



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 03/18/2025

ITEM NO: 14

DATE: March 13, 2025
TO: Mayor and Town Council
FROM: Chris Constantin, Town Manager
Gabrielle Whelan, Town Attorney
SUBJECT: Approve the Proposed Tolling Agreement for Newtown Development at 15495 Los Gatos Boulevard and Authorize Execution by Town Manager

RECOMMENDATION:

Approve the proposed Tolling Agreement for Newtown Development at 15495 Los Gatos Boulevard and authorize Town Manager to execute the agreement.

BACKGROUND:

On March 19, 2024, the applicant has submitted a Senate Bill 330 (SB 330) preliminary application for an apartment project at 15495 Los Gatos Boulevard. Per SB 330, this applicant vested to 180 days plus two successive 90-day periods to render this planning application complete. The applicant's second 90-day period is scheduled to expire on March 23, 2025.

The applicant is considering submitting a planning application for an alternative project, which is anticipated to be a three-story townhouse project. While the applicant processes that alternative planning application, the applicant wishes to toll the SB 330 deadlines associated with the original proposal.

Town staff agrees that it would be beneficial to toll the deadlines associated with the original proposal so that the applicant can submit an alternative planning application for a three-story townhome development.

PREPARED BY: Gabrielle Whelan
Town Attorney

Reviewed by: Town Manager, Assistant Town Manager, Community Development Director, Parks and Public Works Director, and Finance Director

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SUBJECT: Newtown Tolling Agreement

DATE: March 13, 2025

DISCUSSION:

Town staff has negotiated the attached tolling agreement with the applicant (Attachment 1). Per the terms of the tolling agreement, the deadlines associated with the applicant's current SB 330 planning application will be tolled while the tolling agreement remains in effect and the applicant processes an alternative planning application for a three-story townhome development. The term of the tolling agreement will extend until either: 1) the Town has rendered a final decision on an alternative townhome project and any appeal period has expired or 2) the agreement has been terminated by either party. Each party has the ability to terminate the tolling agreement subject to a 30-day meet and confer period. After a 30-day meet and confer period, either party may terminate the tolling agreement upon a 90-day written notice.

The tolling agreement also documents the status of the apartment project application, including fees paid to date and items that are remaining in order to render that planning application complete.

CONCLUSION:

The Town Manager and Town Attorney recommend that the Town Council approve the proposed tolling agreement and authorize its execution by the Town Manager by motion.

COORDINATION:

This staff report was coordinated the Town Manager, the Town Attorney, the Community Development Department, and the Parks and Public Works Department.

FISCAL IMPACT:

There is no fiscal impact associated with approval of this tolling agreement.

ENVIRONMENTAL ASSESSMENT:

Approval of this tolling is not a project defined under CEQA in that it will not result in any significant environmental impacts, and no further action is required.

Attachments:

1. Proposed Tolling Agreement with Exhibit A (Review Letter) and Exhibit B (Fee Schedule)