



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 12/14/2022

ITEM NO: 6

DATE: December 9, 2022
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: Consider a General Plan Amendment to Add Policies to the Hazards and Safety Element. Location: Town-wide. General Plan Amendment Application GP-22-002.

RECOMMENDATION:

Consider a General Plan amendment to add policies to the Hazards and Safety Element.

BACKGROUND:

On June 30, 2022, the Town Council approved the 2040 General Plan. On August 16, 2022, signatures were submitted to the Town in support of a referendum on the Land Use and Community Design Elements of the approved 2040 General Plan. The referendum proposes that the Land Use and Community Design Elements of the 2040 General Plan be repealed. Once the referendum signatures were verified by the County Registrar in late September, the 2040 General Plan Land Use and Community Design Elements were suspended in accordance with Elections Code Section 9237.

On October 4, 2022, Town Council approved a Resolution to confirm suspension of the 2040 General Plan Land Use and Community Design Elements and provide that the 2020 General Plan Land Use and Community Design Elements govern during the suspension period.

State Law requires that any General Plan or Housing Element update conducted after January 1, 2014, include review and update of the Safety Element to address the risk of fire for land classified as very high fire hazard severity zones (VHFHSZ's) [Gov. Code, § 65302, subd. (g)(3)]. Some of the language in the Community Design Element adopted as part of the 2040 General Plan was prepared in coordination with the California Board of Forestry, for compliance with this State law.

PREPARED BY: JENNIFER ARMER, AICP
Planning Manager

Reviewed by: Community Development Director

BACKGROUND (continued):

On October 26, 2022, the General Plan Committee recommended the addition of two policies to the Hazards and Safety Element of the General Plan, as described below (Exhibit 2).

DISCUSSION:

As part of the review by the California Board of Forestry, two policies within the suspended 2040 General Plan Community Design Element were identified with specific wording added to reference the VHFHSZ:

- Policy CD-5.2 Hillside Development Limitation
Limit hillside development, specifically in VHFHSZ's, to mitigate wildfire risk.
- Policy CD-6.1 Least Restrictive Development Areas
All development, including those in VHFHSZ's, is required to adhere to the Least Restrictive Development Areas (LRDA) to ensure minimal disturbance of the natural environment and to avoid wildfire and geological hazards.

These could be added as new policies in the 2040 General Plan Hazards and Safety Element under Goal HAZ-2 and renamed as Policies HAZ-2.10 and HAZ-2.11.

ENVIRONMENTAL ASSESSMENT:

The project is Categorically Exempt pursuant to the adopted Guidelines for Implementation of California Environmental Quality Act, Section 15061(b)(3).

PUBLIC COMMENTS:

At the time of this report's preparation, the Town has not received any public comment.

CONCLUSION:

A. Recommendation

Staff recommends that the Planning Commission:

1. Receive and consider public comments;
2. Complete the review of the proposed General Plan amendment; and
3. Forward a recommendation to the Town Council to approve the Draft Resolution (Exhibit 1).

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SUBJECT: Hazards and Safety Element Update/GP-22-001

DATE: December 9, 2022

CONCLUSION (continued):

B. Alternatives

Alternatively, the Commission can:

1. Continue the matter to a date certain with specific direction; or
2. Recommend approval with modifications.

EXHIBITS:

1. Draft Resolution
2. October 26, 2022 General Plan Committee Staff Report

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RESOLUTION 20__-__

**RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF LOS GATOS
AMENDING THE HAZARDS AND SAFETY ELEMENT
OF THE GENERAL PLAN.**

Draft Resolution to
be modified by Town
Council deliberations
and direction.

WHEREAS, the Town of Los Gatos has prepared the 2040 General Plan to update and enhance the 2020 General Plan, along with the Final Environmental Impact Report (Final EIR); and

WHEREAS, on June 30, 2022, Town Council adopted Resolution 2022-046 and certified the Environmental Impact Report for the 2040 General Plan; and

WHEREAS, on June 30, 2022, Town Council adopted Resolution 2022-047 approving the 2040 General Plan; and

WHEREAS, on October 4, 2022, Town Council adopted Resolution 2022-064 to confirm the suspension of the 2040 General Plan Land Use and Community Design Elements because sufficient signatures had been gathered to place a referendum on a future ballot with regard to those two Elements, provide that the 2020 General Plan Land Use and Community Design Elements govern during the suspension period, and that the remaining Elements of the 2040 General Plan remain in effect; and

WHEREAS, language required by the State Board of Forestry was included in the Community Design Element, which is now suspended; and

WHEREAS, the Town wishes to move the required language to the Town's Hazards and Safety Element; and

WHEREAS, this matter was regularly noticed in conformance with State and Town law and came before the Town Council for public hearing on _____.

WHEREAS, the Town Council finds as follows:

- A. The project is Categorically Exempt pursuant to the adopted Guidelines for Implementation of California Environmental Quality Act, Section 15061(b)(3); and

EXHIBIT 1

- B. The General Plan amendment is internally consistent with the existing goals and policies of the General Plan and its corresponding elements; and
- C. That all proceedings have been conducted in compliance with the provisions of Government Code Section 65350 et seq.

NOW, THEREFORE, BE IT RESOLVED:

The Hazards and Safety Element shall be amended to add:

- Policy HAZ-2.10 Hillside Development Limitation
Limit hillside development, specifically in VHFHSZ's, to mitigate wildfire risk.
- Policy HAZ-2.11 Least Restrictive Development Areas
All development, including those in VHFHSZ's, is required to adhere to the Least Restrictive Development Areas (LRDA) to ensure minimal disturbance of the natural environment and to avoid wildfire and geological hazards.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the ___th day of _____, 20__, by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: _____

ATTEST:

TOWN CLERK OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: _____



**TOWN OF LOS GATOS
GENERAL PLAN COMMITTEE
REPORT**

MEETING DATE: 10/26/2022

ITEM NO: 2

DATE: October 21, 2022

TO: General Plan Committee

FROM: Joel Paulson, Community Development Director

SUBJECT: Consider a General Plan Amendment to Add Policies to the Hazards and Safety Element. Location: Townwide. General Plan Amendment Application GP-22-002.

RECOMMENDATION:

Consider a General Plan amendment to add policies to the Hazards and Safety Element.

BACKGROUND:

On June 30, 2022, the Town Council approved the 2040 General Plan. On August 16, 2022, signatures were submitted to the Town in support of a referendum on the Land Use and Community Design Elements of the approved 2040 General Plan. The referendum proposes that the Land Use and Community Design Elements of the 2040 General Plan be repealed. Once the referendum signatures were verified by the County Registrar in late September, the 2040 General Plan Land Use and Community Design Elements were suspended in accordance with Elections Code Section 9237.

On October 4, 2022, Town Council approved a Resolution to confirm suspension of the 2040 General Plan Land Use and Community Design Elements and provide that the 2020 General Plan Land Use and Community Design Elements govern during the suspension period.

State Law requires that any General Plan or Housing Element update conducted after January 1, 2014, include review and update of the Safety Element to address the risk of fire for land classified as very high fire hazard severity zones (VHFHSZ's) [Gov. Code, § 65302, subd. (g)(3)]. Some of the language in the Community Design Element adopted as part of the 2040 General Plan was prepared in coordination with the California Board of Forestry, for compliance with this State law.

PREPARED BY: JENNIFER ARMER, AICP
Planning Manager

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SUBJECT: Hazards and Safety Element Update/GP-20-001

DATE: October 21, 2022

DISCUSSION:

As part of the review by the California Board of Forestry, two policies within the suspended 2040 General Plan Community Design Element were identified with specific wording added to reference the VHFHSZ:

Policy CD-5.2 Hillside Development Limitation
Limit hillside development, specifically in VHFHSZ's, to mitigate wildfire risk.

Policy CD-6.1 Least Restrictive Development Areas
All development, including those in VHFHSZ's, is required to adhere to the Least Restrictive Development Areas (LRDA) to ensure minimal disturbance of the natural environment and to avoid wildfire and geological hazards.

For simplicity, staff's recommendation is to add these as new policies in the 2040 General Plan Hazards and Safety Element under Goal HAZ-2 as Policies HAZ-2.10 and HAZ-2.11.

PUBLIC COMMENTS:

As of the drafting of this report, no comments from the public have been received.

CONCLUSION:

The Committee should review the proposed amendments and provide a recommendation of approval to the Planning Commission and the Town Council.