

## **RESOLUTION 2023-**

### **RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS APPROVING OUTDOOR PUBLIC SPACE EXPANSION AND TEMPORARY MODIFICATIONS TO SPECIFIC PROVISIONS RELATED TO BUSINESS PERMITS, PROCESSES, PROVISIONS, AND ACTIVITIES TO CONTINUE TO OFFER ECONOMIC RECOVERY OPPORTUNITIES FOR COMMUNITY AND ECONOMIC VITALITY**

**WHEREAS**, pursuant to the Town's police power, as granted broadly under Article XI, Section 7 of the California Constitution, the Town Council has the authority to enact and enforce ordinances and regulations for the public peace, morals, and welfare of the Town and its residents; and

**WHEREAS**, due to the severe economic impacts of the COVID-19 Pandemic and its economic impacts that followed including supply chain disruptions and inflation causing hardship on the community and the Town organization, the Town Council deems it necessary to take additional action to suspend enforcement of certain provisions of the Town of Los Gatos Town Code and provide temporary process streamlining measures to facilitate the retention and attraction of Los Gatos businesses, reduce economic impacts, foster recovery, encourage economic vitality, and reduce commercial vacancies; and

**WHEREAS**, while the emergency orders for the recent COVID-19 Pandemic have been lifted, the ongoing effects of the Pandemic, harsh winter storms, and inflation and supply chain issues have created difficult and negative impacts on the Los Gatos business community; and

**WHEREAS**, on June 3, 2020, in response to the COVID-19 Pandemic, the Town of Los Gatos adopted Economic Recovery Resolution 2020-022, which has since been extended and expanded to include the current Resolution 2022-066 sunset date of June 30, 2023, and includes many of the provisions of this Resolution; and

**WHEREAS**, the Town Council for the Town of Los Gatos continues to prioritize economic recovery through increased flexibility and opportunity; business permit streamlining, and economic and community vitality; and

**WHEREAS**, the Town of Los Gatos staff are working on Town Code amendments for consideration by the Planning Commission and Town Council to memorialize many of the streamlining efforts captured in the Economic Recovery Resolution to support continued economic recovery, increased business flexibility and opportunities, and generally support the Town's business community through retention and attraction efforts that will not be completed by the sunset date of June 30, 2023, of the current Economic Recovery Resolution 2022-066; and

**WHEREAS**, the winter storms in December 2022 through April of 2023 created an environment that was not conducive to parklet construction, thus it is no longer reasonable to expect the Semi-Permanent Parklet construction to be complete by June 30, 2023; and

**WHEREAS**, the Town will continue to facilitate the construction of a semi-permanent parklet program that allows for outdoor dining and flex space to exist in the public-right-of-way and on-street parking spaces through public-private partnerships between the Town of Los Gatos and Los Gatos businesses. The program would provide for residents to receive the health and wellness benefits of being outdoors and support business' customers with enough space to safely physically distance when preferred; and

**WHEREAS**, on May 26, 2020, the Town Council allocated American Recovery Plan Act (ARPA) dollars, and reallocated prior surpluses reserved for downtown streetscape revitalization toward a Semi-Permanent Parklet Program, in the name of COVID-19 economic stimulus recovery efforts totaling \$1,900,000. This is one of the single largest economic recovery packages ever proposed in the Town's history; and

**WHEREAS**, extending many of the streamlining and recovery efforts of previous Economic Recovery Resolutions (2020-022; 2021-051, 2022-066), and included within this Resolution until October 31, 2023, allows for the Town's deciding bodies to thoughtfully consider next steps in the continuation of business permit and process streamlining and economic vitality efforts; and allows for business stakeholders who have already been approved for a Semi-Permanent Parklet to complete parklet construction.

**NOW, THEREFORE, BE IT PROCLAIMED AND RESOLVED** by the Town Council of the Town of Los Gatos that:

SECTION 1. All recitals set forth above, are adopted as though fully set forth herein as findings in support of this Resolution and, after considering all such findings and current local circumstances the Council hereby declares the continuing existence of a need to support economic recovery as a result of the COVID-19 Pandemic.

SECTION 2. In order to support the ongoing economic recovery and support of the Los Gatos business community, the Town Council hereby directs and authorizes the Town Manager to implement the following strategies that may be used independently or in combination, as outlined below:

1. As identified by the Town generally along N. Santa Cruz Avenue (south of Highway 9/Los Gatos-Saratoga Road) and Main Street, private businesses in the C-2 Zone are permitted to construct a parklet within existing public street parking spaces in conjunction with an approved Semi-Permanent Parklet application and executed parklet agreement(s) with the Town;

2. Suspend parking requirements in private commercial lots to allow some parking spaces to be utilized for restaurant seating or business activities given sufficient parking remains available for customer use, and to allow for such to facilitate safely distanced pedestrian circulation, expanded outdoor dining and alcohol service, customer queuing, and pickup and waiting areas associated with permitted business activities and pursuant to the terms of agreed upon in an Economic Recovery agreement between the business and the Town;
3. Allow the usage of the sidewalk for signage, merchandise, and queueing, where adequate sidewalk width exists consistent with disabled access requirements and public safety;
4. Current Los Gatos businesses may relocate, expand, or open an additional business location without obtaining a new Conditional Use Permit provided the business enters into an Economic Recovery agreement with the Town, documenting that any change of ownership is subject to a new Conditional Use Permit or Conditional Use Permit modification consistent with the existing Town Code;
5. The requirement for personal service businesses to obtain a Conditional Use Permit in the C-2 zone is suspended, and personal service businesses may locate within Office Zones (O), provided the business enters into an Economic Recovery agreement with the Town, documenting that any change of ownership is subject to a new Conditional Use Permit, or must comply with current provisions consistent with the existing Town Code;
6. The requirement for up to a total of four (4) markets, bars and/or other miscellaneous commercial businesses to obtain a Conditional Use Permit in the C-2 zone is suspended provided the business enters into an Economic Recovery agreement with the Town, documenting that any change of ownership is subject to a new Conditional Use Permit consistent with the existing Town Code;
7. The cost for a new Conditional Use Permit is reduced by 50% with the Town paying the balance of the fees;
8. Alcohol consumption is permitted with meals in Town parks;
9. The expiration date for all building permits and planning entitlements shall be extended by two years.

SECTION 4. Environmental Review. The proposed project is exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) as follows:

- A. The project is categorically exempt under State CEQA Guidelines Section 15301 (Existing Facilities) because the actions identified in the program are limited to the permitting, leasing, and minor alteration of existing public facilities, including existing streets and sidewalks which would not result in the creation of additional automobile lanes. The program would result in a negligible expansion of existing commercial uses and a negligible expansion of the public's use of Town right-of-way, as the uses included in the temporary program would not vary from the current uses of commercial businesses, residential areas, or public access within the Town's right-of-way.

SECTION 5. Notwithstanding any other Town policy or procedure, the Town Engineer shall be authorized to review and approve on behalf of the Town any and all design and construction necessary as part of the temporary program herein and the Town Manager shall be authorized to enter into agreements on behalf of the Town to implement the strategies herein without further action of the Town Council.

SECTION 6. Any provision of the Los Gatos Town Code or any appendix thereto inconsistent with the provisions of this Resolution, to the extent of such inconsistencies, is hereby repealed or modified to that extent necessary to affect the provisions of this Resolution.

SECTION 7. This resolution remains in place until October 31, 2023.

**PASSED AND ADOPTED** at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 2<sup>nd</sup> day of May, 2023 by the following vote:

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: \_\_\_\_\_