



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 01/17/2023

ITEM NO: 12

DATE: January 12, 2023
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Consider a General Plan Amendment by Resolution to Add Policies to the Hazards and Safety Element. Location: Town-Wide. General Plan Amendment Application GP-22-002

RECOMMENDATION:

Adopt a General Plan amendment by resolution to add policies to the Hazards and Safety Element.

BACKGROUND:

On June 30, 2022, the Town Council adopted 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 adopted 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 The referendum proposes that the Land Use and Community Design Elements of the 2040 General Plan be repealed.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 adopted 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

PREPARED BY: Jennifer Armer, AICP
Planning Manager

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

BACKGROUND (continued):

Plan, was prepared in coordination with the California Board of Forestry for compliance with this State law.

On October 26, 2022, the General Plan Committee met (Attachment 1, Exhibit 2) and recommended the addition of two policies to the Hazards and Safety Element of the General Plan to ensure that the specific wording identified by the California Board of Forestry was maintained in the General Plan.

On December 14, 2022, the Planning Commission met (Attachments 1 and 2) and recommended that the Town Council add two policies to the Hazards and Safety Element of the General Plan, as recommended by the General Plan Committee and described below.

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 VHFHSZ's:

- 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 two policies are proposed to 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).

Attachments:

1. December 14, 2022, Planning Commission Staff Report, with Exhibits 1 and 2
2. December 14, 2022, Planning Commission Verbatim Minutes
3. Draft Resolution