



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 01/08/2020

ITEM NO: 3

DATE: January 3, 2020
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: Town Code Amendment Application A-19-010. Project Location: **Town Wide.**
Applicant: Town of Los Gatos.
Consider amendments to Chapter 29 (Zoning Regulations) of the Town Code regarding land use and economic vitality streamlining.

RECOMMENDATION:

Forward a recommendation to the Town Council for approval of the amendments to Chapter 29 (Zoning Regulations) of the Town Code regarding land use and economic vitality streamlining.

CEQA:

The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15061(b)(3), in that it can be seen with certainty that there is no possibility that this project will have a significant effect on the environment.

FINDINGS:

- As required, pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, this project is Exempt, Section 15061(b)(3); and
- The amendments to Chapter 29 of the Town Code are consistent with the General Plan.

BACKGROUND:

The Town Council has an adopted strategic priority that promotes community vitality and encourages land use streamlining efforts. Since the adoption of this priority, staff has been working with the Town Council and Council Policy Committee to identify and streamline many of the business-related processes to reduce the associated time and cost.

PREPARED BY: Sean Mullin, AICP
Associate Planner

Reviewed by: Planning Manager and Community Development Director

BACKGROUND (continued):

As part of the adopted streamlining efforts, five temporary resolutions were adopted by the Council and were set to sunset in December of 2019. On October 1, 2019, the Council voted to memorialize the streamlining efforts (Exhibit 2). On November 5, 2019, the Council adopted Resolution 2019-051 extending the temporary streamlining efforts until such time that the Town Code amendments may be adopted (Exhibits 3 and 4). To provide context for the discussion, below are high-level summaries of how the temporary streamlining efforts have been utilized.

- **Formula Retail Businesses in the Downtown C-2 Zone** (resolution adopted 6/5/18): The Town Council adopted a temporary resolution allowing up to five new formula retail businesses over an 18-month period in the downtown C-2 zone that do not have a current Conditional Use Permit (CUP) in place.
- **Restaurants**
 - **Restaurant CUP modifications at the Development Review Committee (DRC)** (adopted 6/19/18): The Town Council adopted a temporary 18-month resolution to allow current restaurants to modify their CUP at the DRC. Many of these businesses chose to modify their use permit to allow them to participate in the pilot parklet program as the former language in their CUP prohibited outdoor dining in many cases.
 - **New restaurant CUPs to be heard at the DRC and suspension of Ordinance 2021** (adopted 3/5/19): The Town Council adopted a temporary resolution valid through 12/31/19 allowing new restaurants, Town-wide, to be heard by the DRC. To make this possible, Ordinance 2021 was also suspended for the same period.
- **Minor Exterior Modifications to Commercial Buildings** (adopted 3/5/19): The Town Council adopted a temporary resolution valid through 12/31/19 allowing minor exterior modifications to commercial buildings to be processed as building permits, rather than as Architecture and Site applications at the DRC.
- **Group Classes** (adopted 3/19/19): The Town Council adopted a temporary resolution valid through 12/31/19 allowing a CUP for group classes within the downtown C-2 zone to be heard by the DRC, and those in other commercial zones to be allowed by right with a Certificate of Use and Occupancy and a Business license.

DISCUSSION:

Five resolutions were adopted by the Council temporarily suspending certain sections of the Town Code in an effort to promote community vitality and encourage land use streamlining

DISCUSSION (continued):

(Exhibit 2, Attachments 2 through 6). Below is a discussion of the amendments to the Town Code required to memorialize the temporary streamlining efforts.

A. Formula Retail Businesses in the Downtown C-2 Zone

The Town Code defines a formula retail business as a business which, along with seven or more other business locations, is required by contractual or other arrangement to maintain any of the following: standardized merchandise, services, decor, uniforms, architecture, colors, signs, or other similar features. In the downtown C-2 zone (Exhibit 5) under the current Town Code, formula retail businesses up to 6,000 square feet require approval of a CUP by the Planning Commission and are allowed by-right in other commercial zones.

Currently, formula retail businesses greater than 6,000 square feet are not allowed in the downtown C-2 zone and require approval of a CUP in other commercial zones. No changes are proposed to these regulations.

On June 5, 2018, the Council adopted Resolution 2018-032 temporarily allowing up to five new formula retail businesses over an 18-month period without approval of a CUP in the downtown C-2 zone. By eliminating the requirement for a CUP, this streamlining effort significantly reduced the time and cost of establishing a formula retail business in the downtown C-2 zone by requiring only a Certificate of Use and Occupancy with a cost of \$262.20 and a Business License with a cost ranging from \$75 to \$975, both of which can be issued over the counter. In contrast, a Planning Commission level review of a formula retail business CUP in the downtown C-2 zone would take approximately 12 to 24 weeks to complete, and the fees would be \$8,591.14. To date, three new formula retail businesses have been established in spaces in the downtown C-2 zone that were formerly occupied by a use other than a formula retail business. It is important to note that some formula retail businesses who had valid CUPs have left the downtown C-2 zone, thus the replacement businesses do not count towards the five new formula retail businesses.

To memorialize this streamlining effort, the Town Code would be amended to eliminate formula retail businesses up to 6,000 square feet from the Table of Conditional Uses in Section 29.20.185. This change would permit formula retail businesses to establish in the downtown C-2 zone by right with approval of a Certificate of Use and Occupancy and a Business License. The Permitted Uses sections for the C-1, C-2, CH, and LM zones would also be amended to clarify that formula retail businesses up to 6,000 square feet are permitted by-right. Additionally, Section 29.20.190 would be amended to clarify that the deciding body may only deny a CUP for a formula retail business greater than 6,000 square feet if specific findings can be made.

DISCUSSION (continued):

B. Restaurants in the Downtown C-2 Zone

The Table of Conditional Uses in Town Code Section 29.20.185 requires approval of a CUP for restaurants in the C-1, C-2, CH, LM, and CM zones. Sections 29.20.745 and 29.20.750 of the Town Code assign the review of CUPs for restaurants outside the downtown C-2 zone to the DRC, and restaurants within the downtown C-2 zone to the Planning Commission. Ordinance 2021, adopted in 1996, includes a section outlining a concern with an overconcentration of restaurants in the downtown C-2 zone and requiring careful consideration of restaurant uses that replace retail in the downtown C-2 zone by the Planning Commission (Exhibit 6). Additionally, this Ordinance introduced the definitions of *bar* and several different types of restaurants, including *drive-in*, *fast food*, *high turnover (sit down)*, *minor*, and *quality* to Section 29.10.020 of the Town Code.

Through the work of the Policy Committee, Planning Commission, and Town Council, the Town has taken strides to establish, modify, and rescind Town policies and Town Code language to generate opportunities for businesses to continue to grow in Town, including the adoption of: a Late Night Entertainment Policy; an Outdoor Seating Policy; Town Code language permitting businesses to offer valet parking; and an amendment to the Town Code to allow restaurants to calculate parking requirements and seating capacities separately. In addition, on April 3, 2018, the Town Council adopted Resolution 2018-011 rescinding the Town's Alcohol Beverage Policy given that the State of California's Alcohol Beverage Control (ABC) provides enforcement and oversight of the state law and permit requirements for businesses that sell and serve alcohol (Exhibit 7).

On June 19, 2018, the Council adopted Resolution 2018-039 temporarily allowing the DRC to approve certain modifications to CUPs for restaurants Town-wide, such as hours of operation and new or expanded alcohol service, for a period of 18 months (Exhibit 2, Attachment 3). This streamlining effort significantly reduced the time and cost of modifying a CUP for a restaurant. Average processing time for modifying an existing CUP for a restaurant at the DRC level is approximately six to eight weeks and requires an application fee of \$4,147.58. In contrast, a Planning Commission level modification would take approximately 12 to 16 weeks to complete, and the fees would be \$6,443.36. A Town Council level modification of a CUP for a restaurant with alcohol service would take approximately 16 to 24 weeks to complete, and fees would be \$11,035.04.

On March 5, 2019, the Council adopted Resolution 2019-008 temporarily allowing the DRC to approve new CUPs for all restaurants Town-wide to be approved by the DRC for a period of 18 months (Exhibit 2, Attachment 4). To make this possible, Ordinance 2021

DISCUSSION (continued):

was also suspended for the same period. This streamlining effort significantly reduced the time and cost for a new CUP for a restaurant. Average processing time for a new CUP for a restaurant at the DRC level is approximately six to eight weeks and requires an application fee of \$5,566.10. In contrast, processing at the Planning Commission level would take approximately 12 to 16 weeks to complete, and the fees would be \$8,591.14. Processing at the Town Council level would take approximately 16 to 24 weeks to complete, and fees would be \$13,182.82.

To date, 18 restaurants have completed a modification at the DRC level, one restaurant is currently in the process of requesting a modification, and three new restaurants have been approved by the DRC.

To memorialize this streamlining effort, the draft Ordinance would rescind Section I of Ordinance 2021. Section 29.10.020 of the Town Code would be amended to clarify the definition of *restaurant* and remove antiquated definitions of types of restaurants introduced by Ordinance 2021. Sections 29.20.745 and 29.20.755 would be amended to assign review of modification of existing and new CUPs for all restaurants Town-wide to the DRC. To reflect the Council's rescission of the Alcoholic Beverage Policy, references to that policy would be removed from Section 29.10.225 and 29.20.318.

C. Minor Exterior Modifications to Commercial Buildings

Town Code Section 29.20.745 requires that the DRC determine and issue zoning approval for minor exterior alterations to commercial buildings. Additionally, Resolution 2005-038 provides a definition of *minor exterior alterations to commercial buildings* to clarify the types of minor projects that can be reviewed at the DRC level (Exhibit 8).

On March 5, 2019, the Council adopted Resolution 2019-009 temporarily reassigning the duties for minor exterior modifications to commercial buildings from the DRC to the Community Development Director with a building permit for a nine-month period (Exhibit 2, Attachment 5). During this streamlining effort, staff used the provisions of the Town Code and Commercial Design Guidelines to determine that the proposed alterations were appropriate and to ensure the compatibility of the exterior modification with the existing building and surrounding area. If the building was deemed historic, consideration by the Historic Preservation Committee could be required; however, after this consideration the applicant could submit directly for building permits.

This streamlining effort significantly reduced the time and cost for minor exterior modifications to commercial buildings. Average processing time for minor exterior

DISCUSSION (continued):

modifications at the building permit level is eight to 10 weeks and building permit application fees vary based on the project valuation. In contrast, a DRC review of an Architecture and Site application for exterior modifications would take approximately 12 to 16 weeks and the application fees would be \$5,743.02. To date, seven applications for exterior modifications, which included window and door changes, parking lot reconfigurations, window awnings, pedestrian walkways, and changes to exterior materials have been processed.

To memorialize this streamlining effort, Resolution 2005-038 would be rescinded, eliminating the Council Policy on minor alterations to commercial buildings (Exhibit 9). Section 29.10.020 the Town Code would be amended to incorporate the definition of *minor exterior alterations to commercial buildings* from this policy. The assignment of duties in Sections 29.20.700 and 29.20.745 would be amended to reassign the duties for minor exterior modifications to commercial buildings from the DRC to the Community Development Director with a building permit.

D. Group Classes

Although the term *group classes* is not defined in the Town Code, it is considered a use consistent with *art, craft, music, dancing school*, which is a conditional use in the O, C-1, C-2, CH, and LM zones. Section 29.20.750 (8) assigns the review of CUPs for group classes to the Planning Commission. The Town Code does not provide a parking requirement for group classes and a rate of one space for each employee and one space per three students has been applied.

On March 9, 2019, the Council adopted Resolution 2019-012, temporarily allowing CUPs for group classes within the downtown C-2 zone to be heard by the DRC, and those outside of the downtown C-2 zone to be permitted by right with a Certificate of Use and Occupancy and a Business License (Exhibit 2, Attachment 6). This streamlining effort significantly reduced the time and cost for establishing group classes. Average processing time for a CUP for group classes in the downtown C-2 zone by the DRC is four to 12 weeks and requires an application fee of \$5,566.10. Outside of the downtown C-2 zone, group classes can be permitted by right with a Certificate of Use and Occupancy with a cost of \$262.20 and a Business License with a cost ranging from \$75 to \$975, both of which can be issued over the counter. In contrast, a Planning Commission review of a CUP for group classes would take approximately 12 to 24 weeks and the application fees would be \$8,591.14. To date, one new CUP for group classes in the downtown C-2 zone has been approved by the DRC and one is currently in process. Following the DRC approval of the application, it was appealed by a community member to the Planning Commission whom ultimately upheld the DRC approval. Additionally, one new group class use outside of the downtown C-2 zone has been permitted.

DISCUSSION (continued):

To memorialize this streamlining effort, Section 29.20.745 would be amended to assign review of group classes CUPs in the downtown C-2 zone to the DRC. Group classes would be added as a permitted use in the O, C-1, CH, and LM zones. Section 29.10.020 the Town Code would be amended to introduce a definition for *group classes* and Section 29.10.150 (c) would be amended to introduce a parking rate for group classes of one space for each employee and one space per three students.

E. Public Outreach

Public input has been requested through the following media and social media resources:

- A poster at the Planning counter at Town Hall;
- 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 Next Door page.

PUBLIC COMMENTS:

At this time, the Town has not received any public comment.

CONCLUSION:

A. Recommendation

Based on the direction of the Town Council, staff recommends that the Planning Commission review the information included in the staff report and forward a recommendation to the Town Council for approval to rescind Resolution 2005-038 and approval of the amendments to Chapter 29 of the Town Code in the draft Ordinance. The Commission should also include any comments or recommended changes to the draft Ordinance in taking the following actions:

1. Make the finding that there is no possibility that the amendments to Chapter 29 of the Town Code in the draft Ordinance will have a significant impact on the environment; therefore, the project is not subject to the California Environmental Quality Act [Section 15061 (b) (3)] (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);

CONCLUSION (continued):

3. Forward a recommendation to the Town Council for approval of a Resolution rescinding Resolution 2005-038 (Exhibit 9); and
4. Forward a recommendation to the Town Council for approval of the amendments to Chapter 29 of the Town Code in the draft Ordinance (Exhibit 10).

B. Alternatives

Alternatively, the Commission can:

1. Forward a recommendation to the Town Council for approval of the Draft Ordinance with modifications; or
2. Forward a recommendation to the Town Council for denial of the Draft Ordinance; or
3. Continue the matter to a date certain with specific direction.

EXHIBITS:

1. Required Findings
2. October 1, 2019 Town Council Report with attachments
3. November 5, 2019 Town Council Report without attachments
4. Resolution 2019-051
5. C-2 Zone Map
6. Ordinance 2021
7. Resolution 2018-011
8. Resolution 2005-038
9. Draft Resolution
10. Draft Ordinance

PLANNING COMMISSION – January 8, 2020
REQUIRED FINDINGS FOR:

Town Code Amendment Application A-19-010

Consider amendments to Chapter 29 (Zoning Regulations) of the Town Code regarding land use and economic vitality streamlining.

FINDINGS

Required Findings for CEQA:

- It has been determined that there is no possibility that this project will have a significant impact on the environment; therefore, the project is not subject to the California Environmental Quality Act, Section 15061 (b)(3).

Required Findings for General Plan:

- The proposed amendments to Chapter 29 of the Town Code regarding land use and economic vitality streamlining are consistent with the General Plan.

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**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 10/01/2019

ITEM NO: 10

DATE: September 25, 2019
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Provide Direction to Staff on the Next Steps for the Temporary Community Vitality and Land Use Streamlining Resolutions Due to Sunset in December 2019

RECOMMENDATION:

Provide direction to staff on the next steps for the temporary community vitality and land use streamlining resolutions due to sunset in December 2019.

BACKGROUND:

The Town Council has an adopted strategic priority that promotes community vitality and encourages land use streamlining efforts. Since the adoption of this priority, staff has been working with the Town Council and Council Policy Committee to identify and streamline many of the business-related processes to reduce the associated time and cost.

Attachment 1 provides a timeline and synopsis of the adopted streamlining efforts to date. Those highlighted in yellow are temporary resolutions adopted by the Council that are due to sunset in December of 2019.

DISCUSSION:

Since the adoption of the streamlined items outlined in Attachment 1, staff has done a large amount of outreach to interested stakeholders, including businesses, property owners, commercial brokers, and property managers. These connections have not only provided the opportunity to update the business community on the adopted resolutions, they have also afforded the opportunity to share the story of Los Gatos, the positive efforts of the Council, and

PREPARED BY: Monica Renn
Economic Vitality Manager

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

DISCUSSION (continued):

encourage business retention, expansion, and attraction. To date, staff has received positive feedback on the Council's support of businesses and the opportunities these regulatory changes provide. Due to the time and cost associated with obtaining a new or modifying an existing Conditional Use Permit (CUP), many businesses historically have not applied for the process and have appreciated the opportunity to do so under the streamlined process.

To provide context for the Council's discussion, below are high-level summaries of how the temporary streamlining efforts that have been adopted since June 5, 2018 have been utilized.

Formula Retail in Downtown (resolution adopted 6/5/18): The Town Council adopted a temporary resolution allowing up to five new formula retailers over an 18-month period in spaces downtown that do not have a current CUP in place for Formula Retail. To date, there have been three new formula retailers that have leased spaces downtown that were formerly occupied by a use other than a formula retailer. It is important to note that some formula retailers have left downtown whom had a valid CUP for formula retail, thus the replacement businesses do not count towards the five new formula uses.

Restaurant CUP modifications at the Development Review Committee (DRC) (adopted 6/19/18): The Town Council adopted a temporary 18-month resolution to allow current restaurants to modify their use permits at the DRC level. Nine restaurants have completed a modification, five are currently in the process, and another three are anticipated to apply before the end of the year. Many of these businesses chose to modify their use permit to allow them to participate in the pilot parklet program as the former language in their CUP prohibited outdoor dining in many cases.

New restaurant CUPs to be heard at the DRC and suspension of Ordinance 2021 (adopted 3/5/19): The Town Council adopted a temporary resolution valid through 12/31/19 allowing new restaurants, Town-wide, to be heard by the DRC. To make this possible, Ordinance 2021 was also suspended for the same period. Two restaurants have been approved at the DRC since its adoption.

Allow Minor Exterior Modifications to Commercial Buildings to be Processed as Building Permits (adopted 3/5/19): The Town Council adopted a temporary resolution valid through 12/31/19 allowing minor exterior modifications to commercial buildings to be processed as building permits, rather than having to go to the DRC. Since the adoption of the resolution, staff has processed seven applications for exterior modifications. The types of modifications include swapping doors for windows, windows for doors, parking lot reconfigurations, window awnings, pedestrian walkways, changes to exterior materials, and other similar items.

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SUBJECT: Provide Direction on Community Vitality and Land Use Streamlining

DATE: September 25, 2019

DISCUSSION (continued):

Group Classes to be heard by the DRC in the C-2 and permitted by-right outside of the C-2 zone (adopted 3/19/19): The Town Council adopted a temporary resolution valid through 12/31/19 allowing CUPs for group classes within the C-2 to be heard by the DRC, and those outside of the C-2 to be allowed with over the counter permits (Business license and Certificate of Use and Occupancy). One new CUP for group classes has been approved by the DRC. Following the DRC approval of the application, it was appealed by a community member to the Planning Commission whom ultimately upheld the DRC's approval and approved the group class use. Additionally, one new group class use outside the C-2 has been approved.

While the streamlined processes are helpful for businesses, there are still many other factors in play when it comes to retaining and attracting businesses. Staff has found that since the time and costs have been reduced, businesses are generally much more satisfied with the CUP process. For many though, this is just the first step in a lengthy road to opening their business. Building permits may not be applied for or issued until the CUP is obtained, and often outside agencies have requirements and processes of their own that take weeks to months to complete. Thus, reverting to the longer and more expensive process for CUPs could have a negative impact on the Town's business attraction and retention efforts.

CONCLUSION:

Staff has observed several successes with the temporary streamlining processes and recognize that memorializing the streamlining processes on a more permanent basis would likely continue to create opportunities to strengthen the businesses in Town. Each application is still fully reviewed and vetted with the streamlining, and staff recommends conditions of approval for the deciding body as in any discretionary CUP process. The reduction in time and costs is a product of the streamlining and allowing decisions to occur at a lower level while retaining all appeal rights.

Should the resolutions pertaining to CUPs sunset and the application process revert, the fees for a new CUP would be \$8,976.14 for Planning Commission applications and \$15,383.52 for Town Council applications. If minor exterior modifications to commercial buildings were required to once again be approved by DRC, the application fee would be \$5,743.02.

Time and cost are typically the two biggest concerns the staff hears from businesses and property owners. The streamlined processes provide a reduction in both while maintaining staff and discretionary oversight.

As the Council discusses the resolutions outlined in this report (Attachments 2 - 6), staff is recommending the Council provide direction on next steps for each of the temporary resolutions as follows:

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SUBJECT: Provide Direction on Community Vitality and Land Use Streamlining

DATE: September 25, 2019

CONCLUSION (continued):

- Recommend memorializing one or more of the streamlining efforts through Town Code amendments. Staff will draft language and present it to the Planning Commission for discussion and recommendations to the Town Council;
- Extend the sunset date of one or more of the temporary resolutions; or
- Allow the resolutions to sunset and the processes to revert to the current Code language.

COORDINATION:

This staff report was prepared in coordination with the Town Managers Office, Town Attorney's Office, and Community Development Department.

FISCAL IMPACT:

Fees paid for by applicants cover the cost of the applicant's process thus there is no fiscal impact.

ENVIRONMENTAL ASSESSMENT:

The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15061(b)(3), in that it can be seen with certainty that there is no possibility that the proposed amendments to the Town Code will have a significant effect on the environment.

Attachments:

1. Economic Vitality and Land Use Streamlining Summary
2. Temporary resolution suspending the CUP requirement for formula retailers
3. Temporary Resolution allowing restaurants to modify their CUP at the DRC
4. Temporary Resolution suspending Ordinance 2021 and allowing new restaurants to obtain a CUP at the DRC
5. Temporary Resolution allowing for minor exterior modifications to commercial buildings to be made at building permit
6. Temporary Resolution allowing group classes without a CUP in commercial zones outside of downtown, and those within downtown to obtain a CUP at the DRC

ECONOMIC VITALITY & LAND USE STREAMLINING



The Town of Los Gatos is proud to be the home of a variety of premium shopping and dining experiences. Our downtown is one of the most charming and beautiful places around, while Los Gatos Boulevard and surrounding shopping centers provide neighborhood convenience and other fantastic shopping, dining, and service businesses against the back drop of the picturesque foothills. The Town Council is committed to creating opportunities for existing and new businesses to thrive throughout Los Gatos, and as a result have adopted a strategic priority to continue to support our business community through streamlining processes, policies, and ordinances.

The list below highlights much of the work that has been completed to date, and we will continue to make strides in creating an environment that allows our business community to continue to be the very best. Please click on any of the items below to learn more about what was adopted:

- Flexible [outdoor seating](#) regulations on public and private property (9/1/15, Town Council Meeting, Item 11)
- Allowance for paid private [Downtown valet parking](#) (11/3/15, Town Council Meeting, Item 13)
- Allowance for [entertainment](#) by right before 10 P.M. and late-night entertainment with a permit (6/21/16, Town Council Meeting, Item 19)
- Significantly reducing the Traffic Impact Fees that are applied to existing commercial space in Downtown and Shopping Centers ([11/17/16](#) and [2/16/17](#), Policy Committee Meetings)
- Providing flexible [seating calculations for restaurants](#) guided by Maximum Fire Occupancy (3/20/18, Town Council Meeting, Item 9)
- Rescission of the [Town's Alcohol Beverage Policy](#) acknowledging that ample vetting and oversight is provided through the State of California's Alcohol Beverage Control (4/3/18, Town Council Meeting, Item 8)
- Resolution for a limited time suspending the Conditional Use Permit requirement for [Formula Retailers in Downtown](#) (6/5/18, Town Council Meeting, Item 18)
- Resolution for a limited time allowing [restaurants to modify their Conditional Use Permits at the Development Review Committee level](#) significantly reducing the time and cost related to a CUP modification (6/19/18, Town Council Meeting, item 19)
- Elimination of [parking time limits](#) in public parking lots Downtown on Saturdays (11/6/18, Town Council Meeting, Item 8)
- Approval for a [one-way street pilot on N. Santa Cruz Avenue](#) for the Summer and Fall of 2019, offering more on street parking and greater opportunities for parklets and bike and pedestrian traffic (1/15/19, Town Council Meeting, Item 5)
- Approval of a [pilot program to allow parklets](#), also known as sidewalk cafes, on Main Street and N. Santa Cruz Avenue (2/5/19, Town Council Meeting, Item 11)
- Resolution for a limited time [suspending Ordinance 2021, and allowing new restaurants to obtain a CUP at the DRC level until, and a resolution allowing for minor exterior modifications to commercial buildings to be processed at building permit](#) 12/31/19 (3/5/19, Town Council Meeting, item 7)
- Resolution for a limited time [allowing group classes without a CUP in commercial zones outside of downtown, and those within downtown to obtain a CUP at the DRC level.](#) (3/19/19, Town Council Meeting, Item 11)

RESOLUTION 2018-032

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS
SUSPENDING TOWN CODE SECTION 29.20.185 REGARDING
THE REGULATIONS FOR FORMULA RETAIL BUSINESSES IN THE C-2 ZONE FOR A
PERIOD NOT TO EXCEED 18 MONTHS.**

WHEREAS, since the adoption of the formula retail regulations in 2002, the retail industry continues to evolve through online shopping and new shopping models creating a different environment for brick and mortar retail locations; and

WHEREAS, additional commercial spaces are being added to the inventory through new developments in Los Gatos creating more opportunity for retail locations; and

WHEREAS, piloting a change to the regulations in the C-2 zone to match those in other commercial zones creates a more level playing field during the pilot period; and

WHEREAS, a temporary suspension of the Town Code Section 29.20.185 may allow the opportunity for the Town Council to gauge potential changes to the retail mix in the C-2 zone with the ability to modify the resolution at any time before the 18-month period expires.

NOW, THEREFORE, BE IT RESOLVED: The Town Council of the Town of Los Gatos suspends the Town Code Section 29.20.185 regarding the regulations for formula retail businesses in the C-2 zone for a period not to exceed 18 months with the following provisions:

1. **Existing Retail Locations**
New formula retail businesses must occupy an existing commercial space that is less than 6,000 square feet in the C-2 zone, and may not combine spaces or add additional square footage; and
2. **Certificate of Use and Occupancy and Business License**
New formula retail businesses must follow the same requirements as an independent retail business by filing a Certificate of Use and Occupancy, and a Business License with the Town prior to operating; and
3. **Maximum Threshold for Review**
Should five new formula retail businesses open before the 18-month period expires, Town staff will provide the Town Council with an update and review of this resolution; and
4. **Town Council Approval**
This resolution does not apply to formula retail businesses that intend to sell products (such as alcohol) that require approval by the Town Council.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, on the 5th day of June, 2018 by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:



**MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA**

DATE: 6/6/18

ATTEST:



**TOWN CLERK ADMINISTRATOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA**

DATE: 6/6/18

RESOLUTION 2018-039

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS REGARDING TOWN CODE SECTION 29.20.745 AND SUSPENDING A PORTION OF 29.20.755(2) REGARDING THE ASSIGNMENT OF DUTIES TO ALLOW THE DEVELOPMENT REVIEW COMMITTEE TO APPROVE CERTAIN MODIFICATIONS TO EXISTING CONDITIONAL USE PERMITS FOR RESTAURANTS FOR A PERIOD OF 18 MONTHS.

WHEREAS, many Conditional Use Permits for restaurants in the Town of Los Gatos have been in place for many years and contain language that is either contradictory to current Town Code and policies, or inconsistent with current business models; and

WHEREAS, additional commercial spaces are increasing the inventory through new developments in Los Gatos, creating more opportunity for commercial uses; and

WHEREAS, providing an 18-month time period in which businesses defined as a restaurant may apply for modifications to existing Conditional Use Permits to provide the ability to revise obsolete language, innovate their existing businesses, and/or make other adjustments within the existing business location and square footage; and

WHEREAS, the Town recently adopted a Town Code amendment to adjust seating and parking requirements for restaurants and revised policies allowing outdoor seating and entertainment for businesses, given policy parameters are met and proper Town permits obtained; and

WHEREAS, the Town recently rescinded the Alcohol Beverage Policy given that the State of California's Alcohol Beverage Control has strict requirements and a process in place for the review, control, and monitoring of all businesses that possess or apply to obtain a permit to sell alcoholic beverages on- and off-site; and

WHEREAS, the Town of Los Gatos Municipal Code Section 29.20.745 identifies the role of the Development Review Committee, including but not limited to: Section 29.20.745 (16) Determine and issue zoning approval for minor restaurants that are located outside of the Downtown (C-2 zone); and

WHEREAS, the Town of Los Gatos Municipal Code sets forth the public hearing and noticing requirements for the Development Review Committee and any appeals of its decisions; and

WHEREAS, the Town of Los Gatos Municipal Code Section 29.20.750 identifies the role of the Planning Commission, including but not limited to the following: Section 29.20.750 (8) Determine Conditional Use Permit applications that are not assigned to the Development Review Committee or the Town Council; and

WHEREAS, the Town of Los Gatos Municipal Code Section 29.20.755 identifies the role of the Town Council, including but not limited to the following: Section 29.20.755 (2) Hears and determines Planning Commission recommendations for the adoption or amendment of the general plan or any specific plans and conditional use permits for establishments selling alcoholic beverages for on premises consumption.

NOW, THEREFORE, BE IT RESOLVED: The Town Council of the Town of Los Gatos suspends a portion of 29.20.755(2) regarding the assignment of duties to allow the Development Review Committee to approve certain modifications to existing Conditional Use Permits for restaurants for a period of 18 months with the following provisions:

1. **Restaurants**

The Development Review Committee may issue approval of modifications to an existing Conditional Use Permit for a restaurant use as defined by Town Code Section 29.10.020 in any commercial zone; and

2. **Locations**

Restaurants with existing Conditional Use Permits may apply for modification of a Conditional Use Permit within the existing commercial space inclusive of both indoor and outdoor/patio areas at the same address (new restaurants or restaurants combining two or more commercial spaces would require full review by either the Planning Commission or Town Council); and

3. **Development Review Application**

To apply for the modification, businesses must complete the Development Review application and pay the associated fees adopted within the fee schedule.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, on the 19th day of June, 2018 by the following vote:

COUNCIL MEMBERS:

AYES: Marcia Jensen, Steve Leonardis, Marico Sayoc, Barbara Spector, Mayor Rob Rennie

NAYS: None.

ABSENT: None.

ABSTAIN: None.

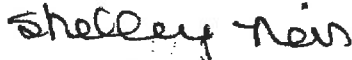
SIGNED:



MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: 6/20/18

ATTEST:



CLERK ADMINISTRATOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: 6/20/18

RESOLUTION 2019-008

**RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF LOS GATOS
REGARDING TOWN CODE SECTION 29.20.745 AND
SUSPENDING A PORTION OF 29.20.755(2) REGARDING THE ASSIGNMENT OF DUTIES
TO ALLOW THE DEVELOPMENT REVIEW COMMITTEE TO APPROVE NEW
CONDITIONAL USE PERMITS FOR RESTAURANTS UNTIL DECEMBER 31, 2019.**

WHEREAS, the Town of Los Gatos Town Council has an adopted strategic priority to streamline Land Use and Economic Vitality policies; and

WHEREAS, the Town has recently experienced a high turnover in commercial spaces, particularly in Downtown and have additional commercial spaces that will increase the commercial space inventory through new developments in Los Gatos; and

WHEREAS, providing a 9-month period in which business uses defined as a *Restaurant* as identified in Town of Los Gatos Municipal Code Section 29.10.020 may apply for a new Conditional Use Permit to create more opportunities to attract businesses to Los Gatos; and

WHEREAS, by reassigning the duties to the Development Review Committee, the impact of cost and process time on prospective businesses is drastically decreased and more closely aligned with neighboring jurisdictions which could provide an incentive for businesses to consider locating Los Gatos; and

WHEREAS, the Town of Los Gatos Municipal Code Section 29.20.745 identifies the role of the Development Review Committee, including but not limited to: Section 29.20.745 (16) Determine and issue zoning approval for minor restaurants that are located outside of the Downtown (C-2 zone); and

WHEREAS, the Town recently rescinded the Alcohol Beverage Policy given that the State of California's Alcohol Beverage Control has strict requirements and a process in place for the review, control, and monitoring of all businesses that possess or apply to obtain a permit to sell alcoholic beverages on- and off-site; and

WHEREAS, the Town of Los Gatos Municipal Code sets forth the public hearing and noticing requirements for the Development Review Committee and any appeals of its decisions; and

WHEREAS, the Town of Los Gatos Municipal Code Section 29.20.750 identifies the role of the Planning Commission, including but not limited to the following: Section 29.20.750 (8) Determine Conditional Use Permit applications that are not assigned to the Development Review Committee or the Town Council; and

WHEREAS, the Town of Los Gatos Municipal Code Section 29.20.755 identifies the role of the Town Council, including but not limited to the following: Section 29.20.755 (2) Hears and determines Planning Commission recommendations for the adoption or amendment of the general plan or any specific plans and conditional use permits for establishments selling alcoholic beverages for on premises consumption.

NOW, THEREFORE, BE IT RESOLVED: The Town Council of the Town of Los Gatos suspends a portion of 29.20.755(2) regarding the assignment of duties to allow the Development Review Committee to approve new Conditional Use Permits for restaurants until December 31, 2019.

1. **Restaurants**

The Development Review Committee may issue new Conditional Use Permit for a restaurant use as defined by Town Code Section 29.10.020 in any commercial zone; and

2. **Locations**

New Conditional Use Permit applications for restaurants in conditionally permissible commercial zones as identified in 29.20.185, Section 1- Commercial, (j) and (k); and

3. **Development Review Application**

To apply for a new conditional use permit, businesses must complete the Development Review application and pay the associated fees adopted within the fee schedule.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, on the 5th day of March, 2019 by the following vote:

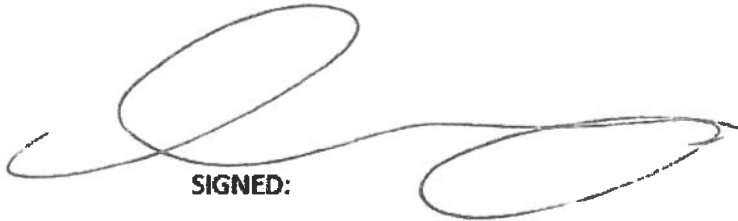
COUNCIL MEMBERS:

AYES: Marcia Jensen, Rob Rennie, Marico Sayoc, Barbara Spector, Mayor Steven Leonardis

NAYS: None.

ABSENT: None.

ABSTAIN: None.



A large, stylized handwritten signature in black ink, consisting of several loops and a long horizontal stroke.

SIGNED:

**MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA**

DATE:

3/10/19

ATTEST:

Shirley Reis

**TOWN CLERK OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA**

DATE:

3/11/19

RESOLUTION 2019-009

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS
SUSPENDING TOWN CODE SECTION 29.20.755 (8), REGARDING THE ASSIGNMENT OF
DUTIES TO ALLOW THE MINOR EXTERIOR MODIFICATIONS TO COMMERCIAL
BUILDINGS BE MADE AT THE BUILDING PERMIT LEVEL UNTIL DECEMBER 31, 2019**

WHEREAS, the Town of Los Gatos Town Council has an adopted strategic priority to streamline Land Use and Economic Vitality policies; and

WHEREAS, the Town has recently experienced a high turnover in commercial spaces, particularly in Downtown and have additional commercial spaces that will increase the commercial space inventory through new developments in Los Gatos; and

WHEREAS, providing a 9-month period in which businesses and commercial property owners may make minor exterior modifications to their store fronts and buildings to create more opportunities to attract and retain businesses in Los Gatos; and

WHEREAS, by reassigning the duties to the Planning Director at the building permit level will provide businesses and commercial property owners with a process that is significantly less expensive and quicker for minor exterior modifications to commercial buildings, which could provide an incentive for businesses to consider locating Los Gatos; and

WHEREAS, the Town of Los Gatos already has other provisions in place that guide such modifications within the Town Code, Commercial Design Guidelines, and the process with the Historic Preservation Committee (when applicable); and

WHEREAS, the Town of Los Gatos already has other provisions in place that provide framework for such modifications within the Town Code, Commercial Design Guidelines, and the process with the Historic Preservation Committee (when applicable).

NOW, THEREFORE, BE IT RESOLVED:

The Town Council of the Town of Los Gatos suspends a portion of Town Code Section 29.20.755 (8), regarding the assignment of duties to allow minor exterior modifications to commercial buildings be made at the building permit level until December 31, 2019.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, on the 5th day of March, 2019 by the following vote:

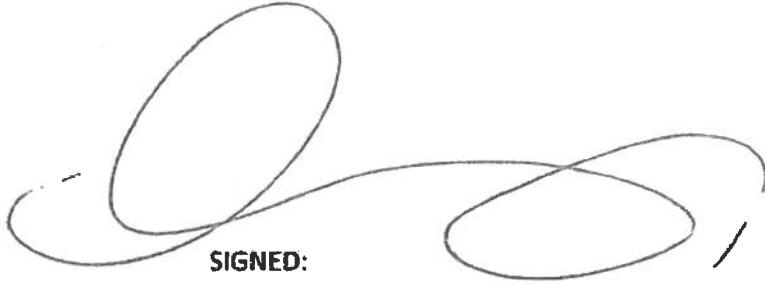
COUNCIL MEMBERS:

AYES: Marcia Jensen, Rob Rennie, Marico Sayoc, Barbara Spector, Mayor Steven Leonardis

NAYS: None.

ABSENT: None.

ABSTAIN: None.



A large, stylized handwritten signature in black ink, consisting of several loops and a long horizontal stroke.

SIGNED:

**MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA**

DATE: 3/10/19

ATTEST:



A handwritten signature in black ink, appearing to read 'Shelley Reis'.

**TOWN CLERK OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA**

DATE: 3/11/19

RESOLUTION 2019-012

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS SUSPENDING TOWN CODE SECTION 29.20.750 (8), REGARDING THE ASSIGNMENT OF DUTIES TO ALLOW THE GROUP CLASSES IN THE C-2 ZONE TO BE HEARD BY THE DEVELOPMENT REVIEW COMMITTEE, AND SUSPENDING A PORTION OF 29.20.185, 4. (H) TO ALLOW GROUP CLASSES IN THE O, C-1, CH, AND LM ZONES TO OPERATE WITHOUT A CONDITIONAL USE PERMIT UNTIL DECEMBER 31, 2019.

WHEREAS, the Town of Los Gatos Town Council has an adopted strategic priority to streamline Land Use and Economic Vitality policies; and

WHEREAS, the Town has recently experienced a high turnover in commercial spaces, and have additional commercial spaces that will increase the commercial space inventory through new developments in Los Gatos; and

WHEREAS, providing a 9-month period in which group classes may gain approval with a reduced process timeline and cost may create more opportunities to attract and retain businesses in Los Gatos; and

WHEREAS, group classes create an exposure, synergy, and in many cases a partnership with nearby retailers and restaurants strengthening the vitality of the shopping area.

NOW, THEREFORE, BE IT RESOLVED:

The Town Council of the Town of Los Gatos suspends a portion of Town Code Section 29.20.750 (8), regarding the assignment of duties to allow group classes in the C-2 zone to be heard by the Development Review Committee, and suspends a portion of 29.20.185 4.(h) to allow group classes in the O, C-1, CH and LM zones to operate without a Conditional Use Permit until December 31, 2019 pursuant to the following provisions:

1. Development Review Committee: New group class businesses locating in the C-2 Zone (Downtown) must complete a Development Review Application for a Conditional Use Permit, pay the associated application fees, and be approved by the Development Review Committee.
2. Certificate of Use and Occupancy and Business License
New group class businesses locating in the O, C-1, CH, or LM zones must file applications with the Town for a Certificate of Use and Occupancy and a Business License, and pay the associated fees prior to operating. No Conditional Use Permit is required.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, on the 19th day of March, 2019 by the following vote:

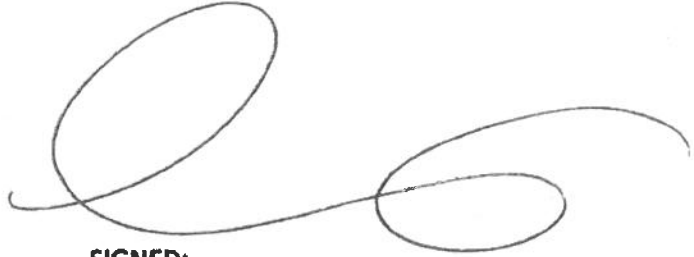
COUNCIL MEMBERS:

AYES: Marcia Jensen, Rob Rennie, Marico Sayoc, Barbara Spector, Mayor Steven Leonardis

NAYS: None

ABSENT: None.

ABSTAIN: None.



SIGNED:

**MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA**

DATE: 3/22/19

ATTEST:

Sherry Rain

**TOWN CLERK OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA**

DATE: 3/22/19

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**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 11/05/2019

ITEM NO: 5

DATE: October 21, 2019
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Adopt a Resolution Extending the Temporary Streamlining Resolutions until Code Amendments may be Adopted.

RECOMMENDATION:

Adopt a resolution extending the temporary streamlining resolutions until Code Amendments may be adopted.

BACKGROUND:

As a part of their adopted Strategic Priority related to Community Vitality, the Town Council adopted six temporary resolutions streamlining several of the businesses related permit processes (Attachments 1-5). Each of these resolutions are scheduled to sunset in December 2019.

DISCUSSION:

At their October 1, 2019 meeting, the Town Council voted 3-2 to move forward with Town Code amendments that would memorialize the actions of the temporary resolutions and extend the temporary resolutions until the Town Code amendments are adopted (Council Member Rennie and Council Member Spector opposed). Attachment 6 provides a resolution that extends the actions of the temporary resolutions until such time.

CONCLUSION:

Adopt a resolution extending the temporary streamlining resolutions until Code Amendments may be adopted.

PREPARED BY: Monica Renn
Economic Vitality Manager

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

PAGE 2 OF 2

SUBJECT: Adopt a resolution extending the temporary streamlining resolutions until Code Amendments may be adopted.

DATE: October 21, 2019

COORDINATION:

This report has been written in coordination with the Town Managers Office, Town Attorney's Office, and Community Development Department.

FISCAL IMPACT:

There is no fiscal impact related to this item.

ENVIRONMENTAL ASSESSMENT:

This is not a project defined under CEQA, and no further action is required.

Attachments:

1. Temporary resolution suspending the CUP requirement for formula retailers
2. Temporary Resolution allowing restaurants to modify their CUP at the DRC
3. Temporary Resolution suspending Ordinance 2021 and allowing new restaurants to obtain a CUP at the DRC
4. Temporary Resolution allowing for minor exterior modifications to commercial buildings to be made at building permit
5. Temporary Resolution allowing group classes without a CUP in commercial zones outside of downtown, and those within downtown to obtain a CUP at the DRC
6. Resolution extending the temporary streamlining resolutions until Code Amendments may be adopted.

RESOLUTION 2019-051

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS EXTENDING TEMPORARY RESOLUTIONS: 2018-032; 2018-039; 2019-008; 2019-009; AND 2019-012 UNTIL THE ACTIONS OF THE RESOLUTIONS ARE CONSIDERED FOR TOWN CODE AMENDMENTS.

WHEREAS, the Town Council has adopted a strategic priority to enhance community vitality through streamlining land use processes; and

WHEREAS, the Town Council adopted five temporary resolutions providing land use streamlining opportunities to the Los Gatos business and commercial community including:

- Resolution 2018-032 suspending Town Code Section 29.20.185 regarding the regulations for Formula Retail Businesses in the C-2 zone;
- Resolution 2018-039 regarding Town Code Section 29.20.754 and suspending a portion of 29.20.755(2) regarding the assignment of duties to allow the Development Review Committee to approve certain modifications to existing conditional use permits;
- Resolution 2019-008 regarding Town Code Section 29.20.745 and suspending a portion of 29.20.755(2) regarding the assignment of duties to allow the Development Review Committee to approve new Conditional Use Permits for restaurants;
- Resolution 2019-009 suspending Town Code Section 29.20.755 (8) regarding the assignment of duties to allow the Minor Exterior Modifications to commercial buildings be made at the building permit level; and,
- Resolution 2019-012 suspending Town Code Section 29.20.750(8) regarding the assignment of duties to allow group classes in the C-2 to be heard by the Development Review Committee, and suspending a portion of Town Code Section 29.20.185, (4)(H) to allow group classes in the O, C-1, CH, and LM zones to operate without a Conditional Use Permit. ; and,

WHEREAS, at their October 1, 2019 meeting, the Town Council voted to memorialize the actions of these resolutions with Town Code amendments.

NOW, THEREFORE, BE IT RESOLVED the Town Council extends the sunset date of the resolutions until such a time when the Town Code amendments may become effective.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 5th day of November 2019 by the following vote:

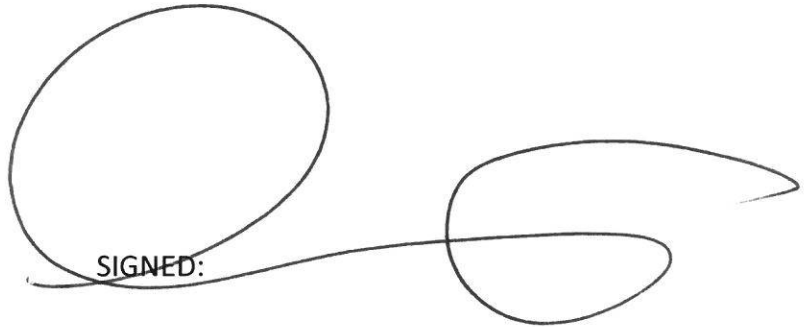
COUNCIL MEMBERS:

AYES: Rob Rennie, Marico Sayoc, Barbara Spector, Mayor Steven Leonardis

NAYS: Marcia Jensen

ABSENT: None

ABSTAIN: None

SIGNED: 

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: 11/8/19

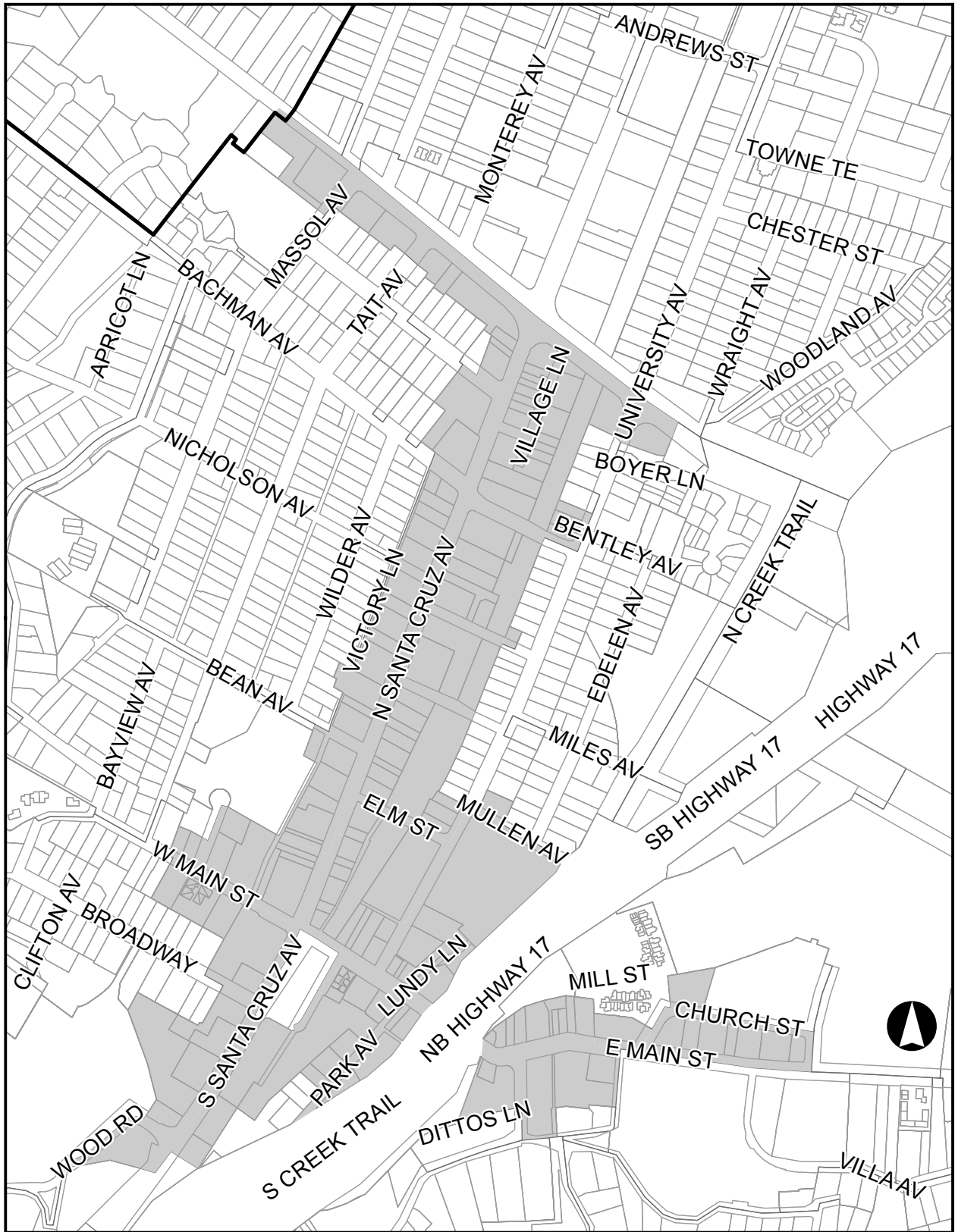
ATTEST:



TOWN CLERK OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: 11/8/2019

C-2 Zone



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ORDINANCE 2021

ORDINANCE OF THE TOWN OF LOS GATOS AMENDING CHAPTER 29 TO PROVIDE A MORE COMPREHENSIVE REVIEW OF ADDITIONAL RESTAURANT USE IN THE DOWNTOWN AREA

THE TOWN COUNCIL OF THE TOWN OF LOS GATOS DOES ORDAIN AS
FOLLOWS:

SECTION I

The C-2 (Central Business District Commercial) zone of the Town of Los Gatos contains a mix of retail, restaurant, and associated uses that sustains the economic vitality and historic atmosphere of the area, and is an essential part of the community. However, too many restaurants concentrated in this one area would displace retail uses that are vital to continued success and to having businesses that attract Town residents throughout the day. This ordinance is intended to discourage the displacement of retail uses by restaurant uses by requiring the Planning Commission to conduct a careful review of all applications for new restaurant uses in the C-2 zone through the public hearing process.

SECTION II

Section 29.10.020 is amended to read as follows:

Bar means a drinking place where alcoholic beverages and snacks are served; possibly with entertainment such as music, television screens, video games or pool tables.

Restaurant, fast food means a restaurant with a large carry-out clientele, long hours of service, some open for breakfast but all open for lunch and dinner, and high turnover rates for eat-in customers.

Restaurant, high turnover (sit-down) means a restaurant with turnover rates generally of less than one hour, is usually moderately priced and frequently belong to a restaurant chain, generally serve breakfast, lunch and dinner, and are sometimes open 24 hours a day.

Restaurant, quality means a restaurant of high quality and with turnover rates usually of at

least one hour or longer, generally do not serve breakfast, may not serve lunch, but always serve dinner.

SECTION III

Subsection (16) of Section 29.20.745 is amended to read as follows:

- (16) Determine and issue zoning approval for minor restaurants that are located outside Downtown [the C-2 zone].

SECTION IV

Subsection (8) of Section 29.20.750 is amended to read as follows:

- (8) Determines conditional use permit applications that are not assigned to the Development Review Committee.

SECTION V

This ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on August 5, 1996 and adopted by the following vote as an ordinance of the Town of Los Gatos at a regular meeting of the Town Council of the Town of Los Gatos on September 16, 1996. This ordinance takes effect 30 days after it is adopted.

COUNCIL MEMBERS:


AYES: Joanne Benjamin, Steven Blanton, Linda Lubeck, Patrick O'Laughlin, Mayor Randy Attaway.

NAYS: None

ABSENT: None

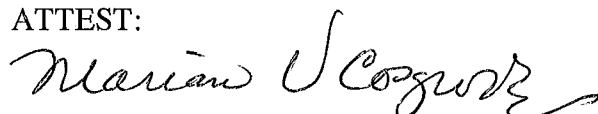
ABSTAIN: None

SIGNED:



MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:



CLERK OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

RESOLUTION 2018-011

**RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF LOS GATOS
TO RESCIND RESOLUTION 2001-106: RESOLUTION OF THE TOWN OF LOS
GATOS AMENDING THE TOWN'S ALCOHOLIC BEVERAGE POLICY**

WHEREAS, the Town Council is responsible for establishing municipal policies that provide clear direction for processes and procedures by which the Council and staff shall conduct business and activities; and

WHEREAS, examples of these policies include the Town Code, Town Council Policies, General Plan, Design Guidelines, and Specific Plans; and

WHEREAS, the many benefits of having established policies includes greater consistency as well as more government transparency and accessibility by the public, the Council, and staff; and

WHEREAS, on March 15, 2018, the Town Council Policy Committee reviewed the Town's Alcoholic Beverage Policy (established by Resolution 2001-106) and recommended rescission; and

WHEREAS, this Council Policy has been deemed outdated, redundant and/or incorporated into other existing Council Policies, Town Ordinances, and State Laws.

NOW, THEREFORE, BE IT RESOLVED THAT, the Town Council of the Town of Los Gatos does hereby rescind Resolution 2001-106: Resolution of the Town of Los Gatos amending the Town's Alcoholic Beverage Policy including Exhibit A, Policy Regulating the Consumption and Service of Alcoholic Beverages.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California on the 3rd day of April, 2018 by the following vote:

COUNCIL MEMBERS:

AYES: Marcia Jensen, Steve Leonardis, Marico Sayoc, Barbara Spector, Mayor Rob Rennie

NAYS: None.

ABSENT: None.

ABSTAIN: None.

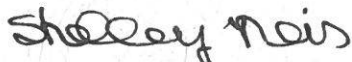
SIGNED:



MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: 4/4/18

ATTEST:



CLERK ADMINISTRATOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: 4/4/18

RESOLUTION 2005 - 038

**RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF LOS GATOS
ADOPTING A POLICY ON
MINOR ALTERATIONS TO COMMERCIAL BUILDINGS**

WHEREAS, the Town of Los Gatos is updating its commercial development standards and guidelines, and

WHEREAS, the Zoning Ordinance allows approval of minor projects by the Development Review Committee (DRC); and

WHEREAS, there is no definition of a minor project; and

WHEREAS, adoption of a policy defining minor projects will help provide clear direction to developers and business owners processing development applications (General Plan Goal L.G.7.2 and Implementing Strategy L.I.7.4) and will assist staff; and

WHEREAS, the General Plan Committee recommends that the policy on Minor Alterations to Commercial Buildings be adopted; and

WHEREAS, the Planning Commission has held a public hearing and forwarded a recommendation for adoption of the same document;

THEREFORE BE IT RESOLVED: the Town Council of the TOWN OF LOS GATOS does hereby adopt the policy on Minor Alterations to Commercial Buildings (attached as Exhibit A).

FURTHER RESOLVED, the policy shall apply to all development applications that have not been approved prior to adoption of the document.

PASSED AND ADOPTED at a regular meeting of the Town Council held on the 18th day of April, 2005, by the following vote:

COUNCIL MEMBERS:

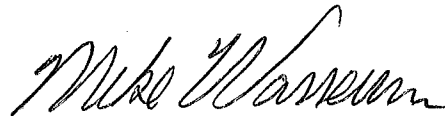
AYES: Steve Glickman, Diane McNutt, Joe Pirzynski, Mayor Mike Wasserman

NAYS: Barbara Spector

ABSENT:

ABSTAIN:

SIGNED:



MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:



CLERK ADMINISTRATOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

**TOWN COUNCIL POLICY
TOWN OF LOS GATOS**

Subject: Minor Alterations to Commercial Buildings

Enabling Action:
2005-

Page 1 of 2

Approved:

Effective
Date:

Mike Wasserman, Mayor

PURPOSE:

Section 29.20.745(8) of the Zoning Ordinance states that the Development Review Committee (DRC) shall “determine and issue zoning approval for minor exterior alterations to commercial buildings”. The purpose of this policy is to define “minor exterior alterations” to commercial buildings that may be approved by the DRC as set forth in Section 29.20.745(8) of the Zoning Ordinance. To assist in the redevelopment of commercial buildings, the Town has created a streamlined review process for minor commercial improvement projects that comply with the Commercial Design Guidelines.

The following shall be used by staff when reviewing plans for minor exterior alterations to commercial buildings to determine if proposed projects can take advantage of the streamlined review process.

EXAMPLES OF MINOR ARCHITECTURAL IMPROVEMENTS:

The following are examples of minor architectural improvements that may be decided by the Development Review Committee (DRC) after considering public input at a duly noticed public hearing:

1. Replacing or changing out windows
2. Replacing or adding awnings
3. Changes to or addition of arcades
4. Replacement of or changes to exterior materials
5. Small scale additions (may not result in an increase of more than four peak hour trips)

DEFINITION:

For projects that include small scale additions, a minor commercial project is one which is in full compliance with the Town's Commercial Design Guidelines and Town Code and does not result in an intensification of use as described in Section 29.30.200 of the Zoning Ordinance or more than a minor increase in traffic as described in the Town's Traffic Impact Policy.

The Director of Community Development or the Development Review Committee may refer any minor commercial project to the Planning Commission if it is not in compliance with the Commercial Design Guidelines, there are impacts to surrounding properties that cannot be resolved by the DRC, or as otherwise deemed appropriate.

Draft Resolution to be modified by Town Council deliberations and direction.

RESOLUTION 2019-
RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF LOS GATOS
TO RESCIND RESOLUTION 2005-038: RESOLUTION OF THE TOWN
COUNCIL OF THE TOWN OF LOS GATOS ADOPTING A POLICY ON
MINOR ALTERATIONS TO COMMERCIAL BUILDINGS

WHEREAS, the Town Council is responsible for establishing municipal policies that provide clear direction for process and procedures by which the Council and staff shall conduct business and activities; and

WHEREAS, examples of these policies include the Town Code, Town Council Policies, General Plan, Design Guidelines, and Area Plans; and

WHEREAS, the many benefits of having established policies includes greater consistency as well as more government transparency and accessibility by the public, the Council, and staff; and

WHEREAS, on April 18, 2005, the Town Council of Los Gatos an adopted Resolution 2005-038 – adopting a policy on minor alterations to commercial buildings; and

WHEREAS, the Town of Los Gatos Town Council has an adopted strategic priority to streamline Land Use and Economic Vitality policies; and

WHEREAS, on March 5, 2019, the Town Council adopted Resolution 2019-009 approving a temporary nine-month suspension of Town Code Section 29.20.745 providing businesses and commercial property owners an opportunity to make minor exterior modifications to their store fronts and buildings at the building permit level to create more opportunities to attract and retain businesses in Los Gatos; and

WHEREAS, on October 1, 2019, the Town Council reviewed the result of the temporary suspension of Town Code Sections and voted to memorialize the streamlining effort through modification of the Town Code; and

WHEREAS, Resolution 2005-038 – adopting a policy on minor alterations to commercial buildings has been deemed obsolete, redundant, and/or incorporated into Town Code.

NOW, THEREFORE, BE IT RESOLVED THAT, the Town Council of the Town of Los Gatos does hereby rescind Resolution 2005-038 (Resolution of the Town Council of the Town of Los Gatos Adopting a Policy on Minor Alterations to Commercial Buildings) attached hereto as Exhibit A.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California on the ____ day of _____, 2020 by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:

CLERK ADMINISTRATOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

RESOLUTION 2005 - 038

**RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF LOS GATOS
ADOPTING A POLICY ON
MINOR ALTERATIONS TO COMMERCIAL BUILDINGS**

WHEREAS, the Town of Los Gatos is updating its commercial development standards and guidelines, and

WHEREAS, the Zoning Ordinance allows approval of minor projects by the Development Review Committee (DRC); and

WHEREAS, there is no definition of a minor project; and

WHEREAS, adoption of a policy defining minor projects will help provide clear direction to developers and business owners processing development applications (General Plan Goal L.G.7.2 and Implementing Strategy L.I.7.4) and will assist staff; and

WHEREAS, the General Plan Committee recommends that the policy on Minor Alterations to Commercial Buildings be adopted; and

WHEREAS, the Planning Commission has held a public hearing and forwarded a recommendation for adoption of the same document;

THEREFORE BE IT RESOLVED: the Town Council of the TOWN OF LOS GATOS does hereby adopt the policy on Minor Alterations to Commercial Buildings (attached as Exhibit A).

FURTHER RESOLVED, the policy shall apply to all development applications that have not been approved prior to adoption of the document.

EXHIBIT A

PASSED AND ADOPTED at a regular meeting of the Town Council held on the 18th day of April, 2005, by the following vote:

COUNCIL MEMBERS:

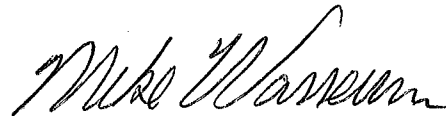
AYES: Steve Glickman, Diane McNutt, Joe Pirzynski, Mayor Mike Wasserman

NAYS: Barbara Spector

ABSENT:

ABSTAIN:

SIGNED:



MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:



CLERK ADMINISTRATOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

**TOWN COUNCIL POLICY
TOWN OF LOS GATOS**

Subject: Minor Alterations to Commercial Buildings

Enabling Action:
2005-

Page 1 of 2

Approved:

Effective
Date:

Mike Wasserman, Mayor

PURPOSE:

Section 29.20.745(8) of the Zoning Ordinance states that the Development Review Committee (DRC) shall “determine and issue zoning approval for minor exterior alterations to commercial buildings”. The purpose of this policy is to define “minor exterior alterations” to commercial buildings that may be approved by the DRC as set forth in Section 29.20.745(8) of the Zoning Ordinance. To assist in the redevelopment of commercial buildings, the Town has created a streamlined review process for minor commercial improvement projects that comply with the Commercial Design Guidelines.

The following shall be used by staff when reviewing plans for minor exterior alterations to commercial buildings to determine if proposed projects can take advantage of the streamlined review process.

EXAMPLES OF MINOR ARCHITECTURAL IMPROVEMENTS:

The following are examples of minor architectural improvements that may be decided by the Development Review Committee (DRC) after considering public input at a duly noticed public hearing:

1. Replacing or changing out windows
2. Replacing or adding awnings
3. Changes to or addition of arcades
4. Replacement of or changes to exterior materials
5. Small scale additions (may not result in an increase of more than four peak hour trips)

DEFINITION:

For projects that include small scale additions, a minor commercial project is one which is in full compliance with the Town's Commercial Design Guidelines and Town Code and does not result in an intensification of use as described in Section 29.30.200 of the Zoning Ordinance or more than a minor increase in traffic as described in the Town's Traffic Impact Policy.

The Director of Community Development or the Development Review Committee may refer any minor commercial project to the Planning Commission if it is not in compliance with the Commercial Design Guidelines, there are impacts to surrounding properties that cannot be resolved by the DRC, or as otherwise deemed appropriate.

ORDINANCE 2020-__

**ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS
AMENDING CHAPTER 29 (ZONING REGULATIONS) OF THE TOWN CODE
REGARDING LAND USE AND ECONOMIC VITALITY STREAMLINING**

WHEREAS, the Town of Los Gatos Town Council has an adopted strategic priority to streamline Land Use and Economic Vitality policies; and

WHEREAS, the Town has recently experienced a high turnover in commercial spaces, particularly in Downtown and additional commercial spaces are being added to the inventory through new developments in Los Gatos creating more opportunity for retail locations; and

WHEREAS, on June 5, 2018, the Town Council adopted Resolution 2018-032 approving a temporary 18-month suspension of Town Code Section 29.20.185 during which formula retail business less than 6,000 square feet could gain approval in the C-2 zone with a reduced process timeline and cost to allow an opportunity for the Town Council to gauge potential changes to the retail mix in downtown; and

WHEREAS, on June 19, 2018, the Town Council adopted Resolution 2018-039 approving a temporary 18-month suspension of Town Code Section 29.20.745 and portions of Town Code Section 29.20.755(2) regarding the assignment of duties to allow the Development Review Committee to approve certain modifications to existing Conditional Use Permits for restaurants to provide the ability to revise obsolete language, innovate existing businesses, and/or make other adjustments within the existing business location and square footage; and

WHEREAS, on March 5, 2019, the Town Council adopted Resolution 2019-008 approving a temporary 9-month suspension of Town Code Section 29.20.745 and portions of Town Code Section 29.20.755(2) regarding the assignment of duties to allow the Development Review Committee to approve new Conditional Use Permits for restaurants to create more opportunities to attract businesses to Los Gatos; and

WHEREAS, on March 5, 2019, the Town Council adopted Resolution 2019-009 approving a temporary nine-month suspension of Town Code Section 29.20.745 providing businesses and commercial property owners an opportunity to make minor exterior modifications to their store fronts and buildings at the building permit level to create more opportunities to attract and retain businesses in Los Gatos; and

WHEREAS, on March 5, 2019, the Town Council adopted Resolution 2019-012 approving a temporary nine-month suspension of Town Code Section 29.20.750 (8), during which group classes could gain approval with a reduced process timeline and cost to create more opportunities to attract and retain businesses in Los Gatos; and

WHEREAS, by reassigning the duties, the impact of cost and process time on existing and prospective businesses is drastically decreased and more closely aligned with neighboring jurisdictions which provides an incentive for businesses to consider locating in Los Gatos; and

WHEREAS, on October 1, 2019, the Town Council reviewed the result of the temporary suspension of Town Code Sections and voted to memorialize the streamlining effort through modification of the Town Code; and

WHEREAS, on November 5, 2019, the Town Council adopted Resolution 2019-051 extending the temporary streamlining efforts until such time that the Town Code amendments may be adopted.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF LOS GATOS DOES ORDAIN AS FOLLOWS:

SECTION I

Ordinance 2021 is hereby rescinded.

SECTION II

Chapter 29 of the Town Code is hereby amended as follows:

ARTICLE I. DIVISION 1. MISCELLANEOUS

Sec. 29.10.020. – Definitions.

.....

Group classes means instruction provided at a rate greater than one (1) student per one (1) instructor.

Minor exterior alterations to commercial buildings means exterior alterations, including:

- (1) Replacing or changing out windows
- (2) Replacing or adding awnings
- (3) Changes to or addition of arcades
- (4) Replacement of or changes to exterior materials
- (5) Small scale additions where the project is in full compliance with the Town's Commercial Design Guidelines and Town Code and does not result in an intensification of use as described in Section 29.20.145 (4).

.....

Restaurant means a retail food service establishment in which food ~~or~~ and beverage is prepared, served, and sold to customers for on-site or take-out consumption.

~~Restaurant, fast food means a restaurant with a large carry-out clientele, long hours of service, some open for breakfast but all open for lunch and dinner, and high turnover rates for eat-in customers.~~

~~Restaurant, high turnover (sit-down) means a restaurant with turnover rates generally of less than one (1) hour, is usually moderately priced and frequently belong to a restaurant chain, generally service breakfast, lunch and dinner, and are sometimes open twenty four (24) hours a day.~~

~~Restaurant (minor) means any restaurant that satisfies the following criteria:~~

- ~~(1) Provides less than 25 seats;~~
- ~~(2) Serves no alcoholic beverages;~~
- ~~(3) Proposes no significant exterior changes that would alter the architectural character of the building; and~~
- ~~(4) Provides a net increase of less than five peak hour traffic trips.~~

~~Restaurant, quality means a restaurant of high quality and with turnover rates usually of at least one (1) hour or longer, generally do not serve breakfast, may not serve lunch, but always serve dinner.~~

.....

ARTICLE I. DIVISION 4. PARKING

Sec. 29.10.150 (c). Number of off-street spaces required.

.....

(29) *Group classes.* One (1) parking space for each employee and one (1) parking space per three (3) students.

.....

ARTICLE I. DIVISION 5. NONCONFORMING BUILDINGS, LOTS, AND USES

Sec. 29.10.225. Grounds for determining that a nonconforming use is no longer lawful.

.....

(2) That the nonconforming use is so exercised as to be detrimental to the public health or safety, or to be a nuisance; ~~In determining whether a nonconforming restaurant or bar violates this subsection, the deciding body shall also apply the enforcement analysis contained in the Alcoholic Beverage Policy;~~

.....

ARTICLE II. DIVISION 3. APPROVALS

Sec. 29.20.185. Table of Conditional Uses.

.....

TABLE OF CONDITIONAL USES	RC	HR	R1	RD	R-M	RMH	R-1D	O	C-1	C-2	CH	LM	CM
(1) Commercial													
n. Formula retail business										X			
o. Formula retail business greater than 6,000 s.f.									X		X	X	
(4) Schools													
h. Art, craft, music, dancing school, <u>group classes</u>								X	X	X	X	X	

.....

Sec. 29.20.190. Findings and decision.

.....

- (b) The deciding body, on the basis of the evidence submitted at the hearing, may deny a conditional use permit for a formula retail business greater than 6,000 square feet or a personal service business if any of the following findings are made:

.....

ARTICLE II. DIVISION 5. ADMINISTRATION AND ENFORCEMENT

Sec. 29.20.318. Modification of operating hours of establishments serving alcoholic beverages.

.....

- (a) Notwithstanding section 29.20.310, if the Town Manager determines that there is cause to believe that any establishment serving alcoholic beverages may be in violation of the ~~Alcoholic Beverage Policy adopted by the Council~~ approved Conditional Use Permit for the establishment, the Town Manager will cause a notice of violation to be mailed to the current owners of the property and establishment as disclosed in the most recent County assessor's roll and the Town business license files. This notice will describe the alleged violations.;

.....

- (c) If after the hearing, the Manager or the Manager's designee determines that the establishment is in violation of the ~~Town's Alcoholic Beverage Policy~~ approved Conditional Use Permit for the establishment, the Manager or the Manager's designee may limit the hours of operation of the establishment, up to and including closure no later than 10:00 p.m. until the Manager or the Manager's designee determines that the violations have been abated. Upon determination that the violations have been abated, the Manager will notify the owners of the property and the establishment that the establishment is in compliance and will increase the operating time limits as the Manager or designee determines is appropriate in light of the violations that occurred and the abatement steps taken. The decision of the manager shall be effective immediately and the establishment shall immediately conform its hours of operation to the Manager's order.

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ARTICLE II. DIVISION 7. ASSIGNMENT OF DUTIES

Sec. 29.20.700. Planning Director.

.....

- (34) Determines applications for minor exterior alterations to commercial buildings.

.....

Sec. 29.20.745. Development Review Committee.

.....

- (8) ~~Determine and issue zoning approval for minor exterior alterations to commercial buildings.~~ Reserved.

.....

- (16) Determine and issue zoning approval for ~~minor~~ restaurants ~~that are located outside Downtown (the C-2 zone).~~

.....

- (21) Determine and issue zoning approval for group classes in the C-2 zone.

.....

Sec. 29.20.755. Town Council.

.....

- (2) Hears and determines Planning Commission recommendations for the adoption or amendment of the general plan or any specific plans and conditional use permits for establishments selling alcoholic beverages for on premises consumption (excluding restaurants) and for retail sales of firearms, ammunition and/or destructive devices.

.....

ARTICLE VI. DIVISION 2. O OR OFFICE ZONE

Sec. 29.60.085. Permitted uses.

.....

- (3) Group classes

.....

ARTICLE VI. DIVISION 3. C-1 OR NEIGHBORHOOD COMMERCIAL ZONE

Sec. 29.60.210 (a). Permitted uses.

.....

- (1) Retailing-, including formula retail up to 6,000 square feet.

.....

- (6) Group classes.

.....

ARTICLE VI. DIVISION 4. C-2 OR CENTRAL BUSINESS DISTRICT COMMERCIAL ZONE

Sec. 29.60.320 (a). Permitted uses.

.....

..... (1) Retailing, including formula retail up to 6,000 square feet.

.....

..... (6) Group classes.

.....

ARTICLE VI. DIVISION 5. CH OR RESTRICTED HIGHWAY COMMERCIAL ZONE

Sec. 29.60.420 (a). Permitted uses.

.....

..... (1) Retailing, including formula retail up to 6,000 square feet.

.....

..... (5) Group classes.

.....

ARTICLE VII. DIVISION 2. LM OR COMMERCIAL-INDUSTRIAL ZONE

Sec. 29.70.100 (a). Permitted uses.

.....

..... (1) Retailing, including formula retail up to 6,000 square feet.

.....

..... (7) Group classes.

.....

SECTION III

With respect to compliance with the California Environmental Quality Act (CEQA), the Town Council finds as follows:

A. These Town Code amendments are not subject to review under CEQA pursuant to sections and 15061(b)(3), in that it can be seen with certainty that there is no possibility that the proposed amendment to the Town Code would have significant impact on the environment; and

B. The proposed Town Code amendments are consistent with the General Plan and its Elements.

SECTION IV

If any provision of this Ordinance or the application thereof to any person or circumstances is held to be invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The Town Council hereby declares that it would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

SECTION V

Except as expressly modified in this Ordinance, all other sections set forth in the Los Gatos Town Code shall remain unchanged and shall be in full force and effect.

SECTION VI

This Ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance within fifteen (15) days after its passage, a summary of the ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the Town Council and a certified copy shall be posted in the office of the Town Clerk, pursuant to GC 36933(c),(1).

SECTION VII

This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on _____, 2020, and adopted by the following vote as an ordinance of the Town of Los Gatos at a meeting of the Town Council of the Town of Los Gatos on _____, 2020.

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: _____

ATTEST:

TOWN CLERK OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: _____

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