



TOWN OF LOS GATOS
OFFICE OF THE TOWN ATTORNEY

MEMORANDUM

To: Honorable Mayor and Town Councilmembers
From: Gabrielle Whelan, Town Attorney
Date: January 20, 2023
Subject: Ordinance Priorities

The Town Attorney's Office is continually evaluating the Town Code for needed updates and provides this memorandum to assist the Town Council in its Priority Setting Session. The list is in order of recommended priority. As you know, issues may arise during the year that can alter these priorities.

1. Amendment to Town's Concealed Carry Weapons Ordinance and Adoption of "Sensitive Places" Ordinance

The Town Code includes an ordinance authorizing applications for "concealed carry weapons" permits. This ordinance needs to be updated in order to comply with a recent Supreme Court decision (New York State Rifle & Pistol Association, Inc. v. Bruen) holding that requiring "good cause" for the issuance of concealed carry weapons permits is unconstitutional. In addition, staff recommends that the Town Council consider adoption of an ordinance prohibiting the carrying of concealed weapons in "sensitive places" such as public buildings and schools.

2. Various Zoning Code Amendments to Comply with Updated Housing Element.

State law requires that General Plans and Zoning Codes be internally consistent. The Town will need to update its Zoning Code to comport with the Town's Updated Housing Element.

3. Accessory Dwelling Unit Ordinance

The Town should update its accessory dwelling unit ("ADU") ordinance to comply with recent changes to State law, which include the following:

- a. Allowance of separate conveyance of ADU under specified conditions;
- b. Reduced application review time; and
- c. Exemptions and limitations on impact fees.

4. Density Bonus Ordinance

The Town should update its density bonus ordinance to comply with recent changes to State law, which include the following:

- a. Reduced parking requirements; and
- b. Limits on impact fees charged to affordable units.

5. Lot Merger/Adjustment Ordinance

Lot Mergers occur when two or more parcels are combined into a single legal parcel. The Town's existing process to merge parcels does not comply with the State Subdivision Map Act, which preempts local ordinances, and must be revised. The Planning Commission has reviewed and recommended the proposed ordinance and the proposed ordinance is scheduled for introduction at the Town Council's February 7th meeting.

6. Sign Ordinance

The Town's Sign Ordinance was adopted in 1976 and was last updated and amended in 1992. Based upon the U.S. Supreme Court's decision in Reed v. Town of Gilbert, the Town's current Sign Ordinance should be revised to remove content-based regulations. In addition, the Sign Ordinance should be updated to clarify where temporary signage (such as campaign signage) may be located.

7. Subdivision Ordinance

The Town's subdivision ordinance needs to be clarified in a number of technical respects in coordination with an update to the Town's standard specifications regarding road width and drainage.

8. E-Bike Ordinance

E-Bikes have proliferated in the Town and staff recommend adopting an ordinance addressing their use, including requiring the use of helmets, imposing speed restrictions, and restricting E-Bikes in specified areas such as trails. The Youth Commission is currently developing proposed ordinance provisions with the Police Department.

9. Wireless Facilities Ordinance

The Town's current Wireless Facilities Ordinance was adopted in 2003 to conform to the 1996 Telecommunications Act. It should be updated to comply with the ongoing changes to State and Federal legislation. AT&T is proposing installations in the public right of way. Such installations could be on existing Town-owned structures, such as streetlight poles, or could involve the companies putting in their own new poles. The amendments should include siting

and design standards to preserve the aesthetics of the Town but to also facilitate providing competitive, varied, and high-quality wireless communications service infrastructure.

10. Water Efficient Landscape Ordinance

The Town needs to amend its water efficient landscape ordinance to comply with updates to State law.

11. Parking Space Requirements Ordinance

The Town's parking space requirement should be updated. For example, staff recommended reducing the number of requested parking spots in hillside developments to reduce the need for grading.

12. Noise Ordinance

The Town's Noise Ordinance was adopted in 1991. With the changes to the Town's Entertainment Policy, the Town needs to analyze and determine whether the noise levels set forth in the Noise Ordinance adequately protect the residents of Los Gatos from unnecessary, excessive, and disturbing noise and vibration.

13. Tobacco Retailer Ordinance

The Town has partnered with the County of Santa Clara to establish a tobacco retailing program that regulates the sale of tobacco products and prohibits the sale of specified tobacco products to minors. The County has recently updated the countywide ordinance and the Town needs to update its ordinance to match County requirements in order for the County to continue enforcement in the Town.

14. Public Nuisance /Blight/Administrative Abatement Hearing Ordinance

It would be helpful to develop a comprehensive public nuisance ordinance to clearly define public nuisances and clearly set forth the Town's enforcement mechanisms. Also, the Town's Administrative Abatement of Violations section should be updated.