



**TOWN OF LOS GATOS
PLANNING COMMISSION AGENDA
APRIL 26, 2023
110 EAST MAIN STREET
LOS GATOS, CA**

*Jeffery Barnett, Chair
Steven Raspe, Vice Chair
Susan Burnett, Commissioner
Kylie Clark, Commissioner
Kathryn Janoff, Commissioner
Melanie Hanssen, Commissioner
Emily Thomas, Commissioner*

PARTICIPATION IN THE PUBLIC PROCESS

How to participate: The Town of Los Gatos strongly encourages your active participation in the public process, which is the cornerstone of democracy. If you wish to speak to an item on the agenda, please follow the participation instructions on page 2 of this agenda. If you wish to speak to an item NOT on the agenda, you may do so during the “Verbal Communications” period, by following the participation instructions on page 2 of this agenda. The time allocated to speakers may change to better facilitate the Planning Commission meeting.

Effective Proceedings: The purpose of the Planning Commission meeting is to conduct the business of the community in an effective and efficient manner. For the benefit of the community, the Town of Los Gatos asks that you follow the Town’s meeting guidelines while attending Planning Commission meetings and treat everyone with respect and dignity. This is done by following meeting guidelines set forth in State law and in the Town Code. Disruptive conduct is not tolerated, including but not limited to: addressing the Commissioners without first being recognized; interrupting speakers, Commissioners or Town staff; continuing to speak after the allotted time has expired; failing to relinquish the podium when directed to do so; and repetitiously addressing the same subject.

Deadlines for Public Comment and Presentations are as follows:

- Persons wishing to make an audio/visual presentation on any agenda item must submit the presentation electronically, either in person or via email, to the Planning Department by 1 p.m. or the Clerk’s Office no later than 3:00 p.m. on the day of the Planning Commission meeting.
- Persons wishing to submit written comments to be included in the materials provided to the Planning Commission must provide the comments to the Planning Department as follows:
 - For inclusion in the regular packet: by 11:00 a.m. the Friday before the meeting
 - For inclusion in any Addendum: by 11:00 a.m. the day before the meeting
 - For inclusion in any Desk Item: by 11:00 a.m. on the day of the meeting

Planning Commission meetings are broadcast Live on KCAT, Channel 15 (on Comcast) on the 2nd and 4th Wednesdays at 7:00 p.m.
Live and Archived Planning Commission meetings can be viewed by going to:
www.LosGatosCA.gov/TownYouTube

IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, IF YOU NEED SPECIAL ASSISTANCE TO PARTICIPATE IN THIS MEETING, PLEASE CONTACT THE CLERK DEPARTMENT AT (408) 354-6834. NOTIFICATION 48 HOURS BEFORE THE MEETING WILL ENABLE THE TOWN TO MAKE REASONABLE ARRANGEMENTS TO ENSURE ACCESSIBILITY TO THIS MEETING [28 CFR §35.102-35.104]

**TOWN OF LOS GATOS
PLANNING COMMISSION MEETING AGENDA
APRIL 26, 2023
110 EAST MAIN STREET AND TELECONFERENCE
TOWN COUNCIL CHAMBERS
LOS GATOS, CA
7:00 PM**

IMPORTANT NOTICE

This is a hybrid/in-person meeting and will be held in-person at the Town Council Chambers at 110 E. Main Street and virtually through the Zoom webinar application (log-in information provided below). Members of the public may provide public comments for agenda items in-person or virtually through the Zoom webinar by following the instructions listed below. The live stream of the meeting may be viewed on television and/or online at www.LosGatosCA.gov/TownYouTube.

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/82779625887?pwd=Ly9ING1xSkE1ZHg3VjNaaXRYZnNWdz09>
Passcode: 245354. You can also type in 827 7962 5887 in the “Join a Meeting” page on the Zoom website at <https://zoom.us/join>.
 - 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.
- **Join by telephone:** Join by Telephone: Dial: USA 877 336 1839 US Toll-free or 636 651 0008 US Toll. Conference code: 686100.
 - If you are participating by calling in, press #2 on your telephone keypad to raise your hand.
- **In-Person:** If you wish to speak during the meeting, please complete a “speaker’s card” located on the back of the chamber benches and return it to the Planning Manager. If you wish to speak to an item on the agenda, please list the item number. If you wish to speak on an item NOT on the agenda, please list the subject and you may speak during the “Verbal Communications” period. The time allocated to speakers may change to better facilitate the Planning Commission meeting.

When called to speak, you may 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 Chair may decide, consistent with the time limit for speakers at a Commission 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 Planning@losgatosca.gov with the subject line “Public Comment Item #__” (insert the item number relevant to your comment) or “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.

TOWN OF LOS GATOS
PLANNING COMMISSION AGENDA
APRIL 26, 2023
7:00 PM

MEETING CALL TO ORDER

ROLL CALL

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.

PLEDGE OF ALLEGIANCE

VERBAL COMMUNICATIONS *(Members of the public may address the Commission on any matter that is not listed on the agenda. Unless additional time is authorized by the Commission, remarks shall be limited to three minutes.)*

CONSENT ITEMS *(Items appearing on the Consent Items are considered routine Commission business and may be approved by one motion. Any member of the Commission 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. 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. Draft Minutes of the March 22, 2022 Planning Commission Meeting

PUBLIC HEARINGS *(Applicants/Appellants and their representatives may be allotted up to a total of five minutes maximum for opening statements. Members of the public may be allotted up to three minutes to comment on any public hearing item. Applicants/Appellants and their representatives may be allotted up to a total of three minutes maximum for closing statements. Items requested/recommended for continuance are subject to the Commission's consent at the meeting.)*

2. Forward a Recommendation to the Town Council on Land Use and Economic Recovery Amendments to Chapter 29 (Zoning Regulations) of the Town Code Regarding Personal Service Businesses, Bars, Markets, Banks, Financial Services, Formula Retail, Group Classes, Veterinarians, Offices, and Definitions. The Proposed Amendments to the Town Code are Not Considered a Project Under the California Environmental Quality Act. Town Code Amendment Application A-23-001. **Project Location: Town Wide.** Applicant: Town of Los Gatos.

3. Forward a Recommendation to the Town Council on Modifications to the Town Height Pole and Netting Policy for Additions and New Construction. The Proposed Amendments to Town Policy are Not Considered a Project Under the California Environmental Quality Act. **Project Location: Town Wide.** Applicant: Town of Los Gatos.

OTHER BUSINESS *(Up to three minutes may be allotted to each speaker on any of the following items.)*

4. Draft Proposed Capital Improvement Program Budget for Fiscal Years 2023/24 - 2027/28.

REPORT FROM THE DIRECTOR OF COMMUNITY DEVELOPMENT

SUBCOMMITTEE REPORTS / COMMISSION MATTERS

ADJOURNMENT *(Planning Commission policy is to adjourn no later than 11:30 p.m. unless a majority of the Planning Commission votes for an extension of time)*

Writings related to an item on the Planning Commission meeting agenda distributed to members of the Commission within 72 hours of the meeting are available for public inspection at the reference desk of the Los Gatos Town Library, located at 100 Villa Avenue; the Community Development Department and Clerk Department, both located at 110 E. Main Street; and are also available for review on the official Town of Los Gatos website. Copies of desk items distributed to members of the Commission at the meeting are available for review in the Town Council Chambers.

Note: The Town of Los Gatos has adopted the provisions of Code of Civil Procedure §1094.6; litigation challenging a decision of the Town Council must be brought within 90 days after the decision is announced unless a shorter time is required by State or Federal law.



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 04/26/2023

ITEM NO: 1

**DRAFT
MINUTES OF THE PLANNING COMMISSION MEETING
MARCH 22, 2023**

The Planning Commission of the Town of Los Gatos conducted a regular meeting in-person and utilizing teleconferencing means on Wednesday, March 22, 2023, at 7:00 p.m.

MEETING CALLED TO ORDER AT 7:00 P.M.

ROLL CALL

Present: Chair Jeffrey Barnett, Vice Chair Steve Raspe, Commissioner Susan Burnett, Commissioner Kylie Clark, Commissioner Melanie Hanssen, Commissioner Kathryn Janoff, and Commissioner Emily Thomas.

Absent: None.

PLEDGE OF ALLEGIANCE

VERBAL COMMUNICATIONS

None.

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

1. Approval of Minutes – March 8, 2023

MOTION: Motion by Vice Chair Raspe to approve adoption of the Consent Calendar. **Seconded by Commissioner Burnett.**

VOTE: Motion passed unanimously.

OTHER BUSINESS

2. Draft Justice, Equity, Diversity, and Inclusion Plan

Provide input for the Draft Justice, Equity, Diversity, and Inclusion Plan.

Holly Young, Senior Management Analyst, presented the staff report.

Opened Public Comment.

Ron Meyer

- What is the problem you're trying to solve? What is DEI going to do for the citizens of Los Gatos? The assumption is that we have a problem. I see a lot of aspirational utopian socialist ideas in this plan and a lot of wasteful effort. How many staff hours will be devoted to training and whatever plan you decide to execute that are going to take away from the delivery of rightful services paid for by the citizens of Los Gatos? I am asking you to qualify and quantify the problem. The first problem I saw was over a year ago when Black Lives Matter people paraded through downtown Los Gatos and created havoc at the behest of the former mayor. Communists run BLM and they've extorted millions of dollars out of businesses and civic groups. This is a socialist, communist farce and I will resist this to the utmost.

Closed Public Comment.

Commissioners discussed the matter.

PUBLIC HEARINGS

3. 16185 George Street

Fence Height Exception Application FHE-22-008

APN 529-18-046

Property Owner/Appellant: Antony Jayaraj Alappat

Applicant: Sandra Paim

Project Planner: Ryan Safty

Consider an appeal of a Community Development Director decision to deny a fence height exception request for construction of a six-foot tall fence located within the required front yard setback on property zoned R-M:5-12.

Ryan Safty, Associate Planner, presented the staff report.

Opened Public Comment.

Atony Jayaraj Alappat

- We are asking to increase the fence height from three feet to six feet. It's more the backside of the property since we actually face George Street. I don't understand why Roberts Road is considered the front part of the property. We are still keeping the corner side of the property for the traffic, so it's not going to impact traffic from George Street or Roberts Road. Other than that, we have made the fence exactly the same as the one across the road on Roberts Road. Our main concerns are privacy and safety.

Closed Public Comment.

Commissioners discussed the matter.

MOTION: **Motion by Commissioner Janoff** to grant the appeal of a Community Development Director decision and grant a fence height exception request. **Seconded by Commissioner Clark.**

Commissioners discussed the matter.

VOTE: **Motion failed 3-4 with Chair Barnett, Vice Chair Raspe, and Commissioners Hanssen and Burnett dissenting.**

MOTION: **Motion by Commissioner Hanssen** to deny the appeal and uphold the Community Development Director decision to deny a fence height exception request. **Seconded by Vice Chair Raspe.**

Commissioners discussed the matter.

VOTE: **Motion passed 4-3 with Commissioners Clark, Janoff, and Thomas dissenting.**

4. 114 Wilder Avenue

Architecture and Site Application S-22-030

Variance Application V-22-002

APN 510-17-072

Applicant: David Kuoppamaki

Property Owner: Alvaro Anzoategui

Project Planner: Jocelyn Shoopman

Requesting approval for demolition of an existing single-family residence, construction of a new single-family residence to exceed the maximum allowed floor area, and a variance for the required front setback and the parking requirements on property zoned R-1D:LHP.

Jocelyn Shoopman, Associate Planner, presented the staff report.

Opened Public Comment.

Alvaro Anzoategui, Applicant

- The information provided in the staff report and justification letter does a good job of representing the project and the evidence we have provided as to why we are asking for a variance and how it would help in making sure the home meets the neighborhood look. We have lots of support from our neighbors, some of which is included in letters to the Commission. I have also met with neighbors who have not been able to provide letters. We spent a lot of time preparing our plans and ensuring that this is a very nice home that

fits the neighborhood. The size of the home as far as the front view would look no bigger than other homes in the area.

Closed Public Comment.

Commissioners discussed the matter.

MOTION: **Motion by Commissioner Hanssen** to approve an Architecture and Site application and Variance application for 114 Wilder Avenue. **Seconded by Commissioner Janoff.**

VOTE: **Motion passed unanimously.**

REPORT FROM THE DIRECTOR OF COMMUNITY DEVELOPMENT

Jennifer Armer, Planning Manager

- The Town Council met on March 21, 2023, to review the Annual Progress Report giving an update on the number of housing units issued through the building permit process and efforts to further the General Plan implementation and Housing Element. The report was accepted and will be sent to the State by the end of the month.
- The revised draft of the Housing Element will be available for the seven-day public review by the end of the week in advance of resubmittal to HCD at the end of next week.
- Los Gatos staff will be available at the Farmers' Market on Sunday to discuss the Housing Element.

SUBCOMMITTEE REPORTS/COMMISSION MATTERS

Historic Preservation Committee

Commissioner Burnett

- The HPC's next meeting has been rescheduled for March 29, 2023.

Housing Element Advisory Board

Commissioner Hanssen

- The HEAB met March 16, 2023, to review the Draft Revised Housing Element in response to the HCD letter provided to the Town on January 12, 2023.

Commission Matters

Commissioner Clark

- Requested to agendize the issue of starter homes in Los Gatos being converted into very large homes.

ADJOURNMENT

The meeting adjourned at 9:54 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the March 22, 2023 meeting as approved by the Planning Commission.

/s/ Vicki Blandin

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**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 04/26/2023

ITEM NO: 2

DATE: April 21, 2023
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: Forward a Recommendation to the Town Council on Land Use and Economic Recovery Amendments to Chapter 29 (Zoning Regulations) of the Town Code Regarding Personal Service Businesses, Bars, Markets, Banks, Financial Services, Formula Retail, Group Classes, Veterinarians, Offices, and Definitions. The Proposed Amendments to the Town Code are Not Considered a Project Under the California Environmental Quality Act. Town Code Amendment Application A-23-001. **Project Location: Town Wide.**
Applicant: Town of Los Gatos.

RECOMMENDATION:

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

CEQA:

In accordance with CEQA Guidelines Section 15378, these proposed ordinance amendments are not a "project" subject to CEQA because the proposed amendments affect processing of applications only and will not impact the physical environment. Individual projects processed in accordance with the Town's Zoning Code will undergo CEQA review.

FINDINGS:

- In accordance with CEQA Guidelines Section 15378, these proposed ordinance amendments are not a "project" subject to CEQA because the proposed amendments affect processing of applications only and will not impact the physical environment. Individual projects processed in accordance with the Town's Zoning Code will undergo CEQA review; and
- The amendments to Chapter 29 of the Town Code are consistent with the General Plan.

PREPARED BY: Sean Mullin, AICP
Senior Planner

Reviewed by: Planning Manager, Community Development Director, Town Attorney, and Economic Vitality Manager

BACKGROUND:

Throughout the last several years, the Town Council has identified strategic priorities related to:

- Community vitality;
- Economic recovery;
- Business permit streamlining; and
- Policies and ordinances as they relate to business activity.

Given the priorities identified by the Town Council, staff brought forward a series of policy and ordinance changes to begin this streamlining work, creating a more welcoming and flexible business environment with reduced timelines and fee structures for businesses. The recently adopted 2023 - 2025 Strategic Priorities includes Economic Vitality and Pandemic Recovery (Exhibit 3), providing an opportunity to continue the streamlining work that began before the pandemic to support the business community during the recovery.

Exhibit 4, Economic Vitality and Land Use Streamlining, illustrates the policy and ordinance streamlining that took place prior to 2020. Once the Pandemic hit the community and the devastating effects became notable, the local business community and economic well-being of the Town's shopping areas were among the stakeholder groups most negatively affected.

On March 12, 2020, the Director of Emergency Services (Town Manager) issued a proclamation pursuant to Town Code Section 8.10.035, declaring the existence of a local emergency within the Town due to the COVID-19 pandemic. On March 17, 2020, the Town Council adopted Resolution 2020-008 Ratifying and Continuing the Proclamation of Existence of Local Emergency Issued by the Director of Emergency Services (Exhibit 5).

At this point, it was understood that the potential length and impacts of the Pandemic were unknown and the Town needed to make adjustments to local land use and business permit policies to align with those being made at the County, State, and Federal levels through emergency orders, and to offer flexibility and options to support the local business community in the uncertain times. After thoughtful discussion by the Town Council, an Economic Recovery Resolution was adopted to provide businesses with options for flexibility to modify their business offerings. On June 3, 2020, an Economic Recovery Resolution 2020-022 was adopted by the Town Council, and has since been modified and extended with a current sunset date of June 30, 2022. Exhibit 6 is the current Economic Recovery Resolution, 2022-066.

A high-level overview of the streamlining and flexibility offered through the Economic Recovery Resolution includes:

- Suspension of rent for Town-owned facilities;
- Providing business resources through a COVID-19 website;

BACKGROUND (continued):

- Allowing restaurants to sell groceries, provide for curbside pickup, and sell alcohol via delivery and takeout;
- Allowing outdoor dining in parklets along N. Santa Cruz Avenue and in private parking lots;
- Allowing the use of pop-up patios, parklets, and outdoor spaces for signage, merchandising, and queueing;
- Allowing existing businesses in Town to relocate, expand, or open additional locations without obtaining a new Conditional Use Permit (CUP) through an Economic Recovery Agreement;
- Suspending the requirement for personal service businesses to obtain a CUP in the C-2 zone through an Economic Recovery Agreement;
- Reducing the cost for a new CUP by 50 percent, with the Town paying the balance of the fees;
- Allowing alcohol consumption with meals in Town parks, temporary pop-up parks, temporary patio dining areas, and parklets; and
- Extending the expiration date for all building permits and planning entitlements by two years.

The California Emergency Services Act (California Government Code Section 8550, *et seq.*) provides that once the Town Council determines that there is no need to continue the local emergency, the Council shall proclaim the termination of the local emergency at the earliest possible date. The Department of Health and Human Services is planning for the Federal Public Health Emergency for COVID-19 to expire on May 11, 2023. In response, the Governor of the State of California ended the State emergency declaration related to COVID-19 on February 28, 2023, and the County of Santa Clara demobilized its remaining COVID-19 mass vaccination and mass testing sites. On March 7, 2023, the Town Council adopted Resolution 2023-011, terminating the local emergency in line with the end of the State emergency declaration related to COVID-19 (Exhibit 7).

DISCUSSION:

With the quick adoption and implementation of Resolution 2020-022, the Town experienced fewer vacancies and business attrition during the darkest times of the Pandemic and was quick to assist businesses in reopening in new formats, locations, or with other modifications that allowed them to be compliant with health orders while serving the community through their business offerings. Since the adoption of Resolution 2020-022, the Town continues to see the benefit of the flexibility and latitude the streamlining offers businesses. Staff is bringing forward these recommendations to memorialize this flexibility within the Town Code to continue to welcome businesses and work toward the Town Council's strategic priority related to economic vitality and pandemic recovery.

DISCUSSION (continued):

Staff has received positive feedback from business and property owners, as the flexibility throughout the Pandemic and beyond has allowed for them to be agile and quickly adjust with the dynamic economic environment. Customer and community demands are more fluid than ever as folks are establishing their own new “normals” for comfortable shopping, dining, personal services, and community experiences. The proposed changes will continue this work and allow the Town to remain welcoming to a variety of business models through reduced timelines and fee structures.

The current economic environment is driven by social media, innovation, in-person experiences, and the ability to meet customer expectations. This fast-paced environment requires businesses to be on their toes and ready to pivot to keep up with the evolution of the community. Business life cycles vary greatly and ebb and flow with these economic trends. By creating a more flexible and streamlined permitting environment, the Town is making space to allow for current businesses to make these shifts more readily, and welcome new businesses with less perceived obstacles.

In consideration of the dynamic economic environment and the Town Council’s adopted strategic priority that promotes updates to Town policies and ordinances and permit streamlining related to economic vitality and pandemic recovery (Exhibit 3), staff is bringing forward recommendations for Town Code amendments related to CUP processes, land use definition clarity, and zoning updates to ultimately offer a more welcoming, flexible, and streamlined process for the business community. The specific amendments recommended are being identified based on the performance of the economic recovery efforts enacted during the COVID-19 emergency declaration, land use and economic vitality streamlining efforts during 2015 to 2019, and interactions with the business community. The proposed amendments provide continued support through increased flexibility and reduced process and cost.

A. Personal Service Businesses as a Permitted Use in the C-2 and O Zones

The Town Code defines a personal service business as one that predominately sells personal convenience services directly to the public, including but not limited to, barbers, beauty salons and related services, cosmetologists, electrolysis, facial and/or skin care, hair dressers and/or hair stylists, hair removal and/or replacement, manicurists, nail salons, pedicurists, permanent make-up, skin and body care, piercing, spas, tanning salons, tattooing, cleaners, dog grooming, tailors, and other services of a similar nature. Personal service business does not include travel agencies, insurance offices, law offices, architect offices, or any other type of office use.

Under the current Town Code, a personal service business is a permitted use in the C-1, CH, and LM zones. In the C-2 zone, personal service businesses are allowed on the ground floor with a CUP and are a permitted use in specific areas described in Section 29.60.320 (c)(2), as

DISCUSSION (continued):

shown on the map included as Exhibit 8. A CUP for a personal service use must be approved by the Planning Commission.

While the local COVID-19 emergency order was in place, the Town Council suspended the requirement for personal service businesses to obtain a CUP in the C-2 zone and allowed them to locate within the Office zone. This action offered locational flexibility and reduced costs and timelines to personal service businesses during the emergency order.

To continue the support of the business community consistent with the strategic priority, staff proposes amendments to the Town Code allowing personal service businesses on the ground floor throughout the C-2 zone, making them a permitted use by eliminating the CUP requirement, and removing limitations based on location within the C-2 zone. Additionally, personal service businesses would be added as a permitted use in the O zone. Below is a summary of the amendments to the Town Code necessary to carry out these changes:

- Update the definition of personal service businesses by adding specific services that have become common since the definition was originally developed (29.10.020);
- Add personal service businesses to the required parking for retail and commercial shops to reflect Town practice [29.10.150 (b)(1) and (c)(9)];
- Eliminate the CUP requirement for personal service businesses in the C-2 zone from the Table of Conditional Uses (29.20.185);
- Remove personal service businesses from the required findings for granting a CUP [29.20.190 (b)];
- Add personal service businesses as a permitted use in the O and C-2 zones (29.60.085 and 29.60.320); and
- Eliminate the locational restrictions for personal service businesses in the C-2 zone [29.60.320 (c)]

The impact of the proposed amendments to the Town Code regarding personal service businesses are summarized in the table on the following page.

DISCUSSION (continued):**Impact of Town Code Amendments on Personal Service Businesses in the C-2 and O Zones**

	Current Code	Amended Code
C-2 Zone*		
Application Type, Fee	CUP by Planning Commission: \$9,098.64 Use and Occupancy: \$278.16 Business License: \$75 to \$975	Use and Occupancy: \$278.16 Business License: \$75 to \$975
Average Processing Time	3 to 4 months	Over the counter (typical)
O Zone		
Application Type, Fee	Not permitted	Use and Occupancy: \$278.16 Business License: \$75 to \$975
Average Processing Time	Not permitted	Over the counter (typical)
* Where a CUP is required		

B. Bars, Markets, and other Miscellaneous Commercial Businesses

The Town Code currently includes definitions and regulations for bars and restaurants. Bars are defined as a drinking place where alcoholic beverages and snacks are served; possibly with entertainment such as music, television screens, video games, or pool tables. Bars are a conditional use allowed only in the C-2 zone and require approval by the Town Council. Restaurants are defined as a retail food service establishment in which food and beverage is prepared, served, and sold to customers for on-site or take-out consumption. Restaurants without alcohol service are a conditional use allowed in the C-1, C-2, CH, LM, and CM zones. Restaurants with alcohol service also require a CUP, but are not allowed in the CM zone. A CUP for either type of restaurant may be considered by the Development Review Committee (DRC).

While the local COVID-19 emergency order was in place, the Town Council suspended the requirement for up to five (5) markets, bars, and/or miscellaneous commercial businesses to obtain a CUP in the C-2 zone. This action offered reduced costs and timelines to specific Business types during the emergency order; however, the resolution and the current Town Code lack a definition for “market” and do not clarify what is meant by “miscellaneous commercial businesses.” One of the five available markets, bars, and/or miscellaneous commercial businesses executed an Economic Recovery Agreement, a wine tasting establishment without food located in the C-2 zone.

The market concept typically offers a hybrid of retail and restaurant uses within a single business. The current framework of the Town Code adequately regulates these types of businesses as either retail or restaurant, depending on the specific operational characteristics of the business. Therefore, there is no need to introduce markets as a new use in the Town Code. The “miscellaneous commercial businesses” term included in the resolution allowed the Town to be nimble in its regulatory approach to new businesses

DISCUSSION (continued):

within the bar to restaurant spectrum during an unprecedented time. As the recovery process continues, it is important that updated Town Code language continue to provide for flexibility while recognizing and defining the variety of business models within the bar to restaurant spectrum. Two examples of business types that do not fit into the framework of the existing Town Code are tap/tasting rooms and specialty food retail. When these business types pursue operation in the Town, they are often forced into a category that is not consistent with their desired operational characteristics, which may limit where they can be located and could require review by the Town Council.

Tap/Tasting Rooms

Tap/tasting rooms are a business model becoming more prevalent. A tap/tasting room offers sampling and sales of alcoholic beverages for on- or off-site consumption, but does not include the extended hours that are typical of a bar. Like a bar, food may be offered at a tap/tasting room, but is not a requirement. Currently, this type of business would either be classified as a bar or would need to incorporate food service infrastructure and staffing into their business model to open as a restaurant in the Town. This new category provides an opportunity to businesses that do not want to establish a kitchen to offer food and operate as a restaurant and do not want to offer late night hours of operation characteristic of a bar. Additionally, tap/tasting rooms typically provide a unique environment that may focus on craft and high-quality alcoholic beverages and provide a social gathering place with hours of operation not extending beyond 10:00 p.m. The limited hours of operation of a tap/tasting room reduce noise and other impacts, making them compatible in more areas of the Town. Lastly, the California Department of Alcoholic Beverage Control (ABC) requires different licenses for a bar and a tap/tasting room. The proposed tap/tasting room category recognizes the distinction in operational characteristics and the hours of operation between them and a bar, which allows the Town to regulate the two uses independently.

To continue the support of the business community consistent with the strategic priority and to provide increased flexibility and opportunity to new business types, staff proposes amendments to the Town Code to define and provide a regulatory framework for tap/tasting rooms. Tap/tasting rooms would be added to the restaurant categories for parking in the downtown area and outside of the downtown area. Tap/tasting rooms would also be added to the Table of Conditional Uses for the C-1, C-2, CH, and LM zones, and assigned to the DRC. A new definition would be added for tap/tasting room and the definition of bar would be simplified to reflect the rescinding of the Town's Alcohol Policy in 2019.

- *Tap/tasting room* means an establishment operating within the hours of 10:00 a.m. and 10:00 p.m. devoted to the sampling and sale of alcoholic beverages for on- and/or off-site consumption. Food service is not required.

DISCUSSION (continued):

- *Bar* means a drinking place operating within the hours of 6:00 a.m. and 2:00 a.m. where alcoholic beverages are served for on-site consumption. Food service is not required.

Below is a summary of the amendments to the Town Code necessary to carry out these changes:

- Update the definition of bar to recognize the rescinding of the Town's Alcohol Policy in 2019 (29.10.020);
- Add the definition of tap/tasting room (29.10.020);
- Add tap/tasting room to the required parking for restaurants [29.10.150 (b)(1) and (c)(9)];
- Add tap/tasting room to the Table of Conditional Uses:
 - Tap/tasting room would be allowed with an approved CUP in the C-1, C-2, CH, and LM zones.
 - Bars would continue to be allowed with an approved CUP only in the C-2 zone (29.20.185); and
- Update the assignment of duties adding tap/tasting room to the DRC, consistent with restaurants (29.20.745).

The impact of the proposed amendments to the Town Code regarding tap/tasting room businesses are summarized in the table below.

Impact of Town Code Amendments on Restaurant, Bar, and Tap/Tasting Room

	Zone Allowed with CUP	Application Type, Fee	Average Processing Time
Restaurant without Alcohol	C-1, C-2, CH, LM, CM (no change)	CUP by DRC: \$5,794.02 (no change)	3 to 4 months (no change)
Restaurant with Alcohol	C-1, C-2, CH, LM (no change)	CUP by DRC: \$5,794.02 (no change)	3 to 4 months (no change)
Bar	C-2 (no change)	CUP by Town Council: \$16,261.46 (no change)	4 to 6 months (no change)
Tap/Tasting Room	C-1, C-2, CH, LM	CUP by DRC: \$5,794.02	3 to 4 months

Specialty Retail and Specialty Food Retail

A specialty retail use is not a new business type to the Town. In fact, there are examples of businesses throughout Town that are considered specialty retail uses. To date, the Town Code has lacked a definition and regulatory framework specific to specialty retail uses, with staff relying on an interpretation of information in different Town policy documents to regulate the use. Currently, specialty retail businesses are considered walk-in and impulse businesses that offer pre-packaged foods and beverages, but do not offer meals, and with limited to no seating. While both restaurant and specialty retail businesses offer food

DISCUSSION (continued):

products, the primary distinction between the two uses is that food and beverages must be pre-prepared and may not be made-to-order to be considered a specialty retail use. Once a business offers any items made to order, including coffee, bagels with condiments, ice cream, etc., they are currently required to obtain a CUP for a restaurant use. Currently, a specialty retail business is regulated as a retail use and may be approved over the counter.

Within the current framework, a specialty retail business is limited in what and how products can be offered. Only pre-prepared food and beverages can be offered. This limitation forces some businesses into a restaurant CUP process that may not warrant that level of control. To increase flexibility within the retail food/restaurant space, staff recommends incorporating the following definition to bridge the gap between the two existing uses:

- *Specialty food retail* means businesses that are primarily walk-in and impulse businesses that do not generally serve meals, but offer pre-packaged/pre-prepared foods and/or made-to-order beverages and have limited to no seating. Examples include but are not limited to, coffee/tea houses, donut shops, juice/smoothie bars, and ice cream/frozen yogurt shops.

This definition creates a use between retail and restaurant that allows for a business to offer pre-prepared food items and made-to-order beverages while not being classified as a restaurant. Staff proposes amendments to the Town Code to define and provide a regulatory framework for a specialty food retail use. The new definition would be added to the Town Code and the specialty food retail use would be allowed as a permitted use in the C-1, C-2, CH, and LM zones, where retail uses are also a permitted use. However, approval of a CUP would be required for a specialty food retail business offering alcohol for off-site or on-site consumption along with the appropriate ABC license. The Table of Conditional Uses would be updated accordingly. Below is a summary of the amendments to the Town Code necessary to carry out these changes:

- Update the definition of convenience market to specifically exclude specialty food retail (29.10.020);
- Add the definition of specialty food retail (29.10.020);
- Add specialty food retail to required parking for restaurants [29.10.150 (b)(1) and (c)(9)];
- Add specialty food retail to the Table of Conditional Uses for establishments selling alcoholic beverages for consumption off-site or on-site (29.20.185);
- Update the assignment of duties adding specialty food retail uses offering alcoholic beverages for consumption off-site or on-site to the DRC, consistent with restaurants (29.20.745); and
- Add specialty food retail without alcoholic beverages as a permitted use in the C-1, C-2, CH, and LM zones (29.60.210, 29.60.320, 29.60.420, and 29.70.100).

DISCUSSION (continued):

The impact of the proposed amendments to the Town Code regarding specialty food retail businesses are summarized in the table below.

Impact of Town Code Amendments on Specialty Food Retail Businesses

	Current Code	Amended Code
Frozen Yogurt Shop		
Application Type, Fee	CUP (restaurant) by DRC: \$5,794.02 Use and Occupancy: \$278.16 Business License: \$75 to \$975	Use and Occupancy: \$278.16 Business License: \$75 to \$975
Average Processing Time	3 to 4 months	Over the counter (typical)
Coffee House		
Application Type, Fee	CUP (restaurant) by DRC: \$5,794.02 Use and Occupancy: \$278.16 Business License: \$75 to \$975	Use and Occupancy: \$278.16 Business License: \$75 to \$975
Average Processing Time	3 to 4 months	Over the counter (typical)
Specialty Food Retail Shop Offering Alcohol for Off- Site or On-Site Consumption		
Application Type, Fee	CUP (restaurant) by DRC: \$5,794.02 Use and Occupancy: \$278.16 Business License: \$75 to \$975	CUP (specialty food retail with off-site or on-site alcohol) by DRC: \$5,794.02 Use and Occupancy: \$278.16 Business License: \$75 to \$975
Average Processing Time	3 to 4 months	3 to 4 months

C. Banks and Financial and Investment Services

The Town Code does not provide a definition of bank, but does require a CUP for banks in the C-1, C-2, and CH zones. In 2020, an applicant requested a zoning consistency determination and approval of a CUP for a bank in the C-2 zone. The proposed use did offer some of the services traditional to banks, but also offered other financial and investment services that are typically considered office uses. The Planning Commission determined the use to be a bank and approved the CUP. This decision was appealed, and the Town Council determined that the proposed use was not appropriate for the specific location, granting the appeal and denying the application.

To clarify the distinction between a bank and a financial and investment services use, staff proposes amendments to the Town Code. New definitions would be added for retail bank, financial and investment services, and office activities. Existing regulations would continue to determine the parking requirements for office activities and where they could be located in the Town. The following new definitions would be added to the Town Code:

- *Bank, retail* means commercial and non-profit banks and credit unions, which are primarily focused on in-person customer services such as: deposits/withdrawals, loans,

DISCUSSION (continued):

checking and savings accounts, currency exchanges, mortgages, personal loans, and debit or credit card services. This classification does not include payday lending businesses or check cashing businesses. The term "payday lending business" as used herein means retail businesses owned or operated by a "licensee" as that term is defined in California Financial Code Section 23001(d), as amended from time to time. The term "check cashing business" as used herein means a retail business owned or operated by a "check casher" as that term is defined in California Civil Code Section 1789.31 as amended from time to time.

- *Financial and investment services* means businesses that offer financial advice and services, including but not limited to: investment banking, portfolio management, private equity, and venture capital.
- *Office activities* means office uses, including but not limited to: administrative, professional, medical, dental, optical, real estate, insurance, financial and investment services, and other similar office uses characterized by an absence of retail sales.

Below is a summary of the amendments to the Town Code necessary to carry out these changes:

- Add the definitions of retail bank, financial and investment services, and office activities (29.10.020);
- Add retail bank and financial and investment services to the required parking [29.10.150 (b)(2) and (c)(10)]; and
- Change "bank" to "retail bank" in the Table of Conditional Uses (29.20.185).

D. Formula Retail Greater than 6,000 Square Feet

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, décor, uniforms, architecture, colors, signs, or other similar features. Under the current Town Code, formula retail businesses up to 6,000 square feet are a permitted use in the C-1, C-2, CH, and LM zones. Formula retail businesses greater than 6,000 square feet are a conditional use in the C-1, C-2, CH, and LM zones and require Planning Commission approval.

To continue the support of the business community and to provide increased flexibility and opportunity for businesses in the Town, staff proposes amendments to the Town Code to allow formula retail businesses greater than 6,000 square feet as a permitted use in the C-1, C-2, CH, and LM zones by eliminating the formula retail definitions and specific regulations. With this change, a formula retail business as it is currently defined would simply be considered a retail business and allowed where retail uses are allowed. This change would not impact the requirement for an Architecture and Site approval for new construction of a

DISCUSSION (continued):

commercial building. Below is a summary of the amendments to the Town Code necessary to carry out these changes:

- Eliminate the definition of formula retail business (29.10.020);
- Eliminate the CUP requirement for formula retail businesses greater than 6,000 square feet in the C-1, C-2, CH, and LM zones from the Table of Conditional Uses (29.20.185);
- Remove formula retail businesses greater than 6,000 square feet from the required findings for granting a CUP [29.20.190 (b)];
- Remove formula retail businesses up to six thousand (6,000) square feet as a permitted use in the C-1, C-2, CH, and LM zones (29.60.210, 29.60.320, 29.60.420, and 29.70.100).

The impact of the proposed amendments to the Town Code regarding formula retail businesses are summarized in the table below.

Impact of Town Code Amendments on Formula Retail Businesses Greater than 6,000 sf

	Current Code	Amended Code
Application Type, Fee	CUP: \$9,098.64 Business License: \$75 to \$975	Use and Occupancy: \$278.16 Business License: \$75 to \$975
Average Processing Time	3 to 6 months	Over the counter (typical)
Deciding Body	Planning Commission	Community Development Director

Alternatively, the Planning Commission could consider maintaining the requirement for a CUP for a formula retail business greater than 6,000 square feet in specific zones, but change the deciding body from Planning Commission to DRC. Additionally, the Planning Commission could consider whether specific, but not all, types of formula retailer greater than 6,000 square feet should require a CUP in specific zones. One example of a specific type is a use that might still require a CUP is one whose primary focus is on alcohol sales.

E. Group Classes in C-2 Zone

The Town Code defines group classes as a class that offers instruction provided at a rate greater than one (1) student to one (1) instructor and does not include schools as defined in the Town Code. Under the current Town Code, group classes are a permitted use in the O, C-1, CH, and LM zones. Group classes require DRC approval of a CUP in the C-2 zone.

To continue the support of the business community and to provide increased flexibility and opportunity for businesses in the Town, staff proposes amendments to the Town Code to eliminate the requirement for a CUP for group classes in the C-2 zone, allowing it as a permitted use. Below is a summary of the amendments to the Town Code necessary to carry out these changes:

DISCUSSION (continued):

- Eliminate the CUP requirement for group classes in the C-2 zone from the Table of Conditional Uses (29.20.185);
- Eliminate group classes as an assigned duty for the DRC [29.20.745 (21)]; and
- Add group classes as a permitted use in the C-2 zone (29.60.085).

The impact of the proposed amendments to the Town Code regarding group classes businesses are summarized in the table below.

Impact of Town Code Amendments on Group Classes Businesses

	Current Code	Amended Code
Application Type, Fee	CUP: \$9,098.64 Business License: \$75 to \$975	Use and Occupancy: \$278.16 Business License: \$75 to \$975
Average Processing Time	3 to 6 months	Over the counter (typical)
Deciding Body	DRC	Community Development Director

F. Veterinarians in C-1 Zone

Currently, the Town Code requires Planning Commission approval of a CUP for a veterinarian (without a kennel) in the C-2, CH, LM, and CM zones. Veterinarians are not allowed in the C-1 zone. Staff has received several inquiries recently related to commercial properties in the C-1 zone, including locations on Los Gatos Boulevard, from parties interested in establishing a new veterinarian business.

Staff proposes amendments to the Town Code to allow veterinarians (without a kennel) in the C-1 zone with Planning Commission approval of a CUP, consistent with the other commercial zones. Below is a summary of the amendments to the Town Code necessary to carry out these changes:

- Amend the Table of Conditional Uses to allow veterinarians in the C-1 zone as a conditional use (29.20.185).

PUBLIC COMMENTS:

Staff conducted outreach through the following media and social media resources, as well as direct communication with the Chamber of Commerce and individual businesses and groups as summarized below:

- The Town's website home page, What's New;
- The Town's Facebook page;
- The Town's Twitter account;

PUBLIC COMMENTS (continued):

- The Town's Instagram account;
- The Town's NextDoor page;
- The Town's Community Development Booth at the Town's Spring Into Green Event on Sunday, April 23, 2023;
- Direct communication with the Chamber of Commerce Executive Director and Board Members; and
- Direct email communication to business stakeholders including property owners, business owners, and property managers/brokers.

CEQA DETERMINATION:

In accordance with CEQA Guidelines Section 15378, these proposed ordinance amendments are not a "project" subject to CEQA because the proposed amendments affect processing of applications only and will not impact the physical environment. Individual projects processed in accordance with the Town's Zoning Code will undergo CEQA review.

CONCLUSION:

A. Summary

To continue Town support of local businesses, staff has identified several amendments to the Town Code relative to land use and zoning consistent with the strategic priority that promotes updates to Town policies and ordinances related to economic vitality and pandemic recovery. The proposed amendments provide continued support through increased flexibility and reduced process and cost.

B. Recommendation

Staff recommends that the Planning Commission review the information included in the staff report and forward a recommendation to the Town Council for approval of the amendments to Chapter 29 of the Town Code in the Draft Ordinance Amendments (Exhibit 2). The Planning Commission should also include any comments or recommended changes to the Draft Ordinance in taking the following actions:

1. Make the finding that the proposed amendments to the Town Code are not considered a project under the California Environmental Quality Act (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); and
3. Forward a recommendation to the Town Council for approval of the amendments to Chapter 29 of the Town Code in the Draft Ordinance Amendments (Exhibit 2).

CONCLUSION (continued):

C. 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 no changes to the Town Code; or
3. Continue the matter to a date certain with specific direction.

EXHIBITS:

1. Required Findings
2. Draft Ordinance Amendments
3. Strategic Priorities 2023 - 2025
4. Economic Vitality and Land Use Streamlining Information
5. Resolution 2020-008
6. Resolution 2022-066
7. Resolution 2023-011
8. C-2 Ground Floor Offices Map

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PLANNING COMMISSION – April 26, 2023
REQUIRED FINDINGS FOR:

Town Code Amendment Application A-23-001

Forward a Recommendation to the Town Council on Land Use and Economic Recovery Amendments to Chapter 29 (Zoning Regulations) of the Town Code Regarding Personal Service Businesses, Bars, Markets, Banks, Financial Services, Formula Retail, Group Classes, Veterinarians, Offices, and Definitions.

FINDINGS

Required Findings for CEQA:

- In accordance with CEQA Guidelines Section 15378, these proposed ordinance amendments are not a “project” subject to CEQA because the proposed amendments affect processing of applications only and will not impact the physical environment. Individual projects processed in accordance with the Town’s Zoning Code will undergo CEQA review.

Required Findings for General Plan:

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

EXHIBIT 1

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Sec. 29.10.020. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings ascribed to them in this section unless the context clearly indicates otherwise:

...

Bank, retail means commercial and non-profit banks and credit unions, which are primarily focused on in-person customer services such as: deposits/withdrawals, loans, checking and savings accounts, currency exchanges, mortgages, personal loans, and debit or credit card services. This classification does not include payday lending businesses or check cashing businesses. The term "payday lending business" as used herein means retail businesses owned or operated by a "licensee" as that term is defined in California Financial Code Section 23001(d), as amended from time to time. The term "check cashing business" as used herein means a retail business owned or operated by a "check casher" as that term is defined in California Civil Code Section 1789.31 as amended from time to time.

Bar means a drinking place operating within the hours of 6:00 a.m. and 2:00 a.m. where alcoholic beverages ~~and snacks~~ are served for on-site consumption.; possibly with entertainment such as music, television screens, video games or pool tables. Food service is not required.

...

Convenience market means an activity that includes the retail sale of food, beverages, and small personal convenience items, primarily for off-premises consumption and typically found in establishments with long or late hours of operation and in a relatively small building; but excluding delicatessens and ~~other~~ specialty food shops retail and also excluding establishments which have a sizeable assortment of fresh fruits and vegetables and fresh-cut meat.

...

Financial and investment services means businesses that offer financial advice and services, including but not limited to: investment banking, portfolio management, private equity, and venture capital.

...

~~*Formula retail business* means a retail business which, along with seven (7) 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.~~

...

Office activities means office uses, including but not limited to: administrative, professional, medical, dental, optical, real estate, insurance, financial and investment services, and other similar office uses characterized by an absence of retail sales.

...

EXHIBIT 2

Personal service business means uses that predominately sell personal convenience services directly to the public, including but not limited to: acupressure, barbers, beauty salons and related services, cosmetologists, electrolysis, estheticians, facial and/or skin care, hair dressers and/or hair stylists, hair removal and/or replacement, manicurists, massage therapists, myofascial therapists, nail salons, pedicurists, permanent make-up, rolfers (therapists), skin and body care, piercing, spas, tanning salons, tattooing, cleaners, dog grooming, tailors, and other services of a similar nature. Personal service business does not include travel agencies, insurance offices, law offices, architect offices, or any other type of office use.

...

Specialty food retail means businesses that are primarily walk-in and impulse businesses that do not generally serve meals, but offer pre-packaged/pre-prepared foods and/or made-to-order beverages and have limited to no seating. Examples include but are not limited to: coffee/tea houses, donut shops, juice/smoothie bars, and ice cream/frozen yogurt shops.

...

Tap/tasting room means an establishment operating within the hours of 10:00 a.m. and 10:00 p.m. devoted to the sampling and sale of alcoholic beverages for on- and/or off-site consumption. Food service is not required.

Sec. 29.10.150. Number of off-street spaces required.

- (a) *Intent.* The regulations contained in this section are intended to ensure the provision of a sufficient number of off-street parking spaces privately and publicly owned and operated to satisfy needs generated by permissible uses.
- (b) *Parking requirements for downtown.* In addition to other parking requirements, one visitor parking space for each residential unit other than detached single-family or two-family dwelling shall be required unless the Planning Commission makes a finding that more or less visitor parking is necessary due to the size or type of housing unit(s). The parking requirement for various uses in the downtown are as follows:
 - (1) *Retail and commercial stores shops, personal service businesses, specialty food retail, restaurants, bars, ~~taverns and~~ nightclubs, and tap/tasting rooms.* One (1) parking space for each three hundred (300) square feet of gross floor area.
 - (2) *Business and professional offices, retail banks, financial ~~institutions and investment services,~~ insurance companies, social service agencies and studios.* One (1) parking space for each two hundred fifty (250) square feet of gross floor area.
- ...
- (c) *Outside downtown parking requirements.* The number of off-street parking spaces required for areas outside the downtown is set in this subsection. When a use is not listed in this subsection, the Planning Director shall determine the parking requirements by analogy to the requirements for the listed uses. In addition to other parking requirements, one visitor parking space for each residential unit other than a detached single-family or two-family dwelling shall be required, unless the Planning Commission makes a finding that more or less visitor parking is necessary due to the size or type of housing unit(s).

...

- (9) *Retail and commercial stores shops, personal service businesses, specialty food retail, restaurants, bars, ~~taverns and~~ nightclubs, and tap/tasting rooms*. One (1) parking space for each two hundred thirty-five (235) square feet of gross floor area.
- (10) *Business and professional offices, retail banks, financial ~~institutions and investment services~~, insurance companies, social service agencies and studios*. One (1) parking space for each two hundred thirty-five (235) square feet of gross floor area.

...

Sec. 29.20.185. Table of conditional uses.

An "X" indicates that an activity is allowed in a zone if a conditional use permit is issued. Activities listed in this table are only allowed where a conditional use permit is issued, or where the activity is specifically listed in the permitted uses for the zone.

TABLE OF CONDITIONAL USES				RC	HR	R1	RD	R-M	R-1D	RMH	O	C-1	C-2	CH	LM	CM
(1)	Commercial															
	a.	Banks, <u>retail</u>										X	X	X		
	b.	Savings and loan office <u>Reserved</u>										X	X	X		
	c.	Drive-up window for any business										X	X	X		
	d.	Supermarket										X	X	X		
	e.	Super drugstore										X	X	X		
	f.	Department store										X	X	X		
	g.	Shopping center										X	X	X		
	h.	Motel											X	X		
	i.	Hotel											X	X		
	j.	Restaurant including those with outdoor dining areas or takeout food										X	X	X	X	X
	k.	Establishment selling alcoholic beverages for consumption on premises														
		1.	In conjunction with a restaurant <u>or specialty food retail use</u>									X	X	X	X	
		2.	Without food service (bar)										X			

				RC	HR	R1	RD	R-M	R-1D	RMH	O	C-1	C-2	CH	LM	CM
		3.	<u>Tap/tasting room</u>									<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	
	I.	Establishment selling alcoholic beverages for consumption off-premises (this provision only applies to establishments commencing or expanding off-premises sales after April 23, 1981)										X	X	X		
		1.	<u>In conjunction with a specialty food retail use</u>									<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	
	m.	Convenience market										X	X	X		
	n.	Reserved														
	o.	Formula retail business greater than 6,000 s.f. <u>Reserved</u>										X	X	X	X	
	p.	Personal service businesses (as set forth in section 29.60.320) <u>Reserved</u>											X			
(4)	Schools			RC	HR	R1	RD	R-M	R-1D	RMH	O	C-1	C-2	CH	LM	CM
	h.	Art, craft, music, dancing school, group classes <u>Reserved</u>											X			

(9)	Agriculture and Animal Services		RC	HR	R1	RD	R-M	R-1D	RMH	O	C-1	C-2	CH	LM	CM
	c.	Veterinary hospital (without kennel)									X	X	X	X	X

Sec. 29.20.190. Findings and decision.

(a) The deciding body, on the basis of the evidence submitted at the hearing, may grant a conditional use permit when specifically authorized by the provisions of this chapter if it finds that:

- (1) The proposed uses of the property are essential or desirable to the public convenience or welfare;
- (2) The proposed uses will not impair the integrity and character of the zone;
- (3) The proposed uses would not be detrimental to public health, safety or general welfare; and
- (4) The proposed uses of the property are in harmony with the various elements or objectives of the general plan and the purposes of this chapter.
- (5) A hazardous waste facility proposal is subject to the California Health and Safety Code, Article 8.7, Section 25199—25199.14 and shall be consistent with the Santa Clara County Hazardous Waste Management Plan.

(b) ~~Reserved. 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 six thousand (6,000) square feet or a personal service business if any of the following findings are made:~~

- ~~(1) The proposed use of the property is not in harmony with specific provisions or objectives of the general plan and the purposes of this chapter;~~
- ~~(2) The proposed use will detract from the existing balance and diversity of businesses in the commercial district in which the use is proposed to be located;~~
- ~~(3) The proposed use would create an over-concentration of similar types of businesses, or~~
- ~~(4) The proposed use will detract from the existing land use mix and high urban design standards including uses that promote continuous pedestrian circulation and economic vitality.~~

...

Sec. 29.20.745. Development Review Committee.

The Development Review Committee shall:

- (1) Regularly review and make recommendations to the Planning Commission concerning the determination of all matters which come before the Planning Commission except zoning ordinance amendments, zone changes (not including rezoning to PD), general plan adoptions and amendments, specific plan adoptions and amendments, and capital improvement plans.
- (2) Review and make recommendations to the Council concerning community-oriented bulletin boards and kiosks proposed to be erected on public property.
- (3) May on its own motion review and make recommendations concerning matters not assigned to it.
- (4) Reserved.
- (5) Determine and issue zoning approval for the storage of hazardous materials as provided in division 1 of article VII of this chapter.
- (6) Determine appropriate screening (fencing, landscaping or a combination) for hazardous materials storage sites as provided in division 1 of article VII of this chapter.
- (7) Determine and issue zoning approval for grading permits as provided in section 29.10.09045(b) and (c) of this chapter.
- (8) Reserved.
- (9) Determine and issue zoning approval for lot line adjustments and lot mergers.
- (10) Reserved.
- (11) Under the provisions of section 29.10.070 of this chapter and section 66424.2 of the Subdivision Map Act, determine whether lots have merged.
- (12) Determine and issue zoning approval for single-family dwellings.
- (13) Determine and issue zoning approval for minor subdivisions of land consisting of four lots or less.
- (14) Determine and issue zoning approval for minor modifications to Planned Developments when the Official Development Plan is not altered.
- (15) Determine and issue zoning approval for requests for reduction to setbacks on nonconforming lots.
- (16) Determine and issue zoning approval for restaurants, specialty food retail use selling alcoholic beverages for consumption off-site or on-site, and tap/tasting rooms.
- (17) May refer any matter assigned by ordinance to the Development Review Committee for decision to the Planning Commission for decision.

- (18) Determine and issue zoning approval for special parking lot surfaces for nurseries or botanical gardens under subsection 29.10.155(1).
- (19) Determines requests for reasonable accommodation when action is not required of the Council, Planning Commission or the Planning Director.
- (20) Determines applications for demolition, conversion, and removal of accessory dwelling units.
- (21) ~~Determine and issue zoning approval for group classes in the C-2 zone.~~ Reserved.

No Planning Commission action is invalid because of omission of review and recommendation.

Sec. 29.60.085. Permitted uses.

Activities allowed in the O or office zone must be those which would not unreasonably interfere with residential uses or other activities within the O zone, and which are in the following categories:

- (1) Offices, administrative, professional, medical, dental and optical laboratories associated with a professional use, real estate, insurance, stocks and bonds; and other similar offices characterized by absence of retail sales.
- (2) Retail sales by a pharmacy within a medical building.
- (3) Group classes.

(4) Personal service businesses.

(Ord. No. 1316, § 4.52.020, 6-7-76; Ord. No. 1363, 8-1-77; Ord. No. 2304 , § II, 2-18-20)

Sec. 29.60.210. Permitted uses.

- (a) Activities allowed in the C-1 or neighborhood commercial zone are those which do not unreasonably interfere with nearby residential uses and which are in the following categories:

- (1) Retailing ~~up to six thousand (6,000) square feet.~~
- (2) Personal service businesses and service businesses necessary for the conduct of households.
- (3) Office activities.
- (4) Limited manufacturing activities when a majority of sales are made, on site, to the ultimate consumer.
- (5) Activities permitted in the LM zone which were approved on or before February 1, 1993 provided any change of use must be a conforming use in the C-1 zone.
- (6) Group classes.

(7) Specialty food retail without alcoholic beverages.

- (b) Examples of proper C-1 activities are grocery stores, laundrettes, or dry cleaning agencies, drugstores, barbershops, appliance repair shops, and offices. Examples of activities which are not proper in the C-1 zone are vehicle service and sales, palmists and soothsayers, manufacturing, wholesaling, or laundry.

(Ord. No. 1316, § 4.54.020, 6-7-76; Ord. No. 1363, 8-1-77; Ord. No. 1930, § I, 2-1-93; Ord. No. 2304, § II, 2-18-20)

Sec. 29.60.320. Permitted uses.

- (a) Activities permitted in the C-2 or Central District Commercial Zone are those involving the conduct of commerce and general business and the sale of commodities necessary for the needs of residents and visitors of the Town, such as:
- (1) Retailing, ~~including formula retail up to six thousand (6,000) square feet.~~
 - (2) Reserved.
 - (3) Reserved.
 - (4) Office activities subject to subsection (c) below.
 - (5) Limited manufacturing activities when a majority of sales are made, on site, to the ultimate consumer.
 - (6) Wholesaling without warehousing on the premises.
 - (7) Single-family and two-family uses, in conjunction with the other uses permitted in this section.
 - (8) Personal service businesses.
 - (9) Group classes.
 - (10) Specialty food retail without alcoholic beverages.
- (b) Examples of proper C-2 activities are apparel stores, antique stores, artist studios, craft studios, auto part sales, artist supply shops, and EV sales, service, and repair. Examples of activities which are not proper in the C-2 zone are ~~vehicle sales or service~~, manufacturing, warehousing, laundry or dry cleaning plants.
- (c) ~~Personal service businesses and office activities in the C-2 zone are subject to the following:~~ Office activities in the C-2 zone shall not be located on the ground floor along any street, alleyway, or public parking lot except in the areas described below:
- ~~(1) Personal service businesses may be allowed on the ground floor in the C-2 zone with a conditional use permit. However, personal service businesses are considered a permitted use in the areas described in subsection (2)a—g below and in the remainder of the C-2 zone.~~
 - ~~(2) Office activities in the C-2 zone shall not be located on the ground floor along any street, alleyway, or public parking lot except in the areas described below:~~

~~a.~~(1) Lyndon Avenue;

~~b.~~(2) Properties abutting Wood Road;

~~c.~~(3) The west side of Victory Lane;

~~d.~~(4) The south side of Los-Gatos-Saratoga Road excluding:

~~ia.~~ That portion of the property located at the southwest corner of Los-Gatos Saratoga Road and Santa Cruz Avenue described more precisely as located between a straight line extended northerly along the west side right-of-way line of Santa Cruz Avenue and one hundred forty (140) feet west of that extended line.

~~ib.~~ The south side of Los Gatos-Saratoga Road between Santa Cruz Avenue and University Avenue; and

~~e.~~(5) The east side of South Santa Cruz Avenue directly across the street from Wood Road.

~~f.~~(6) The north and south side of West Main Street west of Victory Lane.

~~g.~~(7) Tenant suites located at 114 Royce Street with entries at the rear of the building and that do not have street frontage.

(2d) Notwithstanding subsection (c)(2), office activities on ground floors described below shall be considered conforming and shall be allowed to continue so long as the office use is not discontinued for one hundred and eighty (180) consecutive days. If the office use is discontinued for such a period, then the office use shall not be resumed, and token use shall not toll or interrupt a period of discontinuance.

a. Office activities existing on June 17, 1991; or

b. Office activities in a building under construction on July 16, 1990, if the applicable architecture and site approval specifically stated that the building was approved for office activities.

Sec. 29.60.420. Permitted uses.

(a) Activities allowed in the CH or restricted highway commercial zone are those which do not unreasonably interfere with nearby residential uses and which are in the following categories:

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

(2) Personal service businesses and service businesses necessary for the conduct of households.

(3) Office activities.

(4) Limited manufacturing activities when a majority of sales are made on site to the ultimate consumer.

(5) Group classes.

(6) Specialty food retail without alcoholic beverages.

- (b) Examples of proper CH activities are grocery stores, laundrettes or dry-cleaning agencies, drugstores, barbershops, appliance repair shops, and offices. Examples of activities which are not proper in the CH zone are palmists and soothsayers, manufacturing, wholesaling, or laundry or dry-cleaning plants.

Sec. 29.70.100. Permitted uses.

- (a) Activities allowed in the LM or commercial-industrial zone are those service-oriented and light industrial uses which may be inappropriate in a general commercial zone and which are in the following categories:

- (1) Retailing, ~~including formula retail up to six thousand (6,000) square feet.~~
- (2) Personal service businesses.
- (3) Service businesses necessary for the conduct of households or businesses.
- (4) Office activities approved on or before July 1, 1982; provided, that no change of use to office shall be permitted in the LM zone.
- (5) Limited manufacturing.
- (6) Wholesaling and warehousing.
- (7) Group classes.

(8) Specialty food retail without alcoholic beverages.

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Ongoing Strategic Priorities 2023-2025

SAFETY

- Community Policing
- Emergency Preparedness
 - CERT Recruitment & Training
 - Communications, EOC Readiness & Emergency Plan Development
- Fire Protection
 - Implementation of Ad Hoc Wildfire Mitigation Plan
- Vegetation and Hazardous Tree Management

PRUDENT FINANCIAL MANAGEMENT

- Address Pension & OPEB Obligations
- Sell or Lease Certain Town Properties
- Develop a Five-Year Structurally Balanced and Sustainable Operating Forecast
 - Explore New Revenue Opportunities
 - Cure Forecasted Structural Deficit
- Develop a Five-Year Full Funded Capital Plan

TRAFFIC/TRANSPORTATION

- Comprehensive Parking Study
 - Short, Medium, and Long-Term Actions
- Transportation Demand Management
 - Measure B Transportation Projects
 - Bicycle & Pedestrian Improvements
 - Community Shuttle
 - Summer/Rush Hour/School Traffic
 - Regional Transportation Issues
- Traffic Calming/Safety for All Users

QUALITY OF LIFE

- Community Vitality
 - Diversity, Equity & Inclusion Efforts
 - Community Where Older Adults Thrive
 - Adopt a Senior Road Map
 - Events & Other Town-Wide Efforts
 - Community Engagement
 - Environmental Sustainability/Climate Resiliency
- Economic Vitality & Pandemic Recovery
 - Policies & Ordinances
 - Semi-Permanent Parklets
 - Streamline Permit Process
- Land Use Planning
 - General Plan 2040
 - Housing Element
 - Affordable Housing Partnerships
 - SB9 Implementation
- Work with Town Partners to Support Needs of Unhoused Residents
- Redefine Town Commissions in Alignment with Strategic Priorities

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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)

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RESOLUTION 2020-008

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS RATIFYING AND CONTINUING THE PROCLAMATION OF EXISTENCE OF LOCAL EMERGENCY ISSUED BY THE DIRECTOR OF EMERGENCY SERVICES.

WHEREAS, Municipal Code Section No. 8.10.035, Article A-1 of the Los Gatos Municipal Code empowers the Director of Emergency Services, or in the Director's absence the Acting Director, to proclaim the existence or threatened existence of a local emergency when the Town of Los Gatos is affected or likely to be affected by a public calamity and the Town Council is not in session, and

WHEREAS, pursuant to California Government Code Section 8680.9, a local emergency is a condition of extreme peril to persons or property proclaimed as such by the governing body of the local agency affected by a natural or manmade disaster; and

WHEREAS, the purpose of a local emergency proclamation is to provide extraordinary powers to issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency, obtain vital supplies, and require emergency services of employees; and

WHEREAS, a local emergency proclamation is a prerequisite for requesting state or federal assistance; and

WHEREAS, conditions of extreme peril to safety of persons and property have arisen within the Town, based on the following:

1. A novel coronavirus (named "COVID-19") was first detected in Wuhan City, Hubei Province, China in December 2019. The Centers for Disease Control and Prevention (CDC) determined the virus to be a very serious public health threat.
2. On January 30, 2020, the World Health Organization declared the Covid-19 outbreak a Public Health Emergency of International Concern.
3. On January 30, 2020, the United States Secretary of Health and Human Services declared a Public Health Emergency.
4. On January 31, 2020, the first case of COVID-19 was confirmed in Santa Clara County ("County").
5. On February 10, 2020, the County declared a local health emergency and proclaimed a local emergency.
6. On March 11, 2020, the County had 48 cases of COVID-19 with increased community spread.
7. On March 11, 2020, the World Health Organization declared COVID-19 an International Pandemic.

WHEREAS, the Town Council does hereby find that the above described conditions of extreme peril did warrant and necessitate the proclamation of the existence of a local emergency in the Town; and

WHEREAS, California Government Code, Title 2, Division 1, Chapter 7.5 - California Disaster Assistance Act (CDAA) allows that with the Proclamation of a Local Emergency the Town may seek financial assistance and may request reimbursement of expenses incurred during any response, if approved by the Director of the California Office of Emergency Services or Concurrence or Governor's Proclamation; and

WHEREAS, on March 12, 2020, the Director of Emergency Services issued a proclamation declaring the existence of a local emergency within the Town; and

WHEREAS, the associated emergency conditions are on-going and the emergency should not be terminated at this time;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF LOS GATOS THAT:

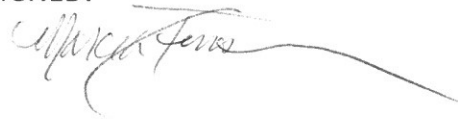
1. The Proclamation of Existence of a Local Emergency (Exhibit A), as issued by the Director of Emergency Services on March 12, 2020, is hereby ratified and confirmed.
2. The Town Council has reviewed the need for continuing the declaration of local emergency and finds based on substantial threat of continued community spread that the public interest and necessity require the continuance of the proclamation of local emergency related to COVID-19.
3. Said local emergency shall be deemed to continue to exist until terminated by the Town Council of the Town of Los Gatos.
4. The Director of the Office of Emergency Services is hereby directed to report to the Town Council within sixty (60) days on the need for further continuing the local emergency.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 17th day of March 2020, by the following vote:

COUNCIL MEMBERS:

AYES: Rob Rennie, Marico Sayoc, Barbara Spector, Mayor Marcia Jensen
NAYS: None
ABSENT: None
ABSTAIN: None

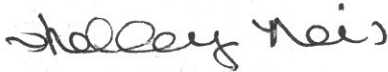
SIGNED:



MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: 3/18/20

ATTEST:



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

DATE: 3/19/2020

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RESOLUTION 2022-066

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS APPROVING TEMPORARY OUTDOOR PUBLIC SPACE EXPANSION AND TEMPORARY MODIFICATIONS TO SPECIFIC PROVISIONS RELATED TO BUSINESS PERMITS, PROCESSES, PROVISIONS, AND ACTIVITIES DURING THE COVID-19 PANDEMIC TO OFFER ECONOMIC RELIEF, RECOVERY, AND 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, pursuant to California Government Code Section 8680.9, a local emergency is a condition of extreme peril to persons or property proclaimed as such by the governing body of the local agency affected by a natural or manmade disaster; and

WHEREAS, California Government Code Section 8634 states that "During a local emergency the governing body of a political subdivision, or officials designated thereby, may promulgate orders and regulations necessary to provide for the protection of life and property..."; and

WHEREAS, the purpose of a local emergency proclamation is to provide extraordinary powers to issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency, obtain vital supplies, and require emergency services of employees; and

WHEREAS, international, national, state, and local health and governmental authorities are responding to an outbreak of respiratory disease caused by a novel coronavirus named "SARS-CoV-2," and the disease it causes has been named "coronavirus disease 2019," abbreviated COVID-19, ("COVID-19"); and

WHEREAS, on January 30, 2020, the World Health Organization declared the Covid-19 outbreak a Public Health Emergency of International Concern; and

WHEREAS, on January 30, 2020, the United States Secretary of Health and Human Services declared a Public Health Emergency; and

WHEREAS, on January 31, 2020, the first case of COVID-19 was confirmed in Santa Clara County ("County"); and

WHEREAS, on February 10, 2020, the Santa Clara County Board of Supervisors and Department of Public Health declared a local emergency and local public health emergency to aid the regional healthcare and governmental community in responding to COVID-19; and

WHEREAS, on March 4, 2020, the Governor of the State of California declared a state of emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for broader spread of COVID-19; and

WHEREAS, on March 11, 2020, the World Health Organization declared COVID-19 an International Pandemic; and **WHEREAS**, on March 12, 2020, the Town Manager of Los Gatos acting in the capacity of Town of Director of Emergency Services, issued a Proclamation of Local Emergency; and

WHEREAS, on March 13, 2020, the President of the United States of America declared a national emergency and announced that the federal government would make emergency funding available to assist state and local governments in preventing the spread of and addressing the effects of COVID-19; and

WHEREAS, on March 16, 2020, the Santa Clara County Department of Public Health directed all individuals in the County to Shelter in Place and mandated requirements, including but not limited to, social distancing, staying home if sick, canceling or postponing group events, working from home, and other precautions to protect public health and prevent transmission of this communicable virus; and

WHEREAS, on March 17, 2020, the Town Council of the Town of Los Gatos ratified the Proclamation of Local Emergency; and

WHEREAS, the pandemic and necessary federal, state and local public health orders requiring social distancing to prevent spread of COVID- 19 have had and will continue to have devastating economic impacts on the local community, including residents, businesses, employees and Town operations; and

WHEREAS, the longer the emergency order is in place, the more difficult it will be for small retail and restaurant operators to return and reopen their businesses; and

WHEREAS, although the Town continues to be in an emergency response phase, an emergency management principle has been established that recovery planning must begin as early as possible to strengthen community resilience while shortening the economic recovery timeline; and

WHEREAS, some of the actions that the Town has taken during this state of emergency to support local business are: eviction protections; suspension of rent for Town owned Facilities; a website with COVID 19 and business resources; and assistance for restaurants and food retailers by allowing sales of alcohol via delivery and takeout, providing flexibility for restaurants to sell groceries, and allowing curbside pickup; and

WHEREAS, due to the severe economic impacts of COVID- 19 and its economic impacts on the community and the Town organization, the 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 during the COVID-19 pandemic, reduce economic impacts, foster recovery, encourage economic vitality, and reduce commercial vacancies; and specified below to support social distancing requirements, effective public communication related to rapidly transitioning business re-opening status, and economic viability of businesses in adhering to permitted opening and social distancing requirements; and

WHEREAS, the below measures are intended to provide economic relief to businesses that are experiencing economic uncertainty while complying with State and County Orders. Accordingly, the Town will facilitate a temporary “pilot” program, which will include the development and implementation of a plan to use the right- of-way, sidewalks and streets to help maintain social distancing during the first few phases (stages) of reopening consistent with the State’s Resilience Roadmap and continued economic support of businesses for uses such as walking space, outdoor dining, and pick- up/delivery areas. The program would provide for residents to receive the health and wellness benefits of being outdoors and support businesses with enough space to safely physically distance; and

WHEREAS, the program is established for the purpose of supporting and facilitating the recovery of business and economic activity in the Town by expanding the spaces available for the safe conduct of such activities for Town businesses and their customers and patrons to create more physical distance for pedestrians and business patrons to maintain physical distancing; and nothing herein is intended to nor shall be deemed to create open gathering places or public fora unrelated to the intended business support and recovery purpose; and

WHEREAS, over the years, the Town’s conservative budgeting practices have resulted in healthy reserves and frequent annual budgetary surplus with a balanced Operating Budget for Fiscal Year 2020-2021 with no reductions to service, despite significant revenue and other economic impacts from sheltering-in-place. Those reserves and surpluses are now paying the Town huge dividends during the COVID 19 crisis; and

WHEREAS, on May 26, 2020, the Town Council reallocated \$1,900,000 in prior surpluses reserved for downtown streetscape revitalization toward COVID-19 economic stimulus recovery efforts. This is one of the single largest economic recovery packages ever proposed in the Town’s history; and

WHEREAS, time is of the essence to quickly implement a program to allow for safe physical distancing consistent with the State's Resilience Roadmap and County Guidelines in order to address both public health and economic impacts of COVID- 19, as residents have been primarily indoors since the initiation of the State and County Orders, this will be a dynamic temporary program, receiving input from the Town Council, and shall be subject to administrative modification by the Town, as authorized herein, as necessary in response to emerging issues or concerns of public, health, safety or convenience; and

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, and all recitals included in support of Federal, State, and County actions referenced herein, 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 local emergency related to the continued threat of COVID- 19 as it relates to public health and economic impacts; and

SECTION 2. In order to support the re-opening of restaurants and other businesses in accordance with the State Executive Order N-60-20, 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 utilize public street parking spaces in proximity to their business for expanded dining and alcohol service, retail, or business use space to facilitate safely distanced pedestrian circulation, expanded outdoor dining and alcohol service, and customer queuing, pickup and waiting areas associated with permitted business activities and pursuant to the terms agreed upon in an Economic Recovery Agreement between the business and 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 pop-up patios, parklets, and other areas to encourage and support additional ideas for outdoor space such as use of parts of the sidewalk for signage, merchandise and queueing, where adequate sidewalk width exists consistent with disabled access requirements and public safety; and

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 five (5) 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, temporary pop-up parks, temporary patio dining, and parklets; and
9. The expiration date for all building permits and planning entitlements shall be extended by two years.

SECTION 4. Environmental Review. As a result of the COVID- 19 public health emergency, the Town of Los Gatos proposes a temporary program to use the right- of-way, sidewalks and streets to help maintain social distancing during the first few phases (stages) of reopening consistent with the State’ s Resilience Roadmap and provide for residents to receive the health and wellness benefits of being outdoors and support businesses with enough space to safely physically distance. The proposed project is exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) as followed:

- A. The project is statutorily exempt under State CEQA Guidelines Section 15269 (Emergency Projects), because the temporary program includes specific actions that would allow for safe physical distancing consistent with the State’ s Resilience Roadmap and County and State Guidelines in order to mitigate the COVID- 19 public health emergency.
- B. 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, sidewalks, bicycle and pedestrian trails, 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 and no further, is hereby repealed or modified to that extent necessary to affect the provisions of this Resolution.

SECTION 7. All current and prior emergency and public health orders as currently enacted and in effect, or as subsequently amended or modified, issued by the Governor, the State or County Public Health Official or the Town or County Emergency Services Director are expressly adopted.

SECTION 8. This resolution remains in place until June 30, 2023.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 18th day of October, 2022 by the following vote:

COUNCIL MEMBERS:

AYES: Mary Badame, Matthew Hudes, Maria Ristow, Marico Sayoc, Mayor Rob Rennie

NAYS: None

ABSENT: None

ABSTAIN: None

SIGNED:



MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: 10/19/22

ATTEST:



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

DATE: 10/19/22

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RESOLUTION 2023-011

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS PROCLAIMING THE TERMINATION OF THE LOCAL EMERGENCY CAUSED BY THE COVID-19 PANDEMIC

WHEREAS, Municipal Code Section No. 8.10.035, Article A-1 of the Los Gatos Municipal Code empowers the Director of Emergency Services, or in the Director's absence the Acting Director, to proclaim the existence or threatened existence of a local emergency when the Town of Los Gatos is affected or likely to be affected by a public calamity and the Town Council is not in session; and

WHEREAS, on March 12, 2020, the Director of Emergency Services issued a proclamation declaring the existence of a local emergency within the Town; and

WHEREAS, on March 17, 2020, the Town Council adopted Resolution 2020-08 Ratifying and Continuing the Proclamation of Existence of Local Emergency Issued by the Director of Emergency Services; and

WHEREAS, the California Emergency Services Act (California Government Code Section 8550, *et seq.*) provides that once the Town Council determines that there is no need to continue the local emergency, the Council shall proclaim the termination of the local emergency at the earliest possible date; and

WHEREAS, the County of Santa Clara demobilized its remaining COVID-19 mass vaccination and mass testing sites by February 28, 2023 due to the upcoming end of the federal and state emergency declarations related to COVID-19; and

WHEREAS, on February 28, 2023, the Governor of the State of California ended the state emergency declaration related to COVID-19.

NOW, THEREFORE, BE IT RESOLVED, the Town of Los Gatos in the County of Santa Clara, State of California does hereby proclaim the termination of said local emergency.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 7th day of March, 2023, by the following vote:

COUNCIL MEMBERS:

AYES: Mary Badame, Matthew Hudes, Rob Moore, Rob Rennie, Mayor Maria Ristow

NAYS: None

ABSENT: None

ABSTAIN: None

SIGNED:

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

DATE: 3-8-23

ATTEST:

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

DATE: 3-9-23

WHERE OFFICE USES CAN BE LOCATED ON THE GROUND FLOOR IN THE C-2 ZONE PER TOWN CODE SECTION 29.60.320 (c).



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**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 04/26/2023

ITEM NO: 2

ADDENDUM

DATE: April 25, 2023
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: Forward a Recommendation to the Town Council on Land Use and Economic Recovery Amendments to Chapter 29 (Zoning Regulations) of the Town Code Regarding Personal Service Businesses, Bars, Markets, Banks, Financial Services, Formula Retail, Group Classes, Veterinarians, Offices, and Definitions. The Proposed Amendments to the Town Code are Not Considered a Project Under the California Environmental Quality Act. Town Code Amendment Application A-23-001. **Project Location: Town Wide.**
Applicant: Town of Los Gatos.

REMARKS:

Exhibit 9 includes public comment received between 11:01 a.m., Friday, April 21, 2023, and 11:00 a.m., Tuesday, April 25, 2023.

EXHIBITS:

Previously received with the April 26, 2023 Staff Report:

1. Required Findings
2. Draft Ordinance Amendments
3. Strategic Priorities 2023 - 2025
4. Economic Vitality and Land Use Streamlining Information
5. Resolution 2020-008
6. Resolution 2022-066
7. Resolution 2023-011
8. C-2 Ground Floor Offices Map

PREPARED BY: Sean Mullin, AICP
Senior Planner

Reviewed by: Santa Clara County Fire Department, Planning Manager, Community Development Director, and Town Attorney

PAGE 2 of 2

SUBJECT: Economic Recovery Code Amendments

DATE: April 25, 2023

EXHIBITS (continued):

Received with this Addendum Report:

9. Public Comment received between 11:01 a.m., Friday, April 21, 2023, and 11:00 a.m., Tuesday, April 25, 2023.

From: Adam Mayer <[REDACTED]>
Sent: Sunday, April 23, 2023 9:39 PM
To: Planning <Planning@losgatosca.gov>
Subject: Public Comment Item #2 (4/26/23)

[EXTERNAL SENDER]

Dear Director Paulson, Planning Staff & Planning Commission,

While I am in general agreement with staff's recommendations for the "Land Use and Economic Recovery" Amendments to the Zoning Code, I would appreciate some more discussion and consideration about Part D "Formula Retail Greater than 6,000 Square Feet".

The amendments would not only remove the conditional use permit requirements for formula retail greater than 6,000 square feet, but it would remove the classification of "formula retail" completely. This would effectively put national retail chains in direct competition with locally owned small businesses over limited retail space in our Town's commercial corridors.

Currently, our commercial corridors strike a pretty nice balance between small mom & pop businesses and retail chains. In order to keep that balance, I could envision a compromise situation where the CUP requirement for formula retail over 6,000 square feet is removed in the C-1 and CH zones but kept in place in the C-2 and LM zones (thus incentivizing property owners in those zones to rent/lease to locally owned, independent businesses).

Luckily our town has the good fortune of not having a retail vacancy problem in large part to the smart moves that were made by the town during the pandemic emergency. The town did an excellent job then and continues to show thoughtful leadership with these proposed amendments. That being said, please seriously consider the potential unintended consequences of Part D.

Thanks,
Adam Mayer

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STUDIO—AMA

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studio-ama.com

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**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 04/26/2023

ITEM NO: 3

DATE: April 21, 2023
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: Forward a Recommendation to the Town Council on Modifications to the Town Height Pole and Netting Policy for Additions and New Construction. The Proposed Amendments to Town Policy are Not Considered a Project Under the California Environmental Quality Act. **Project Location: Town Wide.** Applicant: Town of Los Gatos.

RECOMMENDATION:

Forward a recommendation to the Town Council on modifications to the Town Height Pole and Netting Policy for Additions and New Construction.

CEQA:

The proposed Amendments to Town policy are not considered a project under the California Environmental Quality Act.

BACKGROUND:

The Town's Height Pole and Netting Policy for Additions and New Construction ("Story Pole Policy") was adopted by the Planning Commission in July of 1998 requiring two-foot wide orange netting for all new buildings and second story additions. A requirement for posting of a small sign (2 feet by 2 feet) indicating the public hearing date and approving body was added in September 2002. At that time, exception requests were reviewed by the Community Development Director.

A comprehensive review of the policy was conducted in 2012. On August 5, 2013, Town Council approved an updated policy. Minor additions relating to tree protection were made in 2017 to create the current policy (Attachment 1).

PREPARED BY: Jennifer Armer, AICP
Planning Manager

Reviewed by: Community Development Director

BACKGROUND (continued):

As part of recent Town Council considerations of story pole exceptions requests, staff was asked to bring the Story Pole Policy to Planning Commission for consideration of, and a recommendation to Town Council on, possible modifications.

DISCUSSION:

In response to the Town Council request for a review of the Town's Story Pole Policy, staff has reached out to companies that frequently provide story pole installation in Town and researched where and in what manner story poles are required in nearby agencies.

A survey of the cities in Santa Clara County found that story poles are not required in nine of the cities: Campbell, Cupertino, Gilroy, Los Altos, Morgan Hill, Mountain View, San Jose, Santa Clara, and Sunnyvale. Story poles are required by five: Los Altos Hills, Milpitas, Monte Sereno, Palo Alto, and Saratoga.

The City of Los Altos only recently removed their story pole requirement, on February 14, 2023, as part of the implementation of their Housing Element because they found that the story pole requirement added subjectivity, extended the review process of all development, and added additional cost for a project whereas their other requirements for renderings and 3D Modeling could effectively provide the relationship of the proposed building heights.

As a result of this outreach, the following topics are recommended for discussion and direction:

A. Projects Over 35 Feet in Height

For building heights above 35 feet, especially in areas that have exposure to high winds, the requirement for two-foot netting is problematic. At that height the netting catches the wind and requires numerous repairs during the installation period. In addition, it requires much shorter spans between poles, and therefore the cost of installation increases. Flag rope can span nearly 75 feet as opposed to around 30 feet for the two-foot netting.

Pennant flag rope is preferred by installers for these types of projects because it catches very little wind. This has been allowed for some previous projects with a requirement that two rows of flags be installed. While this is feasible, the installers cautioned that when two rows of flagging are requested they become more difficult to install and usually only one line of flagging can be kept tight.

Should modifications be made to allow one or two rows of flagging for buildings over 35 feet in height?

DISCUSSION (continued):

B. Projects Located Close to Property Lines/Guy Wires

When projects have very small side setbacks and the pole height is above 20 feet, it is hard to secure the pole safely without the need to obtain permission from the neighboring property to tie off guy wires. As a general rule of thumb, it is helpful to have a setback length that is at least one quarter of the height of the pole. In some cases, because the guy wires were not feasible, large more expensive equipment (construction cranes or lifts) have been used for limited periods of time.

Should modifications be made to allow exceptions like relocation of poles to be set inward from the property line, or allowing guy wires to be attached to fencing for projects with very small setbacks?

C. Projects with Multiple Buildings

The current policy includes the possibility for exceptions for Planned Development applications. Should this section be expanded to apply to any development application that involved more than four buildings?

D. Interference with Existing Residents and Businesses

When projects are located on properties that still have an active use (residential or commercial), the installation and maintenance of story poles can cause safety concerns to the property users and increased risk of damage to or from cars or people.

Should modifications be made to allow flag rope for some of these conditions which could reduce the potential conflicts between poles and property users.

E. Exception Process

The Town's policy allows the Community Development Director to determine if alternative materials (telephone poles, cranes, etc.) are appropriate for use as story poles. But the current exception process (Exhibit 1, page 4) for alternatives to other aspects of the policy, including the orange woven plastic snow fencing material or placement of poles at all outside building corners and rooflines of all buildings, requires review by Town Council. Of the five other Santa Clara County cities that have a story pole policy, three do not have an exception process stated, and two have an exception process where the authority is placed with the Community Development Director.

Should a modification be made to change the decision maker for exception requests?

DISCUSSION (continued):

F. Cleanup Edits

In addition, staff recommends some edits that would clean up/clarify information in the existing policy, including updating the references to Town Code and the definition of cellar.

PUBLIC COMMENTS:

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 NextDoor page.

CEQA DETERMINATION:

The proposed Amendments to the Town Height Pole and Netting Policy for Additions and New Construction are not considered a project under the California Environmental Quality Act.

CONCLUSION:

A. Summary

The Town of Los Gatos has a Height Pole and Netting Policy for Additions and New Construction, and staff has developed a list of a number of elements that might warrant modification. The discussion topics were developed following research by staff on other story pole policies and with input from local story pole installers.

B. Recommendation

The Story Pole Policy has been forwarded to the Planning Commission for review. Staff recommends that the Planning Commission:

1. Receive and consider public comments;
2. Complete the review of the existing Story Pole Policy;
3. Provide input on any recommended modifications to the Story Pole Policy; and
4. Forward a recommendation to the Town Council to approve modifications to the Story Pole Policy.

CONCLUSION (continued):

C. Alternatives

Alternatively, the Commission can:

1. Forward a recommendation to the Town Council that no changes be made to the Story Pole Policy; or
2. Continue the matter to a date certain with specific direction to staff.

EXHIBITS:

1. Current Story Pole Policy
2. Story Pole Installer Input

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Height Pole and Netting Policy For Additions and New Construction

I. Purpose:

It is a policy of the Town of Los Gatos Town Council to have story poles and project identification signs installed on the sites of an active development application. The placement of story poles is extremely helpful and important during the course of Town's review of applications for new development. Proper and accurate placement of story poles demonstrates the planned rooflines and heights and provides some indication of the potential massing of the proposed structure. Story poles enhance understanding of the project for Town residents, staff, advisory bodies, and decision making bodies. Story poles also provide a visual notice to the community of a forthcoming land use public hearing.

Project identification signs present both written and graphical information that will further communicate the proposed project to the community as well as provide the public hearing dates for the development application.

This policy is for the benefit of the Town and community and is not intended to create a requirement under the California Environmental Quality Act (CEQA).

II. Height Poles and Netting:

Height story poles and netting shall be used for the following types of Community Development Department, Planning Division, land use applications:

- New residential (excluding single-story accessory structures) and non-residential buildings.
- Residential second story additions.
- Nonresidential additions exceeding 100 square feet.

The terms height poles and story poles are used interchangeably.

A. Procedure:

When it is determined that story poles are required, the applicant's engineer, architect or building designer may be required to prepare a "Story Pole Plan" to indicate the locations where the poles will be installed. The Story Pole Plan shall be approved by the project planner prior to the placement of the poles on the site. Once approved, the applicant shall inform the project planner when the placement of the story poles is complete and submit photographs showing installation. The story poles shall be installed consistent with the following requirements:

Residential: The height poles and netting shall be installed prior to the neighborhood notification process and shall remain in place until the project has been acted upon and the appeal period has ended. If the project is appealed, the height poles and netting shall remain until final action is taken. If final consideration of the project is substantially delayed or the project is substantially modified, staff may direct removal or modification of the story poles.

Projects that Require Planning Commission or Town Council Action: The height poles and netting shall be installed prior to the public noticing of the matter and shall be kept in place until the project has been acted upon and the appeal period has ended. If the project is appealed, the height poles and netting shall remain until final action is taken. If final consideration of the project is substantially delayed or the project is substantially modified, staff may direct removal or modification of the story poles.

B. Timing

Public notices will not be mailed and/or application(s) shall not be advertised until a Story Pole Plan has been approved by the project planner, the height poles and netting have been installed, and photographs have been submitted to the project planner, as required in Section II.A.

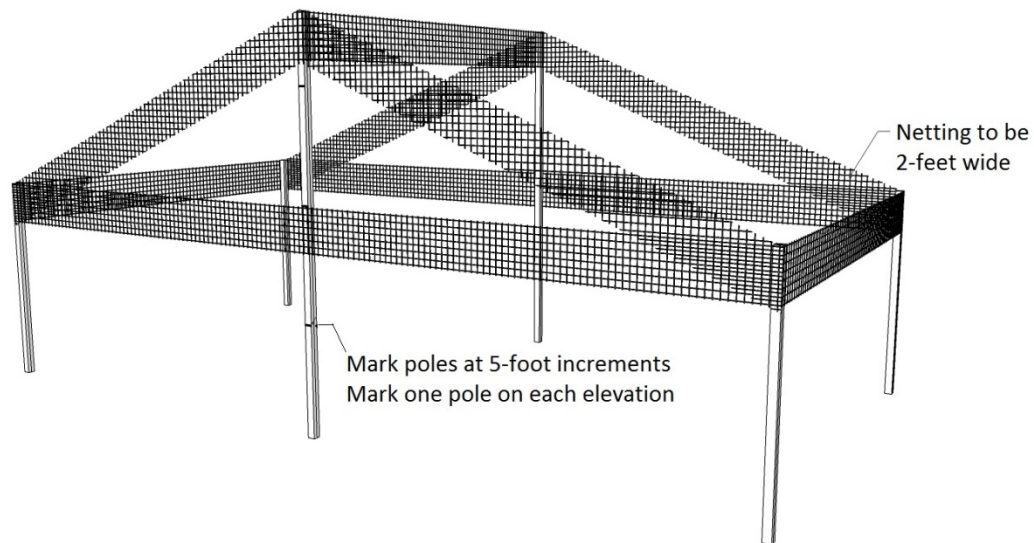
C. Location and Number:

The number of story poles may vary with each specific project. At the discretion of the project planner, story pole locations shall adequately demonstrate the height, mass, and bulk of the project requiring review. At a minimum, story poles shall be placed at all outside building corners of the building wall (excluding eaves) and along the rooflines of the proposed structure(s) or addition. Architectural elements such as towers, spires, elevator and mechanical penthouses, cupolas, mechanical equipment screening and similar elements not used for human activity or storage which are visible from the streetscape shall be represented by the story poles. Pursuant to Section 29.10.1005 of the Tree Protection Ordinance, the attachment of wires, signs, or ropes to any protected tree is prohibited. Trees may not be "flagged" or used as a substitute for the erection of story poles. After the placement of the story poles on-site, the applicant shall provide the project planner with photographs of the story poles taken from a variety of vantage points. The vantage point from where the photograph was taken shall be indicated on each photograph.

A licensed surveyor or civil engineer shall submit written verification that the height and position of the poles and netting accurately represents the height and location of the proposed structure(s) or addition.

D. Materials:

The material of the story poles shall be indicated on the Story Pole Plan. Story poles shall be constructed of 2"x4" lumber, metal poles, or other sturdy building material acceptable to the project planner. Telephone poles; mechanical equipment, such as cranes; or other materials may be acceptable for higher structures if the Community Development Director determines that the material will adequately portray the height, bulk, and mass of the proposed structure(s) or addition and withstand the wind and weather. At least two foot (2') wide orange woven plastic snow fencing (netting) must be erected to represent the rooflines of the proposed structure(s) or addition. Netting must be supported by height poles that are strong enough to accurately maintain the outlines and height of the structure(s). One of the height poles on each elevation must be clearly marked and labeled in five foot (5') increments measured from existing or finished grade, whichever creates a higher profile, and consistent with the approved Story Pole Plan on file at the Community Development Department.



E. Story Pole Plan and Public Safety:

All story poles shall be placed, braced and supported to ensure the health, safety and general welfare of the public. The Story Pole Plan shall include the methods used to secure the poles. Applicants shall sign an agreement that holds the Town harmless for any liability associated with the construction of, or damage caused by the story poles. If at any time, the Town determines the story poles to be unsafe, they shall be repaired and reset immediately by the project applicant or, at the Town's discretion, removed. Depending on the scope of the poles, the applicant may be requested to

verify with the Building Division of the Community Development Department that no permits and/or inspections are required for the poles.

F. Exceptions:

In the event there are justifiable reasons why story poles cannot be accommodated for all structures proposed to be constructed on the project site, the applicant shall submit a letter to the Community Development Director no later than 45 days prior to the required installation date, clearly articulating the reasons why an exception to the Story Pole requirement is warranted. Requests for an exception and alternative plan will only be considered if the applicant can clearly demonstrate to the Town, and the Town agrees, that the installation of the story poles would: (1) cause a threat to public health and safety or (2) would impair the use of existing structure(s) or the site to the extent it would not be able to be occupied and the business or residential use would be infeasible. Some form of poles and netting and/or on-site physical representation of the project will be required, even if an exception is granted.

Planned Development applications with multiple detached commercial structures and/or residential units may request to erect story poles on the locations where the key structures will be placed. The deciding body will take into account the density of the development when considering an exception request. The story poles shall be installed on all corner structures and the structures with the greatest height and mass. An exception to providing story poles for all structures in a Planned Development application with multiple commercial structures and/or residential units shall follow the same procedures as outlined below.

The Town Manager will review all justifiable requests for an exception to the Story Pole requirement within 14 days of receipt of the request and shall place the matter on the next available Town Council agenda for consideration by the Council. Written notice of the exception request shall be mailed to property owners and residents of properties within 300 feet of the project site. All requested and approved exceptions shall be posted on the Town's Web site under "What's New," in agenda posting locations at Town Hall and the Library, and in the online development activity report when established.

If an exception is approved, the applicant will be required to demonstrate the proposed structure height and mass using alternative means as outlined in Section II.H.

G. Alternatives: If an exception is granted to the Story Pole requirements, the applicant shall provide digital imagery simulations, computer modeling, built to-scale models or other visual techniques in-lieu of the Story Pole requirements. Simulations may either be prepared by the applicant for technical review by the Town's consultant or the applicant may elect to have the Town's consultant prepare the materials. In either case, the applicant shall be responsible for all technical review(s), materials and cost of the Town's evaluation and/or preparation process. To ensure accuracy, visual simulations shall comply with the following standards:

- Establishing accuracy of the visual simulation: The applicant shall demonstrate that the dimension and scale of the visual simulation and project setting are equivalent. This is accomplished by examining screen views of the model in plan and elevation views for accurate scaling. The visual simulation must also include reference objects corresponding to known objects in the simulated scene, such as buildings, curbs, utility poles, trees, or any other reference points visible in the simulated scene, whose location is known from surveys or, at a minimum aerial imagery. There shall be a minimum of two reference objects outside of the project in different parts of the photo frame.
- Establishing the equivalence of the virtual and actual camera focal setting: The camera lens focal setting or angle of view for each simulation base photo shall be stated. The camera model shall be provided since the angle of the focal view varies with different cameras. The preparer of the photo simulations shall provide the manufacturer specifications indicating the 35 mm film SLF lens correspondence, or other means to calculate the angle of view.
- Depict the accurate location of the photo and establish the correspondence of the virtual camera with the visual simulation: The photo location shall be indicated accurately on a map or aerial photo, and the correspondence within the visual simulation should be demonstrated. Simulated views should not employ cropping, or if they must, the original, uncropped rendered image shall be provided. Once the images are cropped, it is impossible to validate their accuracy.
- Other Information: The Town's consultant may require other information to assess the accuracy of the visual simulation.

H. Removal:

Once a final action has been taken and the appeal period is over, the height poles and netting shall be removed at the applicant's expense within 30 days. If not removed, the height poles and netting will be considered rubbish and will be in violation of Section 11.10.020 of the Town Code and the matter will be forwarded to Code Compliance for enforcement action.

III. Project Identification Signs:

All development applications that must comply with the story pole and netting requirements shall also provide project identification signs on the development site consistent with the following requirements.

A. Timing:

Public notices will not be mailed and/or application(s) shall not be advertised until project identification sign(s) have been installed. The location of the project identification sign(s) shall be shown on the Story Pole Plan. The applicant shall submit a signed declaration confirming that the project identification sign(s) were installed. The applicant shall also submit a photo showing the on-site sign(s) installed on the subject property prior to the distribution of the public notices.

B. Size:

- New Residential Structures: One, 2'x2' sign placed on the street frontage. The top of the sign shall be five feet (5') from existing grade and visible from the main street frontage. The sign shall indicate the scheduled public hearing date and the availability of plans for review at the Community Development Department.
- Commercial/Industrial Remodels or New Construction: One 4'x8' sign on each of the property frontages that are visible to surrounding public right of ways, including pedestrian trails such as the Los Gatos Creek Trail. The top of the signs shall be six feet (6') from existing grade. The Community Development Director may require additional signs for development sites that have large frontages.
- Downtown (C-2 Zone) Remodels or New Commercial Development: One 2' by 3' vertical sign constructed of metal frame with water resistant plastic or laminated face. In cases where it is infeasible to install a free-standing sign, the posting of a durable, all weather sign on or inside the window of a building is permitted, provided the sign is visible from public locations outside the building. Requests for an exception to the free-standing sign requirements shall be made to the Community Development Department in writing no less than 30 days prior to the public hearing for the project.

C. Number and Placement of Signs:

With one exception, on-site signs shall be placed on each street frontage of the site. The exception is for permits related to an individual new single family dwelling. In this case, only one sign on the street frontage is required. The signs shall be oriented towards the street, within one foot (1') of the front property line or two feet (2') of the back of the sidewalk.

D. Materials:

Signs shall be constructed of durable materials, such as foam core or plywood, and shall be laminated during the rainy season (October through April). The sign colors shall be a white background with black printing, and color graphics (excluding single family, which may have black and white graphics). As noted under Section III.B., signs in the Downtown C-2 Zone shall be constructed of higher grade materials, including a metal frame and a plastic or laminated poster board face.

E. Sign Content:

Up to 75% of the overall sign area must be used to provide a general description of the project; including number of residential units or commercial buildings and square footage; a color perspective drawing, three-dimensional image or photographic simulation and the name and contact information of the project applicant. Single family remodel projects are not required to provide a rendering on the sign. The public notice portion of the sign message must constitute 25 percent of the overall sign area and notify the community of the public hearing date and time and contain the following message "For more information about this project, please contact the Town of Los Gatos Planning Division at 110 E. Main Street, Los Gatos, (408) 354-6872. The project address and application number shall be included on the notice.

F. Duration of Sign Posting:

Project identification signs shall be placed on site consistent with the timing of installation of the story poles (See Section II.B.) and shall be removed within 30 days of the final actions (See Section II.H.).

G. Maintenance:

The applicant is responsible for replacement of any missing, damaged or vandalized signs within five days of request by the Town. The Town may cease processing of the application if the signs are not replaced and/or maintained.

IV. Definitions:

Height: As defined by the Zoning Ordinance, height is determined by the plumb vertical distance from the natural or finished grade, whichever is lower and creates a lower profile, to the uppermost point of the roof edge, wall, parapet, mansard, or other point directly above that grade. For portions of a structure located directly above a cellar (refer to Section 29.10.020 of the Zoning Ordinance for definition of cellar), the height measurement for that portion of the structure shall be measured as the plumb vertical distance from the existing natural grade to the uppermost point of the structure directly over that point in the existing natural grade.

Roofline or edge: The contour or shape of a roof.

This policy was adopted by Town Council on August 5, 2013 (Resolution 2013-032)

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From: Dallas Rutherford
Sent: Thursday, March 23, 2023 10:08 AM
To: Jennifer Armer
Cc: Ashley Snodgrass; California Story Poles
Subject: Re: Story Poles in Los Gatos

Hi Jennifer,

Thanks for the email.

The Los Gatos story pole policy seems to be pretty clear and works fairly well for majority of residential projects, however, I do have a couple suggestions for taller commercial projects.

The first suggestion would be for heights above somewhere in the 35' tall range, especially in areas that have exposure to high winds. Using 2' mesh is quite problematic. Poles shorter than 30' generally don't catch much wind and won't require numerous repairs during the installation period, however, larger projects indeed catch a serious amount of wind, which requires much shorter spans between poles which raises the price. Most other jurisdictions in the bay area allow pennant flag rope for most projects which catches very little wind and generally won't need repairs, as well as less poles. We have been allowed to put up flagging on some tall areas of projects, such as the North 40 project as well as the senior living development on Woods. However, we were told to put 2 rows of flagging which is very difficult to install and usually only one line of flagging can be kept tight. I'm my opinion, the second row does not make it any more visible and only adds to the cost to the property owner.

Second, when commercial projects have very small side setbacks or zero setbacks and the pole height is above 20' or so it is hard to secure the pole safely without the need to obtain permission from the neighboring property to tie off guy wires to. Allowing poles to be set inward on the property to around 6-8' of the property line would be the suggestion.

Lastly, when we install poles at a functioning business there are frequently issues where our poles both impair the business and are damaged by cars, pedestrians, or vandalism. The business owners frequently want to remain open during the installation period which is problematic both during the installation itself as well as the period they remain up. I'm not sure what a good solution to this would be short of allowing some problematic poles to be eliminated and to allow flag rope instead of 2' mesh as it can span nearly 75' as opposed to around 30' for the 2' mesh. This would also make the installation less intrusive and less expensive to the owner. There is also a problem when a closed business is not allowed to have a temporary fence installed around the perimeter. For example, the closed car dealership at Los Gatos Blvd and Los Gatos Almaden Rd. We have installed poles on the proposed buildings on the lot over the last 6 years or so. Each time we have had issues with both cars pulling into the lot and hitting poles or breaking guy wires, as well as pedestrian traffic. The owner did

EXHIBIT 2

install bollards to prevent vehicular traffic for this round of poles but I believe they were told they cannot install a temporary perimeter fence during the installation. There are some homeless people whom I believe have repeatedly caused damage to the poles / guy wires. When there is no perimeter on a project we specifically accept no liability for property or personal injury and I believe as part of the approval process the city forces a waiver of liability from the applicant but also requires the poles to be installed. It would only seem fair to me to at a minimum allow a perimeter fencing to be installed by the property owner to protect them from liability.

I hope that was useful, I'd be happy to discuss further if you would like. Feel free to email or call anytime.

Many Thanks,
Dallas Rutherford

Dallas Rutherford
www.californiastorypoles.com

April 20, 2023

To Whom It May Concern:

Story poles are only for a silhouette, not secondary design features such as dormers etc.

Tying to trees is beneficial many times for safety and support, and does not damage trees in any way. Los Gatos is the only city or county that restricts tying to trees.

Flag poles for many projects are a safe alternative for the taller structures, near power lines or near setbacks where the lines cannot extend off the property site.

Projects should be evaluated within 30 days of installation.

There is no template that can be used for pricing story pole installation, as the staking needs are unique to each project.

Sincerely,

Steve Babcock

Steve Babcock's Storypoles

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**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 04/26/2023

ITEM NO: 3

ADDENDUM

DATE: April 25, 2023
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: Forward a Recommendation to the Town Council on Modifications to the Town Height Pole and Netting Policy for Additions and New Construction. The Proposed Amendments to Town Policy are Not Considered a Project Under the California Environmental Quality Act. **Project Location: Town Wide.** Applicant: Town of Los Gatos.

REMARKS:

Exhibit 3 includes public comment received between 11:01 a.m., Friday, April 21, 2023, and 11:00 a.m., Tuesday, April 25, 2023.

EXHIBITS:

Previously received with the April 26, 2023, Staff Report:

1. Current Story Pole Policy
2. Story Pole Installer Input

Received with this Addendum Report:

3. Public Comments received between 11:01 a.m., Friday, April 21, 2023, and 11:00 a.m., Tuesday, April 25, 2023

PREPARED BY: Jennifer Armer, AICP
Planning Manager

Reviewed by: Community Development Director

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From: Bess Wiersema

Sent: Friday, April 21, 2023 1:06 PM

To: Jennifer Armer; Joel Paulson

Cc: Gary Kohlsaas; Tony Jeans; Tom Sloan; Jennifer Kretschmer; Louie Leu; Noel Cross; JAY PLETT
ARCHITECT

Subject: Feedback from Local Architects RE: Story Poles

Importance: High

[EXTERNAL SENDER]

Jennifer - thanks for reaching out to us, below you will find a summary of our thoughts and concerns. I believe you are sending over info in some sort of staff report today, and we hope this can be included. We are doing our best to get you feedback in a timely fashion- no small task for a group of busy folks - and I am sure you and your team feel the same! Via emails, calls, and some meetings, we (those attached to this email in the CC line) concur on the talking points below. There may also be individuals that have additionally reached out separately or met with Planning to air other concerns, or provide greater detail on certain topics. It is our intent to cull our professional experience and logic around matters Town reaches out on in a concise format so you are not bombarded with Individual notes, emails, and meetings. Hopefully this will help you from a timing standpoint - and we hope that PC understands that is a united and thoughtful response by all of us together.

Local architects have a concern about WHY the story pole plan is being revised, especially as we understand that Town is understaffed, and looking to streamline the permit process. While we all are resolved to producing and dealing with this portion of the Planning process, we agree that the policy should be revised - to simplify it, creating less work and cost for both our team and yours, not create more work and excessive costs to our mutual clients, the residents of our Town. It's odd to us that this is a focus over other, more pertinent and far-reaching items we summarize at the end.

We would argue that:

- story poles are more often hurtful rather than helpful, as they are unsightly, lacking character, and often do not accurately define the finished product as related to bulk and mass (nor grading, site retaining walls, other built elements that are architectural features such as stairs, raised planters, terraces, etc. are not represented - this is especially egregious in Hillside projects
- the current story pole process is an overreach: no other local township requires a drawn out process of having a pole plan reviewed and approved prior to install - why not trust the professionals that they are doing their jobs accurately - requiring certification of the poles is plenty to guarantee they are complete and accurate
- the requirement that pole plans and signage are reviewed and approved prior to being able to install creates further timeline issues - the industry is impacted, and pole plans are not reviewed by planners until the project is complete, from a planning process standpoint, therefore further delaying the overall process

- we estimate the creating pole plans and story poles install / certification often adds approximately \$20K (even more if they have to be adjusted, redone, etc. due to weather, modifications requested at PC, by planners, etc.) to the permit processing portion of the process, not to mention months of time
- story pole plans have too much detail in them, and become more confusing to the layperson when houses have more architectural detail in roof design such as nested hips, dormers, etc., further creating confusion about what the real, final design is all about
- ironically the orange netting has an LRV of approximately 44 (and higher with the neon construction orange color required), which is in direct conflict to Hillside requirements, creating even more issues related to actual visibility
- story poles can damage existing structures when placed for an addition over an existing home, especially with tiled roofs
- no single story new home should be story poled, regardless of location
- no single story addition should be story poled
- no story poles should be required if there are added roof elements to a single or two story home that sit within the overall massing the existing roof (such as new dormers)
- story pole plans should be simplified, showing the overall main ridges only
- there should be an option to not require story poles if immediate neighbors agree that they are not necessary - often neighbors do not what these unsightly poles flopping around, creating an ugly nuisance in their neighborhood - well designed and managed projects should have an opt-out
- an option to create accurate 3D images that are keyed to simple main ridgeline datum points should be available, and would more accurately represent the final product to all parties

We believe it is all of our goal to streamline the permit process and create well designed homes that enhance our community. Story poles only create an unsightly nuisance, that more often creates fear around a project than accurately represents it. They are time consuming and expensive. The current approval process, and the suggestion that almost every portion of the roof must be shown creates more confusing lines for everyone to look at.

There are far more important tasks we believe the Town needs to address related development, and we are happy to help mobilize as a group to provide support for this:

- Most importantly PRC 4290 continues to have a significant negative impact to residential housing and lots, and its interpretation is inconsistent with most of the rest of the state, creating extreme hardship and often destroying entire projects, even on lots deemed legal, buildable lots, that sit within normal neighborhoods that have been annexed into the Town from County not to mention the even more impacted Hillside neighborhoods
- the visibility discussion in Hillside remains unaddressed and is inconsistent with what we believe the intent is, also requiring an excessive amount of work and time like Story Poles

- the recent overturn of the gas ban in the 9th Circuit Court, and the Town's unnecessary (and out of sync with other local jurisdictions, even SC County) full ban rather than a stepped process that allows for gas to remain for a limited number of appliances / use will only continue to create more unsafe and uninspected "after permit" work related to re-installing gas, or adding freestanding propane tanks; we also anticipate more appeals which will take more time and energy for all of us, creating further inconsistency and a culture of haves/ have-nots

Thank you!

Bess Wiersema
principal + owner



Shop the
STUDIO
AT DESIGN MART

From: Adam Mayer [REDACTED]
Sent: Sunday, April 23, 2023 10:18 PM
To: Planning <Planning@losgatosca.gov>
Subject: Public Comment Item #3 (4/26/23)

[EXTERNAL SENDER]

Dear Director Paulson, Planning Staff & Planning Commission,

As an architectural professional, I do not see the point of story poles, especially if a proposed development meets all the local zoning and height limit requirements. I agree with the assessment Los Altos made in recently removing their story pole requirement during their Housing Element process:

"...they found that the story pole requirement added subjectivity, extended the review process of all development, and added additional cost for a project whereas their other requirements for renderings and 3D Modeling could effectively provide the relationship of the proposed building heights."

Instead of story poles, I envision requiring a proposed development site to feature signage with 3D renderings within the context of neighboring buildings (perhaps with heights called out) so that the public can get a more accurate visual.

In the future, proposed developments could even offer the ability for curious neighbors to use augmented reality headsets to see what the actual building would look like on its site (as opposed to a collection of rods and netting, which don't do a great job of representing what a building will ultimately look like, and in some cases cause safety hazards as noted in the staff report).

At the very least, I suggest removing the story pole requirement for single-family residential projects within the height limit. However, if a project asks for a height variance, then story poles could be required to understand how tall the proposed home will be beyond the height limit.

On a professional level, story poles are generally an added burden to the design process. The time and financial resources developing story pole plans could be better used to design a better building and make more accurate 3D renderings for visual representation.

Thanks,
Adam Mayer

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STUDIO—AMA

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**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 04/26/2023

ITEM NO: 4

DATE: April 21, 2023
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: Draft Proposed Capital Improvement Program Budget for Fiscal Years
2023/24 - 2027/28.

RECOMMENDATION:

Forward a recommendation of approval to the Town Council for the draft Proposed Capital Improvement Program (CIP) Budget for Fiscal Years (FY) 2023/24 – 2027/28 (Exhibit 1).

CEQA:

The project is Categorical 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 activity in question may have a significant effect on the environment. Any effects on the environment will be evaluated, as applicable, at each individual project level, and the recommended action does not constitute approvals of any specific project in the CIP.

FINDINGS:

- As required, pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, this project is Categorical Exempt per Section 15061(b)(3).
- That the projects in the draft Proposed FY 2023/24 – 2027/28 CIP Budget are consistent with the General Plan, North 40 Specific Plan, Albright Specific Plan, and Hillside Specific Plan.

PREPARED BY: Nicolle Burnham
Director of Parks and Public Works

Reviewed by: Finance Director, Planning Manager, and Community Development Director

ACTION:

Forward a recommendation of approval to the Town Council for the draft Proposed CIP Budget for FY 2023/24 – 2027/28.

DISCUSSION:

Section 65401 of the Government Code requires that when a town or city has adopted a General Plan, a list of the proposed public works projects recommended for planning, initiation, or construction during the ensuing fiscal year be classified into a coordinated program and submitted to the Planning Commission for review for conformity with the adopted General Plan or parts thereof. The findings for conformity would then be reported to the Town Council.

A capital improvement project includes design, construction, acquisition, rehabilitation, or non-routine maintenance that generally costs \$25,000 or more with a minimum useful life of five years. The CIP Budget is evaluated annually to ensure funding of critical priority projects related to public streets, parks, facilities, and other Town infrastructure to support the current needs of the Los Gatos community. The CIP Budget also reflects realistic revenue sources and use of funds for capital projects for upcoming fiscal years. Funding sources include General Fund Appropriated Reserve, Gas Tax, Measure B, Traffic Mitigation Funds, Storm Basin Funds, and Grant Funds. The Town continues its efforts to secure reliable ongoing sources of revenue for the CIP.

The draft Proposed FY 2023/24 – 2027/28 CIP Budget includes projects under the Street Program that support and implement the General Plan's goals and policies of the Mobility, Environmental and Sustainability, Hazards and Safety, and Public Facilities, Services, and Infrastructure Elements. Examples of Street Program projects include the annual Street Repair and Resurfacing; Highway 17 Bicycle and Pedestrian Bridge; Winchester Boulevard Complete Streets; and Bicycle and Pedestrian Improvements. All projects cited improve the condition and safety of the Town roadways; install safe pedestrian and bikeway facilities; and promote alternate modes of transportation, which ultimately support the goal of greenhouse gas (GHG) reduction.

The Open Space, Parks, and Recreation Element goals and policies of the General Plan are implemented through the project scopes of the Los Gatos Creek Trail to Highway 9 Trailhead Connector Project; Open Space Trail Upgrades; Pinehurst Community Garden; and through other capital maintenance projects to ensure that Town parks and open spaces remain in good condition. The Town will also move forward with the construction of the Oak Meadow Bandstand Area Improvements this year, largely funded through the State Proposition 68 grant program administered by the State Department of Parks and Recreation.

DISCUSSION (continued):

The Town's Environment and Sustainability Element goals and policies are being implemented through a variety of CIP projects such as the Annual Storm Drain Improvement Project;

Stormwater System – Pollution Prevention Compliance; Battery Power Supply – Library; and Vehicle Miles Traveled (VMT) Mitigation Program. As mentioned earlier, many of the projects under the Street Program contribute to the reduction of GHG emissions by improving Town roadway infrastructure for multi-modal or active transportation and getting people out of their cars.

Safety is the most important factor for prioritizing CIP projects. The goals and policies of the Hazards and Safety Element are being implemented through projects, including Vegetation Management and Roadside Fire Fuel Reduction to prevent wildfires; various Street Program projects including Blossom Hill Road Traffic Safety and Traffic Calming Projects to improve safety of Town roadways; and Measure B Education and Encouragement to promote safety programs to Town schools.

The Public Facilities, Services, and Infrastructure Element goals and policies promote good programs and services for the youth and seniors, including ensuring safety for children biking and walking and improving mobility and access for seniors. The CIP projects such as the ADA Transition Plan and Local Road Safety Plan will set the course for long-term infrastructure plans to remove accessibility barriers and address roadway safety for students biking and walking to schools. Furthermore, the Parks Playground Fibar and various other Park Program projects would continue to maintain the Town's recreational and outdoor facilities for the Town youth and seniors to safely enjoy.

For any questions related to the projects in the draft Proposed FY 2023/24 – 2027/28 CIP Budget document, Parks and Public Works Department staff will be available to answer any questions at the meeting. The scope of the Planning Commission's review is to determine that the draft Proposed CIP is consistent with the General Plan, North 40 Specific Plan, Albright Specific Plan, and Hillside Specific Plan.

PUBLIC COMMENTS:

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

RECOMMENDATION:

The Town Council is tentatively scheduled to consider the draft Proposed CIP on May 16, 2023. For the reasons stated above, staff recommends that the Planning Commission take the following actions:

PAGE 4 OF 4

SUBJECT: Draft Proposed Capital Improvement Program Budget for Fiscal Years 2023/24 – 2027/28

DATE: April 21, 2023

RECOMMENDATION (continued):

1. Find that the project is Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15061(b)(3);
2. Find that the potential projects in the 2023/24 – 2027/28 draft Proposed CIP are consistent with the General Plan, North 40 Specific Plan, Albright Specific Plan, and Hillside Specific Plan; and
3. Forward a recommendation of approval of the 2023/24 – 2027/28 draft Proposed CIP to the Town Council.

EXHIBIT:

1. Draft Proposed CIP Budget for FY 2023/24 – 2027/28 (Available on Town's website at www.losgatosca.gov/DocumentCenter/View/33446/FY-2023-2024-Proposed-CIP-Budget)