



**TOWN OF LOS GATOS  
COUNCIL AGENDA REPORT**

MEETING DATE: 08/20/2024

ITEM NO: 18

ADDENDUM

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DATE: August 19, 2024  
TO: Mayor and Town Council  
FROM: Laurel Prevetti, Town Manager  
SUBJECT: Discuss and Provide Direction on Modifications to Noticing for Senate Bill (SB) 330 and Builder's Remedy Projects.

**REMARKS:**

Staff received the questions below from a Council Member and staff's responses are provided in italic font.

1. Do applicants have 180 days and not 90 days to submit a "final" application (Govt Code Section 6594.1 (d)(1))?

*The Staff Report for this item erroneously states that applicants have 90 days in which to submit a formal planning application following a SB 330 preliminary application being deemed submitted. Applicants have 180 days to submit a formal application. Once a formal application has been submitted, and if the formal application is incomplete, applicants have 90 days in which to submit a complete planning application. If a complete planning application is not submitted within that 90-day period, the vesting afforded by the SB 330 preliminary application expires.*

2. Is it factual that even if the SB 330 application does not specifically reference the "remedy", code section 65589.5 is in effect? And that the net of this is that all SB330 preliminary applications filed prior to the Town receiving HCD certification of the HE, have Govt Code Section 65589.5 available to them whether they mention "builders remedy" in their preliminary application?

*Government Code Section 65589.5, which includes the Builder's Remedy, is available whether or not an applicant has specifically invoked the Builder's Remedy. Some applicants are opting to invoke State density bonus law rather than the Builder's*

**PREPARED BY:** Joel Paulson, AICP  
Community Development Director

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Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, and Community Development Director

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SUBJECT: SB 330 Project Outreach and Noticing

DATE: August 19, 2024

REMARKS (continued):

*Remedy in their application letters, but Government Code Section 65589.5 remains applicable.*

ATTACHMENT:

Previously received with the August 20, 2024 Staff Report:

1. Public Comment

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