



Mary Badame, Chair
Marico Sayoc, Council Member

**TOWN OF LOS GATOS
COUNCIL POLICY COMMITTEE AGENDA
MARCH 22, 2022
TELECONFERENCE
5:00 PM**

IMPORTANT NOTICE

This meeting is being conducted utilizing teleconferencing and electronic means consistent with Government Code Section 54953, as Amended by Assembly Bill 361, in response to the state of emergency relating to COVID-19 and enabling teleconferencing accommodations by suspending or waiving specified provisions in the Ralph M. Brown Act (Government Code § 54950 et seq.). Consistent with AB 361 and Town of Los Gatos Resolution 2021-044, this meeting will not be physically open to the public and the Council will be teleconferencing from remote locations. Members of the public can only participate in the meeting by joining the Zoom webinar (log in information provided below).

PARTICIPATION

To provide oral comments in real-time during the meeting:

- **Zoom webinar:** Join from a PC, Mac, iPad, iPhone or Android device: Please click this URL to join: <https://losgatosca.gov.zoom.us/j/85947319483?pwd=cUhMcIVITHhyYVE4SXVYWlgwNkM2QT09>.
Passcode: 458645
- **Join by telephone:** Join by Telephone: Dial: USA 877 336 1839 US Toll-free or 636-651-0008 US Toll. Conference code: 969184

When the Chair announces the item for which you wish to speak, click the “raise hand” feature in Zoom. If you are participating by phone on the Zoom app, press *9 on your telephone keypad to raise your hand. If you are participating by calling in, press #2 on your telephone keypad to raise your hand.

When called to speak, you will be asked to provide your full name and your town/city of residence. This identifying information is optional and not a requirement for participation. Please limit your comments to three (3) minutes, or such other time as the Mayor may decide, consistent with the time limit for speakers at a Council meeting.

If you wish to speak to an item or items on the Consent Calendar, please state which item number(s) you are commenting on at the beginning of your time.

If you are unable to participate in real-time, you may email to PublicComment@losgatosca.gov the subject line “Policy Committee Public Comment Item #__” (insert the item number relevant to your comment) or “Policy Committee Verbal Communications – Non-Agenda Item.” Comments received by 11:00 a.m. the day of the meeting will be reviewed and distributed before the meeting. All comments received will become part of the record.

RULES OF DECORUM AND CIVILITY

To conduct the business of the community in an effective and efficient manner, please follow the meeting guidelines set forth in the Town Code and State law.

The Town does not tolerate disruptive conduct, which includes but is not limited to:

- Addressing the Planning Commission without first being recognized;
- Interrupting speakers, Planning Commissioners, or Town staff;
- Continuing to speak after the allotted time has expired;
- Failing to relinquish the microphone when directed to do so;
- Repetitiously addressing the same subject.

Town Policy does not allow speakers to cede their commenting time to another speaker. Disruption of the meeting may result in a violation of Penal Code Section 403.

MEETING CALL TO ORDER

ROLL CALL

CONSENT ITEMS *(Items appearing on the Consent Items are considered routine Town business and may be approved by one motion. Any member of the Committee may request to have an item removed from the Consent Items for comment and action. Members of the public may provide input on any or multiple Consent Item(s) when the Chair asks for public comments on the Consent Items. If you wish to comment, please follow the Participation Instructions contained on Page 2 of this agenda. If an item is removed, the Chair has the sole discretion to determine when the item will be heard.)*

1. Approve Draft Minutes of the February 22, 2022 Council Policy Committee Meeting.

VERBAL COMMUNICATIONS *(Members of the public are welcome to address the Council Policy Committee on any matter that is not listed on the agenda consistent with the Participation instructions contained on Page 1 of this agenda. To ensure all agenda items are heard and unless additional time is authorized by the Chair, this portion of the agenda is limited to 30 minutes and no more than three (3) minutes per speaker. In the event additional speakers were not able to be heard during the initial Verbal Communications portion of the agenda, an additional Verbal Communications will be opened prior to adjournment.)*

OTHER BUSINESS *(Up to three minutes may be allotted to each speaker on any of the following items consistent with the Participation instructions on Page 1 of this agenda.)*

2. Discuss and Recommend to the Town Council Updates to the Town of Los Gatos Core Goals and Guiding Principles.
3. Consider Amendments to the Town Council Late Night Entertainment Policy No. 1-03 to Clarify the Use of Public Right-of-Way and Semi-Permanent Parklets for Entertainment; and Forward the Council Policy Committee's Recommendation to the Town Council.

ADJOURNMENT



**TOWN OF LOS GATOS
TOWN COUNCIL
POLICY COMMITTEE**

MEETING DATE: 03/22/2022

ITEM NO: 1

**DRAFT
Minutes of the Town Council Policy Committee Meeting
February 22, 2022**

The Town Council Policy Committee of the Town of Los Gatos conducted a regular meeting utilizing teleconference and electronic means consistent with Government Code Section 54953, as Amended by Assembly Bill 361, in response to the state of emergency relating to COVID-19 and enabling teleconferencing accommodations by suspending or waiving specified provisions in the Ralph M. Brown Act (Government Code § 54950 et seq.) and Town of Los Gatos Resolution 2021-044 on Tuesday, February 22, 2022, at 5:00 p.m.

MEETING CALLED TO ORDER AT 5:00 P.M.

ROLL CALL

Members Present: Mary Badame, Marico Sayoc.

Staff Present: Laurel Prevetti, Town Manager; Shelley Neis, Town Clerk; Joel Paulson, Community Development Department Director; Jenna De Long, Deputy Clerk; Holly Zappala, Management Analyst.

CONSENT ITEMS (TO BE ACTED UPON BY A SINGLE MOTION)

1. Approve Draft Minutes of the January 25, 2022 Council Policy Committee.

Approved.

OPENED PUBLIC COMMENT

None.

CLOSED PUBLIC COMMENT

OTHER BUSINESS

2. Identify Discuss and Recommend to the Town Council Retaining the Current Style of Study Session Minutes.

Shelley Neis, Town Clerk, presented the staff report.

After discussion, the Committee unanimously agreed to forward a recommendation to the Town Council to retain the current style of study session action minutes.

3. Discuss and Recommend to the Town Council Modifications to the Commission Appointment Policy 2-11 in Relation to the Adult Commissioner Appointments.

Shelley Neis, Town Clerk, presented the staff report.

After discussion, the Committee unanimously agreed to forward a recommendation to the Town Council to modify Commission Appointment Policy 2-11 to clarify that recently elected Council Members will interview and select Commissioners on the same evening and in a separate meeting following the Special Council Meeting in December certifying the election, swearing in any recently elected Council Members, and appointing the next Mayor/Vice Mayor. All applicants will be given the option to interview either in person or via Zoom.

ADJOURNMENT

The meeting adjourned at 5:22 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the February 22, 2022 meeting as approved by the Town Council Policy Committee.

Holly Zappala, Management Analyst



TOWN OF LOS GATOS
COUNCIL POLICY COMMITTEE REPORT

MEETING DATE: 03/22/2022

ITEM NO: 2

DATE: March 7, 2022
TO: Council Policy Committee
FROM: Laurel Prevetti, Town Manager
SUBJECT: Discuss and Recommend to the Town Council Updates to the Town of Los Gatos Core Goals and Guiding Principles

RECOMMENDATION:

Discuss and recommend to the Town Council updates to the Town of Los Gatos Core Goals and Guiding Principles.

BACKGROUND:

At the Town Council Strategic Priorities meeting on January 25, 2022, the Council requested that the Council Policy Committee examine the definitions of the Town's Core Goals of Community Character, Good Governance, Fiscal Stability, Quality Public Infrastructure, Civic Enrichment, and Public Safety. This is also a good opportunity to review the descriptions of the Town's Guiding Principles of Small-Town Service, Community Stewardship, and Future Focus.

The current Core Goals and Guiding Principles are available on the Town website as part of the Commissioners' Handbook at www.losgatosca.gov/843/Commissioners-Handbook and are included as Attachments 1 and 2 to this report.

DISCUSSION:

Core Goals

Staff drafted the following potential updates to the Town's Core Goals for the Committee's consideration using language consistent with the Draft 2040 General Plan's Vision and Guiding Principles. Recommended deleted existing language is represented in ~~striketrough~~ with recommended additions in underline.

PREPARED BY: Holly Zappala
Management Analyst

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

DISCUSSION (continued):

Community Character: Preserve and enhance the ~~appearance, Town's historic resources and character charm, and environmental quality of the Community.~~ while guiding the community into the future; invigorate the economic vitality of Los Gatos business locations; foster appropriate investments to maintain and enhance diverse neighborhoods; promote ethnic, cultural, and socio-economic equity; and conserve the Town's natural beauty and environment for present and future generations.

Community-Good Governance: Ensure responsive, accountable, transparent, accessible, inclusive, and collaborative government conducted in an open manner that encourages community involvement.

Fiscal Stability: Maintain ongoing ~~financial fiscal~~ stability to provide high quality and cost-effective core-municipal services that meet the needs of the community and sustain the Town's long-term fiscal well-being.

Quality Public Infrastructure: ~~Provide and maintain exceptional the condition and availability of public facilities, transportation systems~~ public facilities, infrastructure, and a well-connected transportation system that enables safe access for all transportation modes, including pedestrians, bicyclists, motorists, and transit riders of all ages and abilities. and other public infrastructure

Civic Engagement: Foster opportunities for meaningful ~~citizen-community~~ involvement in government processes; and encourage cultural, recreational, and individual enrichment; and strive to make Los Gatos a more inclusive place for all.

Public Safety: ~~Ensure public safety~~ Maintain and enhance the safety of Los Gatos through proactive community policing, effective emergency response, and community wide emergency preparedness. and preparation and planning, education, and community design that is responsive to the full range of potential natural and urban hazards and safety issues.

Guiding Principles

Potential updates to the Town's Guiding Principles for the Committee's consideration are as follows:

Small-Town Service is our commitment to providing services in a courteous, timely, ~~and~~ responsive, equitable, and accessible manner. We strive to ensure all community members feel safe, respected, and comfortable to be themselves and express all aspects of their identities. The Town promotes equal treatment, equitable distribution of and access to resources, and engagement in issues affecting the lives of residents, workers, and visitors. We know that Los Gatos is a community people want to live in because they feel a sense of

DISCUSSION (continued):

~~belonging.~~ Our small-town character is important to all who call Los Gatos home. We strive to make our customer service reflect these qualities. Small-Town Service is also about programs that celebrate the Town's small-town ~~character charm~~, such as our Library children's story times and arts workshops, the annual Spring into Green environmental and sustainability event, the 4th of July musical celebration event, Screen on the Green family-friendly movie night, annual tree lighting, Music in the Park, Forbes Mill Footbridge children's murals, and many more.

Community Stewardship means that we recognize the responsibility entrusted to Town leaders and staff to care about the well-being of the entire community and to carry out our obligations accordingly. We take our role seriously as we work to maintain fiscal stability ~~and a balanced, well-designed community with strong neighborhoods, diverse neighborhoods with housing and infrastructure to meet the needs of current and future residents,~~ outdoor recreation opportunities that promote active healthy lifestyles, environmental sustainability, art and cultural amenities, natural and historical resources, a well-connected mobility system, reliable basic and equitable municipal services, government transparency, vibrant shopping and vibrant shopping districts economic vitality, a safe environment, and other quality of life elements. We encourage a high degree of public participation and community partnerships to carry out our stewardship role.

Future Focus reminds us to always have an eye on the future as we care for the community of today. ~~Our goal is~~ We want to conserve Los Gatos' beautiful natural environment, reduce waste, and ensure a high quality of life for today's residents and present and future generations. We aim to preserve and enhance the Town's historic resources and character while guiding the community into the future. Planning for the Los Gatos of the future as needs change and opportunities arise is integral to the decision making we undertake today. Our General Plan is subject to change as ideas develop and priorities evolve. We also keep the future in focus by looking for ~~new and better ways of more efficient ways of~~ doing business – whether it's streamlining processes or ~~using~~ utilizing effective technologies y to deliver services more efficiently.

A clean copy of the proposed edits can be found as Attachment 3 to this report.

CONCLUSION:

Staff looks forward to the Committee's discussion, direction, and recommendations.

COORDINATION:

This report was coordinated with the Town Attorney's Office and Town Manager's Office.

PAGE 4 OF 4

SUBJECT: Core Goals and Guiding Principles

DATE: March 22, 2022

FISCAL IMPACT:

There is no associated fiscal impact.

ENVIRONMENTAL ASSESSMENT:

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

Attachments:

1. Core Goals
2. Guiding Principles
3. Clean Copy of Proposed Edits

Town of Los Gatos Core Goals

COMMUNITY CHARACTER

GOOD GOVERNANCE

FISCAL STABILITY

QUALITY PUBLIC INFRASTRUCTURE

CIVIC ENRICHMENT

PUBLIC SAFETY

Community Character: Preserve and enhance the appearance, character, and environmental quality of the Community.

Community Good Governance: Ensure responsive, accountable, transparent, accessible, and collaborative government.

Fiscal Stability: Maintain ongoing fiscal stability to provide cost effective core services that meet the needs of the community.

Quality Public Infrastructure: Maintain the condition and availability of public facilities, transportation systems, and other public infrastructure.

Civic Engagement: Foster opportunities for meaningful citizen involvement, and cultural, recreational, and individual enrichment.

Public Safety: Ensure public safety through proactive community policing, effective emergency response, and community-wide emergency preparedness.

Town of Los Gatos Guiding Principles

SMALL TOWN SERVICE

COMMUNITY STEWARDSHIP

FUTURE FOCUS

Small Town Service is our commitment to providing services in a courteous, timely, and responsive manner. We know that Los Gatos is a community people want to live in because they feel a sense of belonging. Our small town character is important to all who call Los Gatos home. We strive to make our customer service reflect these qualities. Small Town Service is also about programs that celebrate the Town's small-town character, such as our children's story times, the 4th of July event, Screen on the Green, and many more.

Community Stewardship means that we recognize the responsibility entrusted to Town leaders and staff to care about the well-being of the entire community and to carry out our obligations accordingly. We take our role seriously, as we work to maintain fiscal stability and a balanced, well-designed community with strong neighborhoods, outdoor recreation opportunities, art and cultural amenities, reliable basic services, vibrant shopping districts, a safe environment, and other quality of life elements. We encourage a high degree of public participation and partnerships to carry out our stewardship role.

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Clean Copy of Proposed Edits to Core Goals and Guiding Principles

Core Goals

Community Character: Preserve and enhance the Town's historic resources and charm while guiding the community into the future; invigorate the economic vitality of Los Gatos business locations; foster appropriate investments to maintain and enhance diverse neighborhoods; promote ethnic, cultural, and socio-economic equity; and conserve the Town's natural beauty and environment for present and future generations.

Good Governance: Ensure responsive, accountable, transparent, accessible, inclusive, and collaborative government conducted in an open manner that encourages community involvement.

Fiscal Stability: Maintain ongoing financial stability to provide high quality and cost-effective municipal services that meet the needs of the community and sustain the Town's long-term fiscal well-being.

Quality Public Infrastructure: Provide and maintain exceptional public facilities, infrastructure, and a well-connected transportation system that enables safe access for all transportation modes, including pedestrians, bicyclists, motorists, and transit riders of all ages and abilities.

Civic Engagement: Foster opportunities for meaningful community involvement in government processes; encourage cultural, recreational, and individual enrichment; and strive to make Los Gatos a more inclusive place for all.

Public Safety: Maintain and enhance the safety of Los Gatos through proactive community policing and preparation and planning, education, and community design that is responsive to the full range of potential natural and urban hazards and safety issues.

Guiding Principles

Small-Town Service is our commitment to providing services in a courteous, timely, responsive, equitable, and accessible manner. We strive to ensure all community members feel safe, respected, and comfortable to be themselves and express all aspects of their identities. The Town promotes equal treatment, equitable distribution of and access to resources, and engagement in issues affecting the lives of residents, workers, and visitors. Our small-town character is important to all who call Los Gatos home. We strive to make our customer service reflect these qualities. Small-Town Service is also about programs that celebrate the Town's small-town charm, such as our Library children's story times and arts workshops, the annual Spring Into Green environmental and sustainability event, the 4th of July musical celebration, Screen on the Green family-friendly movie night, annual tree lighting, Music in the Park, Forbes Mill Footbridge children's murals, and many more.

Community Stewardship means that we recognize the responsibility entrusted to Town leaders and staff to care about the well-being of the entire community and to carry out our obligations accordingly. We take our role seriously, as we work to maintain fiscal stability, diverse neighborhoods with housing and infrastructure to meet the needs of current and future residents, outdoor recreation opportunities that promote active healthy lifestyles, environmental sustainability, art and cultural amenities, natural and historical resources, a well-connected mobility system, reliable and equitable municipal services, government transparency, vibrant shopping and economic vitality, a safe environment, and other quality of life elements. We encourage a high degree of public participation and community partnerships to carry out our stewardship role.

Future Focus reminds us to always have an eye on the future as we care for the community of today. We want to conserve Los Gatos' beautiful natural environment, reduce waste, and ensure a high quality of life for present and future generations. We aim to preserve and enhance the Town's historic resources and character while guiding the community into the future. Our General Plan is subject to change as ideas develop and priorities evolve. We also keep the future in focus by looking for more efficient ways of doing business – whether it's streamlining processes or utilizing effective technologies.



TOWN OF LOS GATOS
COUNCIL POLICY COMMITTEE REPORT

MEETING DATE: 03/22/2022

ITEM NO: 3

DATE: March 10, 2022
TO: Council Policy Committee
FROM: Laurel Prevetti, Town Manager
SUBJECT: Consider Amendments to the Town Council Late Night Entertainment Policy No. 1-03 to Clarify the Use of Public Right-of-Way and Semi-Permanent Parklets for Entertainment; and Forward the Council Policy Committee's Recommendation to the Town Council.

RECOMMENDATION:

Consider amendments to the Town Council Late Night Entertainment Policy No. 1-03 to clarify the use of public right-of-way and semi-permanent parklets for entertainment; and forward the Council Policy Committee's recommendation to the Town Council.

BACKGROUND:

In 2015, the Town Council held a study session focused on Economic Vitality which resulted in a series of policy and ordinance updates to allow greater flexibility for businesses in Los Gatos. One of the updates that came from this effort was the Late Night Entertainment Policy that allowed businesses to offer entertainment by-right until 10 p.m. within their business' premises, governed only by the Town Code. For entertainment after 10 p.m., the Policy allowed businesses to obtain a staff-level Late Night Entertainment Permit.

On June 21, 2016, the Town Council adopted the Late Night Entertainment Policy (Attachment 1) to create provisions for entertainment to be offered by businesses and community members throughout Town. The intent of the Policy was to create consistent guidelines for all businesses and provide an opportunity for those with a more restrictive Conditional Use Permit (CUP) to modify their conditions to align with the Policy.

CUPs modified or created after the adoption of this Policy include language that allows for entertainment consistent with the Entertainment Policy.

PREPARED BY: Monica Renn
Economic Vitality Manager

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

DISCUSSION:

Since the adoption of the Late Night Entertainment Policy, the economic environment has evolved dramatically. Before the COVID-19 Pandemic, businesses were striving to create an experience that drew customers into their physical locations in an effort to compete with the rising online marketplace. Then, in 2020, when the COVID-19 Pandemic mandated business shutdowns and an even more dynamic economic environment, businesses were again faced with the need to adapt their operations to remain successful.

One of the adaptations that proved to be crucial for businesses through the shutdowns was the additions of parklets using temporary kral barriers to secure public right-of-way, which then evolved into a Town subsidized semi-permanent parklet program that is currently underway. Through 2020 and most of 2021, the Town remained extremely flexible with outdoor offerings in the parklets as indoor activities were drastically reduced, or completely closed in many cases. As the most recent Omicron variant has tapered off and local mask and occupancy restrictions have lifted, the vibrancy and ability for businesses to return to a pre-COVID operation structure is also beginning to take shape.

With comfort levels for gatherings on the rise and with the available outdoor space of parklets, staff is aware that the Late Night Entertainment Policy, as written, may not provide the needed clarity for businesses. Thus, staff is bringing the Policy to the Council Policy Committee with recommended modifications for the Committee to consider, then forward its recommendations to the full Town Council for additional review, discussion, and potential adoption.

Attachment 2 provides a redlined version of the 2016 Late Night Entertainment Policy. While the intent and high-level provisions of the Policy remain the same, the draft modifications provide specific language relating to parklets and use of outdoor public right-of-way for entertainment.

The intent of the modified Policy is to continue to allow businesses to offer amplified and unamplified entertainment by-right within the private property of their business, including patios, parking lots, and other private outdoor areas, given the offerings and noise levels remain in compliance with the Entertainment Policy and Town Code. Those businesses with a semi-permanent parklet may additionally offer unamplified entertainment outdoors in their parklet space during their operating hours, in compliance with the associated Conditional Use Permit (CUP).

Should a business wish to offer amplified entertainment within their semi-permanent parklet, an approved special event permit is required. Likewise, a special event permit is required if any business or other community stakeholder would like to offer amplified entertainment within a public parklet (including Grays Lane), park, parking lot, sidewalk, or other public right-of-way area. Providing this level of review allows for event organizers to notify surrounding neighbors

DISCUSSION (Continued):

and eliminates the ability for multiple amplified entertainment acts to be occupying similar areas of public right-of-way simultaneously.

Staff is not recommending modifications to the portion of the Policy that relates to the previously adopted provisions for the Late Night Entertainment permit for entertainment within a business premises after 10 p.m. The Policy further clarifies that no entertainment, amplified or unamplified, is permitted outdoors after 10 p.m.

CONCLUSION:

Consider amendments to the Town's Late Night Entertainment Policy that clarify the use of public right-of-way and semi-permanent parklets for entertainment; and forward the Council Policy Committee's recommendation to the Town Council.

COORDINATION:

This report and draft amendments to the Late Night Entertainment Policy have been coordinated with the Town Manager's Office, Town Attorney's Office, and the Community Development and Police Departments.

FISCAL IMPACT:

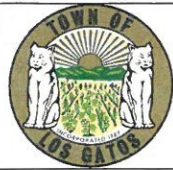
There are not fiscal impacts related to the recommendation of this staff report.

ENVIRONMENTAL ASSESSMENT:

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

Attachments:

1. Late Night Entertainment Policy adopted June 21, 2016
2. Redlined Late Night Entertainment Policy with recommended modifications



Title: Policy Regulating Late Night Entertainment

Policy Number: 1-03

Effective Date: 6/22/16

Pages: 2

Enabling Actions:

Revised Date:

Approved:

PURPOSE

Entertainment contributes to Los Gatos' vibrancy and adds to the richness of events and gatherings, and shall not be regulated other than by Town Code. However, entertainment occurring after 10 p.m. ("late night entertainment") can compromise the quality of life for Town residents. Therefore, this policy has been created to establish a permitting process and regulations for late night entertainment.

For the purposes of this policy, entertainment means any activity conducted for the primary purpose of diverting or entertaining persons in a premises open to the general public. Such entertainment may include, but shall not be limited to, live musical performances, instrumental or vocal, dance acts, concerts, live shows, amplified music or sound, dancing, DJ, karaoke, jam sessions, and/or other similar activities.

Late night entertainment is a discretionary privilege and is not to be construed to be a right of development nor run with the land. The following provisions are intended to maintain and enhance the continuing vibrancy and viability of the Town's public and commercial centers while providing reasonable protections to residential neighborhoods in close proximity to those areas.

POLICY AND PROCEDURES

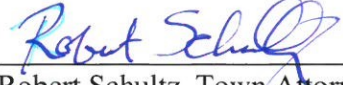
I. Review Processes for Establishments with Late Night Entertainment

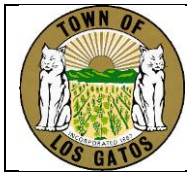
1. A late night entertainment permit shall be issued by the Town Manager. The Town Manager may refer any application for a permit to the Development Review Committee for its consideration and determination, which may be appealed to Planning Commission and Town Council. The Town Manager or other deciding body retains the right of approval or denial of each application based on its merits.
2. In determining whether to approve or deny an application for a late night entertainment permit, the following factors will be considered:
 - a. The proposed use of the property is essential or desirable to the public convenience or welfare;
 - b. The proposed use will not impair the integrity and character of the zone;

Title: Policy Regulating Late Night Entertainment	Page: 2 of 2	Policy Number: 1-03
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- c. The proposed use would not be detrimental to public health, safety or general welfare; and
 - d. The proposed use of the property is in harmony with the applicable guidelines, zoning ordinances, and/or provisions of the general plan.
- 3. An application and permit for late night entertainment shall be subject to all applicable requirements of the Town Code, and any permit issued pursuant to this policy shall include the following conditions:
 - a. The applicant shall be responsible for ensuring that noise resulting from the entertainment meets all applicable provisions of the Town's noise ordinance. If noise complaints are received by Town Staff, the Town reserves the right to require the applicant/permittee to hire a consultant to monitor noise levels to ensure that noise levels are within the parameters established by Town Code for the zone in which entertainment is occurring.
 - b. Security measures, which may include the requirement that the applicant employ private security personnel, shall be undertaken and established in and around the entertainment venue to deter unlawful conduct or disturbance to adjacent residential neighborhoods.
 - c. Additional appropriate conditions may be included in any permit as may be determined necessary to protect the public health, safety or general welfare.
- 4. Any venue with a Conditional Use Permit (CUP) that expressly prohibits entertainment will be required to obtain an amendment to its CUP in order to offer entertainment pursuant to this policy. An applicant's request to amend an existing CUP for the express purpose of adding permitted entertainment will not open the remainder of the CUP to amendment or alteration unless specifically requested by the applicant.
- 5. Any permit issued pursuant to this policy may be suspended, modified or revoked by the body that approved the permit following a public hearing if it is determined that sufficient evidence exists that the permitted entertainment is operating, or has operated, in a manner inconsistent with the requirements of its permit, or in a manner that constitutes a public nuisance.

APPROVED AS TO FORM:


 Robert Schultz, Town Attorney



Title: Policy Regulating **Entertainment in the Public Right-of-Way and Late Night Entertainment**

Policy Number: 1-03

Effective Date: 6/22/2016

Pages: 3

Enabling Actions:

Revised Date:

Approved:

PURPOSE

Entertainment contributes to **the vibrancy of** Los Gatos ~~'vibrancy~~ and adds to the richness of events and gatherings and shall not be regulated other than by Town Code. However, entertainment occurring after 10 p.m. ("late night entertainment"), **or when amplified in the public right-of-way** can compromise the quality of life for Town residents. Therefore, this policy has been created to establish a permitting process and regulations for **entertainment in the public right-of-way and** late night entertainment.

For the purposes of this policy:

Entertainment means any activity conducted for the primary purpose of diverting or entertaining persons. ~~in a premises open to the general public.~~ Such entertainment may include, but shall not be limited to, live musical performances, instrumental or vocal, dance acts, concerts, live shows, ~~amplified music or sound,~~ dancing, DJ, karaoke, jam sessions, **comedy acts, poetry readings, trivia/group games** and/or other similar activities.

Amplified Sound means the entertainment source's volume is increased by any electric, electronic, mechanical, battery, or motor-powered equipment.

Public Right-of-Way means any public property that is not owned by a private entity including but not limited to public streets and roadways regardless of their current status to support moving vehicles, alley ways, sidewalks, parking lots, and public parklets and planter boxes.

Semi-Permanent Parklet means a parklet that has been constructed in the public right-of-way through the Town's Parklet Program, being operated under a public-private partnership between the Town and the adjacent business(es) with a valid operational agreement and certificate of insurance with the Town of Los Gatos.

Entertainment with amplified sound is not permitted within the public right-of-way (including public parks and open spaces, sidewalks, public parklets, parking lots, parking spaces, etc.) or within a semi-permanent parklet located in the public right-of-way without an approved special event permit subject to the provisions of the Town Code.

Title: Policy Regulating Late Night Entertainment	Page: 2 of 3	Policy Number: 1-03
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Entertainment, with or without amplified sound, completely contained within the private property of a business, including indoors, private patios and private parking lots, may occur until 10 p.m., given the entertainment is compliant with the Town Code and the business' Conditional Use Permit (CUP).

No outdoor entertainment is permitted past 10 p.m.

Late night entertainment is a discretionary privilege and is not to be construed to be a right of development nor run with the land. The following provisions are intended to maintain and enhance the continuing vibrancy and viability of the Town's public and commercial centers while providing reasonable protections to residential neighborhoods in close proximity to those areas.

POLICY AND PROCEDURES

I. Review Processes for Establishments with Late Night Entertainment

1. A late night entertainment permit shall be issued by the Town Manager. The Town Manager may refer any application for a permit to the Development Review Committee for its consideration and determination, which may be appealed to Planning Commission and Town Council. The Town Manager or other deciding body retains the right of approval or denial of each application based on its merits.
2. In determining whether to approve or deny an application for a late night entertainment permit, the following factors will be considered:
 - a. The proposed use of the property is essential or desirable to the public convenience or welfare;
 - b. The proposed use will not impair the integrity and character of the zone;
 - c. The proposed use would not be detrimental to public health, safety or general welfare; and
 - d. The proposed use of the property is in harmony with the applicable guidelines, zoning ordinances, and/or provisions of the general plan.
3. An application and permit for late night entertainment shall be subject to all applicable requirements of the Town Code, and any permit issued pursuant to this policy shall include the following conditions:
 - a. The applicant shall be responsible for ensuring that noise resulting from the entertainment meets all applicable provisions of the Town's noise ordinance. If noise complaints are received by Town Staff, the Town reserves the right to require the applicant/permittee to hire a

Title: Policy Regulating Late Night Entertainment	Page: 3 of 3	Policy Number: 1-03
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consultant to monitor noise levels to ensure that noise levels are within the parameters established by Town Code for the zone in which entertainment is occurring.

- b. Security measures, which may include the requirement that the applicant employ private security personnel, shall be undertaken and established in and around the entertainment venue to deter unlawful conduct or disturbance to adjacent residential neighborhoods.
 - c. Additional appropriate conditions may be included in any permit as may be determined necessary to protect the public health, safety or general welfare.
4. Any venue with a ~~Conditional Use Permit (CUP)~~ that expressly prohibits entertainment will be required to obtain an amendment to its CUP in order to offer entertainment pursuant to this policy. An applicant's request to amend an existing CUP for the express purpose of adding permitted entertainment will not open the remainder of the CUP to amendment or alteration unless specifically requested by the applicant.
 5. Any permit issued pursuant to this policy may be suspended, modified or revoked by the body that approved the permit following a public hearing if it is determined that sufficient evidence exists that the permitted entertainment is operating, or has operated, in a manner inconsistent with the requirements of its permit, or in a manner that constitutes a public nuisance.

Approved as to Form:

Town Attorney