



**TOWN OF LOS GATOS  
PLANNING COMMISSION  
REPORT**

MEETING DATE: 09/24/2025

ITEM NO: 2

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DATE: September 19, 2025  
TO: Planning Commission  
FROM: Joel Paulson, Community Development Director  
SUBJECT: Consider Making a Recommendation to the Town Council to Introduce an Ordinance Titled "An Ordinance of the Town of Council of the Town of Los Gatos Replacing Town Code Section 29, Article IX, 'Floodplain Management.'" Town Code Amendment Application A-25-004. Exempt from CEQA Pursuant to Section 15061 (b)(3), because the Ordinance makes Changes to Floodplain Management Land Use Regulations Involving No Physical Activities at this Time. Project Location: **Townwide**. Applicant: Town of Los Gatos.

RECOMMENDATION:

Forward a recommendation to the Town Council to introduce an Ordinance titled "An Ordinance of the Town of Council of the Town of Los Gatos replacing Town Code Section 29, Article IX, 'Floodplain Management.'"

CEQA:

Adopting this Ordinance is exempt pursuant to CEQA, Section 15061(b)(3), because it can be seen with certainty that the draft Ordinance will not significantly affect the physical environment in that draft Ordinance makes changes to floodplain management land use regulations involving no physical activities at this time. Future projects would be subject to CEQA.

FINDINGS:

- The proposed amendments are exempt pursuant to CEQA, Section 15061(b)(3); and
- The proposed amendments to Chapter 29 of the Town Code are consistent with the General Plan.

PREPARED BY: Nicolle Burnham  
Parks and Public Works Director

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Reviewed by: Planning Manager and Community Development Director

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ACTION:

The Planning Commission will forward a recommendation on the proposed Town Code amendments to the Town Council who will render the final decision.

BACKGROUND:

The National Flood Insurance Program (NFIP) was established by the federal government in 1968 to provide insurance for properties in areas at risk of flooding that could not otherwise be insured in the private marketplace. The NFIP provides flood insurance to property owners, businesses, and renters within communities that agree to participate in the program. The Town of Los Gatos has participated in the National Flood Insurance Program since January 17, 1979.

The Town's ongoing participation in and compliance with the requirements of the NFIP is required for local residents and property owners to secure flood insurance. While the Town's flood risk is relatively minor based on the Santa Clara County Flood Insurance Study and the adopted Flood Insurance Rate Maps (FIRM), residents are still encouraged to seek flood insurance, even if they are not in a mapped floodplain. This is not possible if the Town does not comply with the requirements of the NFIP.

On March 3, 2003, the Town Council adopted Ordinance 2109 and created the current version of the Town's Floodplain Ordinance, which is codified in Article IX of Chapter 29 of the Town Code. The Floodplain Ordinance is a critical component in the Town's compliance with the NFIP. Since 2003, the NFIP has made significant changes to floodplain management regulations and requirements, which the Town has not adopted. In early 2024, the Town was asked by the California Department of Water Resources (DWR) to complete a survey regarding our current Floodplain Ordinance. As a result of the Town's response to that survey, DWR encouraged the Town to update its ordinance to current standards.

DISCUSSION:

The language of the draft Ordinance (Exhibit 2) is based on template language provided by DWR and is compliant with the current NFIP. The proposed language represents a wholesale replacement of the Ordinance language. The new language updates the definitions, references the current effective FIRMs dated May 18, 2009, and outlines specific requirements for permitting structures within the mapped floodplain. This update also acknowledges the role the California Building Code plays in managing development and construction within the floodplain, whereas in the past the Building Code and Floodplain Codes were historically separate documents without direct linkage.

Development of the draft Ordinance was coordinated with the Chief Building Official, Community Development Director, the Santa Clara Valley Water District, California DWR, the Town Manager, Town Attorney, and the Finance Director.

CONCLUSION:

A. Summary

The draft Ordinance in Exhibit 2 would repeal and replace the Floodplain Ordinance in Chapter 29 (Zoning Regulations) of the Town Code.

- B. Staff recommends that the Planning Commission review the information included in the staff report and forward a recommendation to the Town Council for approval of the amendments to Chapter 29 of the Town Code in the draft Ordinance (Exhibit 2). The Planning Commission should also include any comments or recommended changes to the proposed amendments in taking the following actions:
1. Adopting this Ordinance is exempt pursuant to CEQA, Section 15061(b)(3), because it can be seen with certainty that the draft Ordinance will not significantly affect the physical environment in that draft Ordinance makes changes to floodplain management land use regulations involving no physical activities at this time. Future projects would be subject to CEQA (Exhibit 1);
  2. Make the required finding that the amendments to Chapter 29 of the Town Code in the draft Ordinance are consistent with the General Plan (Exhibit 1); and
  3. Forward a recommendation to the Town Council for approval of the proposed amendments to Chapter 29 of the Town Code in the draft Ordinance (Exhibit 2).

C. Alternatives

Alternatively, the Commission can:

1. Forward a recommendation to the Town Council for approval of the draft amendments with modifications; or
2. Continue the matter to a date certain with specific direction.

EXHIBITS:

1. Findings
2. Draft Ordinance

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