town is required to hear the appeal within 60 days

PREPARED BY: Gabrielle Whelan
Town Attorney

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

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of receipt. As such the hearing date was scheduled for June 17, 2025. Pursuant to Government Code Section 65943(d), the applicant and the Town may mutually agree to an extension of the time limit for the Town to hear the appeal.

DISCUSSION:

Staff recommends entering into a tolling agreement to extend the time for hearing the appeal, extending the time for the applicant to challenge the Town's determination that the project is no longer eligible for the protections afforded by the Housing Accountability Act, and remove one of the applicants from the planning application.

Because entry into this tolling agreement will toll the incompleteness appeal hearing, the hearing will not occur on the scheduled date.

CONCLUSION:

Entering into the proposed tolling agreement will permit the Town and the applicant to revisit this issue after the Town has received a judicial decision in its declaratory relief action.

COORDINATION:

This report was prepared in coordination with Community Development, the Town Attorney's Office, and the Town Manager's Office.

FISCAL IMPACT:

There is no fiscal impact associated with entering into the proposed tolling agreement.

ENVIRONMENTAL ASSESSMENT:

This is not a project defined under CEQA, and no further action is required.

Attachment:

1. Draft Tolling Agreement