



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 10/04/2022

ITEM NO: 14

DATE: September 29, 2022
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Adopt 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 Period of Suspension.

RECOMMENDATION:

Adopt 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 period of suspension.

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 The referendum proposes that the Land Use and Community Design Elements of the 2040 General Plan be repealed.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 are verified by the County Registrar, the 2040 General Plan Land Use and Community Design Elements are suspended in accordance with Elections Code Section 9237.

Subsequently, the Town Council will need to decide if it wants to place the proposed referendum on the ballot for the November 5, 2024, municipal election, a special election in 2023, or rescind the two Elements. This discussion and potential action will be scheduled for a future Council meeting.

Between now and the election or a rescission, the Town should have Land Use and Community Design Elements in place to allow for building permits, subdivisions, and other land use

PREPARED BY: Jennifer Armer, AICP
Planning Manager

Reviewed by: Assistant Town Manager, Town Attorney, and Interim Finance Director

BACKGROUND (continued):

activities to continue within Los Gatos. The proposed Resolution would provide that the 2020 General Plan Land Use and Community Design Elements would govern during the period of suspension.

DISCUSSION:

The Land Use Element of the General Plan is one of the Elements required by State Law. The Community Design Element is considered an optional Element, and it is a chapter that the Town has included for many years. To document the Town's compliance with State Law, the attached Resolution (Attachment 1) has been prepared to confirm suspension of the 2040 General Plan Land Use and Community Design Elements and provide that the 2020 General Plan Land Use Element (Attachment 2) and Community Design Element (Attachment 3) will govern during this period of suspension.

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 State law. To ensure that the Town stays in compliance with these requirements associated with updates to 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)], Town staff will be preparing amendments to replace the fire safety language that was originally included in the 2040 Community Design Element. These modifications would be reviewed by the General Plan Committee (GPC) and Planning Commission before going to Town Council for adoption.

CONCLUSION:

Staff recommends that the Town Council approve the Resolution (Attachment 1) 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.

COORDINATION:

This report was prepared by the Community Development Department, Town Attorney's Office, and Town Manager's Office.

FISCAL IMPACT:

There is no fiscal impact as a result of the recommended action except that staff time will be needed for the required amendments to replace the fire safety language that was originally included in the Community Design Element.

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SUBJECT: General Plan Land Use and Community Design Elements

DATE: September 29, 2022

ENVIRONMENTAL ASSESSMENT:

The project falls within the range of alternatives considered under the 2040 General Plan Environmental Impact Report, and therefore no additional environmental review is required.

NEXT STEPS:

General Plan amendments to replace the fire safety language that was originally included in the 2040 Community Design Element will be reviewed by the GPC and Planning Commission to provide a recommendation to Town Council. At a future meeting the Town Council will consider whether to place the proposed referendum on the ballot for the November 5, 2024, municipal election, a special election in 2023, or rescind the two Elements.

Attachments:

1. Draft Resolution
2. 2020 Land Use Element
3. 2020 Community Design Element

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