



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 06/03/2025

ITEM NO: 9

DATE: May 29, 2025
TO: Mayor and Town Council
FROM: Chris Constantin, Town Manager
SUBJECT: Consider the Introduction of an Ordinance and Adoption of a Resolution Approving the Fire Hazard Severity Zones Map to Comply with State Government Code Section 51178 and an Amendment of the General Plan Hazards and Safety Element to Incorporate the Fire Hazard Severity Zones Map. Adoption of this Ordinance and Resolution is Exempt Pursuant to CEQA, Section 15268, in that it is Required by the State. General Plan Amendment Application GP-25-01 and Town Code Amendment A-25-03. **Project Location: Town Wide.** Applicant: Town Of Los Gatos.

RECOMMENDATION:

Introduce an Ordinance (Attachment 1) and adopt a Resolution (Attachment 2) to approve the Fire Hazard Severity Zones Map to comply with State Government Code Section 51178 and an amendment of the General Plan Hazards and Safety Element to incorporate the Fire Hazard Severity Zones Map.

FISCAL IMPACT:

There is no fiscal impact associated with the adoption of the new Fire Hazard Severity Zones Map.

STRATEGIC PRIORITIES:

Updating the Town's Fire Hazard Severity Zones (FHSZs) Map aligns with the Town Council's Priority of **Public Safety**. Specifically, property owners and/or occupants of structures located within the three designated FHSZs will be subject to additional fire safety requirements, such as home hardening and vegetation management, which do not apply to areas outside the FHSZs.

PREPARED BY: Robert Gray
Chief Building Official

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

BACKGROUND:

Prompted by the devastating Oakland Hills Fire of 1991, State Legislation called for the California Department of Forestry and Fire Protection (Cal Fire) to evaluate fire hazard severity in Local Responsibility Areas (LRA) and recommend to the local jurisdictions where Very High FHSZs exist. Cal Fire used an extension of the State Responsibility Area (SRA) FHSZs model to evaluate fire hazards in the LRA, which reflects the flame and ember intrusion from adjacent wildlands and flammable vegetation in the urban area.

On October 16, 2008, the Town of Los Gatos received Cal Fire's final draft FHSZs map, which the Town Council adopted on February 2, 2009. This map has not been updated since its adoption and is still in effect today.

On May 14, 2025, the General Plan Committee (GPC) considered a request to recommend that the Planning Commission and Town Council approve an ordinance and resolution adopting the new FHSZs Map as required by state law. After consideration and discussion, the GPC unanimously recommended approval of the request and recommended adding additional information in future staff reports for improved clarification. These recommendations include providing the current adopted map (Attachment 7), the proposed map (Attachment 8), clarification of property owner compliance requirements within the varying zones, information regarding the use of the proposed map by the insurance industry, and descriptions of zone designations. Staff discussed the descriptions of zone designations with the Santa Clara County Fire Department (SCCFD) and determined there are no specific definitions of the zones, therefore there is no additional information provided regarding this recommendation. All other items recommended have been incorporated into this staff report for your consideration. The May 14, 2025, GPC staff report and minutes are included as Attachments 3 and 4.

On May 28, 2025, the Planning Commission considered a request to recommend that the Town Council approve an ordinance and resolution adopting the new FHSZ Map as required by State law. After consideration and discussion, the Planning Commission unanimously recommended approval of the request with no recommended modifications. The May 28, 2025, Planning Commission staff report is included (Attachment 5). To review the discussion, please watch the YouTube recording (<https://www.youtube.com/watch?v=bri4akX4KuE>), starting at 1:14:07.

DISCUSSION:

Existing law requires the State Fire Marshal (SFM) to identify areas of the state as Moderate, High, and Very High FHSZs based on the severity of fire hazard that is expected to prevail in those areas. The SFM shall provide these identified areas to local agencies for review and adoption. Moderate, High, and Very High FHSZs are classified by modeling software that determines the probability of hazard based on fire history, flame length, terrain, local weather, potential fuel over a 50-year period, urban vegetation cover, blowing embers, and fire hazards in nearby wildlands.

Existing law requires a local agency to designate, by ordinance, Very High FHSZs in its jurisdiction within 120 days of receiving recommendations from the SFM. A local agency may, at its discretion, include areas within the local agency's jurisdiction that are not identified by the SFM as Very High FHSZs following a finding supported by substantial evidence that the increased designation is necessary for effective fire protection within the area. Additionally, a local agency must designate, by ordinance, Moderate and High FHSZs within 120 days of receiving recommendations from the SFM. A local agency may, at its discretion, include areas within the jurisdiction of the local agency that are not identified by the SFM as Moderate and High FHSZ, respectively. However, a local agency is prohibited from decreasing the level of FHSZs as identified by the SFM for any area within the jurisdiction of the local agency.

State law does not allow for a local jurisdiction to request changes or provide comments to the SFM on the FHSZ designations. However, a local agency may choose to increase the designation of an FHSZ from the zone identified by the SFM or designate areas as having a severity zone that was not designated by the SFM. This may occur because severity zone edges in the maps and data from the SFM are not aligned with parcel boundaries or roads that may be considered for lines of convenience when adopting ordinances.

As required, the SFM provided the Town with an updated map (Attachment 6) of designated areas on February 24, 2025. Staff evaluated the map the SFM provided and created an updated map, including parcel and Town boundaries. This Los Gatos FHSZs Map is included with the Ordinance (Attachment 1, Exhibit A) and Resolution (Attachment 2, Exhibit A). Where parcels are split between two severity zones, the higher severity zone is assigned, pursuant to state law. This results in creating slight differences between the boundary lines that appear on the SFM FHSZs Map and the Los Gatos FHSZs Map. Staff is not recommending changes to the map provided by the SFM except those required to include complete parcels within a zone.

Property owners and/or occupants of structures located within the three designated FHSZs will be subject to additional fire safety requirements which do not apply to areas outside the FHSZs. Below is a non-exhaustive list of differences.

- New construction and additions will be required to meet specific home hardening requirements as outlined in the California Building Codes as adopted by the Town. These requirements will vary based on the nature of the project.
- New and existing structures will be required to maintain defensible space clearances, wildland fire safety practices, and vegetation management as outlined in Town Code Section 9.30.005.
- Owners of properties located within the High or Very High FHSZs will be required to make a natural hazard disclosure as part of a real estate transfer.
- New and existing structures within the High and Very High FHSZs will require a wider circle (100 feet) of defensible space clearance.

- Properties within the Very High FHSZ will be subject to the minimum standards of Public Resource Codes 4290 and 4291.

The FHSZs maps use hazard models that evaluate physical conditions that create a likelihood and expected fire behavior over a 50-year period without considering mitigation measures such as home hardening, recent wildfires, or fuel reduction efforts. Insurance companies use risk models that consider a structure's susceptibility to damage from fire and other factors that change more frequently and are not included in hazard modeling. Insurance risk models are unlikely to specifically call out the State's FHSZs maps as a factor. However, both model types would include some of the same data.

To comply with state law, the Town must approve the updated FHSZs Map by ordinance before June 23, 2025.

PUBLIC COMMENTS:

Staff conducted outreach through the following media and social media resources, for public input:

- The Town's website home page, What's New;
- The Town's Facebook page;
- The Town's Twitter account;
- The Town's Instagram account; and
- The Town's NextDoor page.

CONCLUSION:

Based on the requirements of state law outlined above, staff recommends that the Town Council introduce an Ordinance (Attachment 1) and adopt a Resolution (Attachment 2) for the approval of the updated LRA FHSZs Map.

COORDINATION:

This report was prepared in coordination with Community Development, the Town Attorney's Office, and the Santa Clara County Fire Department.

ENVIRONMENTAL ASSESSMENT:

This project is a ministerial action which is exempt pursuant to CEQA Guidelines Section 15268 in that it is required by the State.

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SUBJECT: General Plan Amendment GP-25-01 and Town Code Amendment A-25-03

DATE: May 29, 2025

ATTACHMENTS:

1. Draft Ordinance, with Exhibit A, Los Gatos Fire Severity Zones Map
2. Draft Resolution, with Exhibit A, Los Gatos Fire Severity Zones Map
3. General Plan Committee Staff Report, May 14, 2025
4. General Plan Committee Draft Minutes, May 14, 2025
5. Planning Commission Staff Report, May 28, 2025
6. State Fire Marshal Fire Severity Zones Map
7. Los Gatos Fire Severity Map 2009
8. Los Gatos Fire Severity Map 2025