

TOLLING AGREEMENT FOR AB 130 DEADLINES
15495 Los Gatos Boulevard (“Newtown”), Los Gatos, CA
Townhome Project

This Tolling Agreement (the “Agreement”), dated as of the date all parties sign this Agreement (the “Effective Date”), is entered into by and among Green Valley Corporation dba Swenson (the “Applicant”) and the Town of Los Gatos (“Town”). Applicant and the Town are individually referred to herein as a “Party,” and collectively referred to as the “Parties.”

RECITALS

WHEREAS, on November 4, 2025, the Applicant submitted an application(s) (the “Application”) (Architecture and Site Application-S-25-050, Conditional Use Permit Application-U-25-009, and Vesting Tentative Map Application-M-25-009) to demolish the existing commercial/retail structures located at 15495 Los Gatos Boulevard, Los Gatos, CA 95032 (APN 424-22-030) (the “Property”) and construct townhomes thereon (the “Townhome Project”).

WHEREAS, the Town deemed the Application complete on June 24, 2026.

WHEREAS, the Applicant has invoked the provisions of State Density Bonus Law (Gov. Code §65915), the Housing Accountability Act (Gov. Code §65589.5), and AB 130 (Gov. Code § 65950 and Pub. Res. Code § 21080.66), which limit the Town’s discretion, exempt the Townhome Project from CEQA, and limit the time in which the Town must act on the Townhome Project.

WHEREAS, the Town deemed the Townhome Project eligible for AB 130 on August 19, 2026.

WHEREAS, pursuant to AB 130, the Town must provide notice of the opportunity for California Native American Tribes to consult on the Townhome Project within 14 days of the Application being deemed complete and determined eligible for AB 130 pursuant to Government Code Section 65589.5.

WHEREAS, the Town sent out all required tribal consultation requests on September 1, 2026.

WHEREAS, the deadline for tribes to request tribal consultation is October 31, 2026, and, as of the Effective Date, two tribes have contacted the Town to request a tribal consultation and the Town has initiated each consultation.

WHEREAS, if a tribe requests a tribal consultation, the Town has 14 days to initiate the consultation, and the Town must complete each tribal consultation within 45 days of initiation, with one 15-day extension if requested by the tribe.

WHEREAS, pursuant to Government Code Section 65950(a)(7), the Town is required to consider the Townhome Project for approval or disapproval within 30 days of concluding the tribal consultation, or 30 days from expiration of the applicable time limit to conduct a consistency review pursuant to Government Code Section 65589.5(j)(2) (the “AB 130 Deadline”).

WHEREAS, pursuant to Town Code Sections 29.20.750-755, the Town requires the Planning Commission to review each project and make a recommendation to Town Council, which makes the final determination on the Townhome Project.

WHEREAS, the Town is unable to conduct both public hearings (Planning Commission and Town Council) with the required legal noticing and lead time within the required 30-day AB 130 Deadline, and has requested that this deadline be tolled for the Townhome Project.

WHEREAS, Government Code Sections 65950(b) and 65957 allow a one-time extension of the deadline to approve or disapprove a project upon mutual written agreement of the Applicant and the Town for a period not to exceed 90 days from the date of the AB 130 Deadline.

Now therefore, with reference to the foregoing recitals, which are incorporated into this Agreement, and for good and valuable consideration, sufficiency of which is hereby acknowledged, the Parties agree as follows:

TERMS AND CONDITIONS

1. **Tolling.** The AB 130 Deadline for the Town to act on the Townhome Project Application shall be extended beyond the statutory 30-day period as follows:

a. The Planning Commission shall review the Townhome Project Application at the next soonest scheduled hearing date at which a quorum will be present after tribal consultation is concluded or deemed concluded, subject to the Town's standard noticing requirements. Attached as Exhibit A to this Agreement is the current status of the Town's tribal consultations.

b. Town Council shall review the Townhome Project Application at the next soonest scheduled hearing date at which a quorum will be present immediately following Planning Commission review, subject to the Town's standard noticing requirements; provided that in any event, no more than 45 days shall elapse between the Planning Commission hearing and the Town Council hearing.

c. Subject to the Town's compliance with this Agreement, Applicant hereby waives any right it may have to claim the Town violated the AB 130 Deadline.

d. Nothing herein shall modify the required timeframes for the Town to provide comments on any resubmitted materials for the Application.

2. **Each Party's Role in Drafting the Agreement.** Each Party to this Agreement has had an opportunity to review the Agreement, confer with legal counsel regarding the meaning of the Agreement, and negotiate revisions to the Agreement. Accordingly, neither Party shall rely upon Civil Code Section 1654 in order to interpret any uncertainty in the meaning of the Agreement.

3. **Governing Law; Venue.** This Agreement shall be governed by the laws of the State of California, excluding its conflict of laws principles. Any suit, claim or legal proceeding of any kind related to this Agreement shall be heard and filed in a court of competent jurisdiction in the County of Santa Clara.

IN WITNESS WHEREOF, the Parties do hereby agree to the full performance of the terms set forth herein.

TOWN OF LOS GATOS

By: _____
Chris Constantin, Town Manager

Dated: _____

APPROVED AS TO FORM:

Signed by:
By:  _____
EFD0738A5534428...
Gabrielle Whelan, Town Attorney

Dated: 10/15/2026 _____

GREEN VALLEY CORPORATION,
a California corporation

DocuSigned by:
By:  _____
5D646058DE9A4DB...
Case Swenson, President

Dated: 10/15/2026 _____

APPROVED AS TO FORM:

DocuSigned by:
By:  _____
66046A3051A14BC...
Summer Ludwick, Esq.
Situs Law, PC

Dated: 10/15/2026 _____



TOWN OF LOS GATOS

Exhibit A

Subject: Tribal Consultation Schedule for 15495 Los Gatos Boulevard ("Newtown"), Los Gatos, CA Townhome Project – Tolling Agreement for AB 130 Deadlines

As of October 8, 2026, the Town has received four responses. As a reminder, the tribes have until October 31, 2026 to respond, requesting consultation.

- Amah Mutsun Tribal Band of Mission San Juan Bautista responded via email on September 1, 2026. They sent recommendations but did not request consultation. Consultation is closed.
- Indian Canyon Mutsun Band of Costanoan responded via email on September 24, 2026. They sent recommendations. Staff responded on September 29, 2026, asking for confirmation that no formal consultation is required. No response has been received as of October 8, 2026.
- Muwekma Ohlone Tribe of SF Bay Area responded via email on September 2, 2026. They requested consultation. Staff scheduled for the first available date on their calendar of October 21, 2026. However, this date is beyond the 45-day consultation deadline. Staff informed the tribe they must either request a 15-day extension or propose earlier dates to consult within the AB 130 timelines. The 45-day window was mutually agreed to be extended until November 1, 2026.
- Tamien Nation responded via email on September 3, 2026. They requested consultation. Staff scheduled for the first available date on their calendar of October 1, 2026. On September 29, 2026, they emailed staff stating no consultation is required after further review.