SPECIAL MEETING

TOWN OF LOS GATOS
TOWN COUNCIL POLICY COMMITTEE

Council Policy Committee – (2016)

Marico Sayoc, Vice Mayor
Marcia Jensen, Council Member

AGENDA
TOWN COUNCIL CHAMBERS
110 EAST MAIN STREET
April 14, 2016 – 10:00 A.M.

MEETING CALLED TO ORDER

ROLL CALL

VERBAL COMMUNICATIONS *(Three minute time limit)*

1. Approval of the March 24, 2016 Council Policy Committee Draft Minutes

2. Review and discuss updated draft Entertainment Policy

ADJOURNMENT

Enclosures:
1. March 24, 2016 Policy Committee Draft Minutes (Item 1)
2. Review and discuss updated draft Entertainment Policy (Item 2)

cc: Post (*also posted on Town Web)*
Town Council

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Town Manager's Office 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]

DRAFT

TOWN OF LOS GATOS
COUNCIL POLICY COMMITTEE
March 24, 2016, 10:00 a.m.

110 E. Main Street
Town Council Chambers
Los Gatos, California

MINUTES

Call to Order
The Council Policy Committee meeting was called to order at 10:00 a.m.

Members and Staff present:
Vice Mayor Marico Sayoc
Councilmember Marcia Jensen
Laurel Prevetti, Town Manager
Rob Shultz, Town Attorney
Joel Paulson, Community Development Director
Monica Renn, Economic Vitality Manager

Verbal Communications

Dr. Weissman spoke regarding a variety of matters including tree protection at the Highland Project; Tree Ordinance violations on a 36-acre property adjacent to Highlands; implementation of the Tree Protection Ordinance; grading violation on his street (Francis Oaks); and other concerns.

Agenda Items

1. **Approval of March 7, 2016 Council Policy Committee Meeting Minutes**
   Committee Action:

The Committee unanimously approved the draft minutes with no changes.

2. **Review and discuss staff recommendations to amend Council Policy 2-11 entitled Commission Appointments**

Vice Mayor Sayoc suggested the process be changed to written ballot, and Councilmember Jensen agreed. Discussion occurred and it was agreed upon that the recommendation would be one ballot with all of the Commission and Committee openings with only eligible candidates listed on the ballot. Councilmembers would vote during the public meeting on a written ballot and then a five minute recess would be taken to tally the ballots. Successful candidates would be announced after the recess in the public forum. Any ties would require a written revote in the same fashion as the original vote.

Rob Schultz will provide the edits to the currently policy to reflect this recommendation and email the draft policy to the Policy Committee. The Policy Committee also agreed to eliminate (d.) on page 2 of the current policy as the language is perceived to be redundant.

3. Review and discuss issues related to an Entertainment Policy

The Committee discussed separating the policies regarding alcohol and entertainment, and only working with the entertainment policy at this time, leaving the alcohol for a future discussion.

The Committee reviewed the policy drafted in 2014 and agreed that the guideline of entertainment before 10 p.m. should be allowed by right and any entertainment after 10 p.m. should require a separate permit, but not a Conditional Use Permit (CUP) regardless of whether there is amplification, given that compliance with the Town Code provisions on noise is required.

The Policy Committee asked staff to start with the 2014 draft policy and make amendments to "parrot" the language that is included in the Music in the Park and Jazz on the Plazz contracts as they relate to sound, specially noting the language used in paragraphs 9, 10, 24 and 25.

In addition, the current status of existing CUPs was discussed, noting that there are three scenarios: those CUPS that have language requiring the business to comply with the Town's Entertainment Policy; CUPs that are silent; and those which prohibit live entertainment. If an entertainment policy is adopted, for the first two scenarios, a new policy would be the provisions these businesses would be required to follow. For those businesses with the prohibition of live entertainment (third scenario), a CUP modification would be required.

Additional Discussion

The Committee requested that staff return with the Town's current guidelines and regulations on candidates and election endorsement. For future meetings, the Committee was interested in creating a legislation policy and continuing its land use policy work.

Next Meeting

The next meeting is scheduled for Thursday, April 14, 2016 at 10 a.m. in the Town Council Chambers. The Committee requested the following items be on the agenda:

- Updated draft Entertainment Policy
- Facility Use Policy

DRAFT

POLICY REGULATING LATE NIGHT ENTERTAINMENT

I. Purpose

Los Gatos has a unique brand of sophistication that supports active, healthy lifestyles and provides family friendly amenities, good shopping, and great restaurants. The enjoyment of entertainment prior to 10 p.m. contributes to the vitality of Los Gatos and shall not be regulated other than by Town Code. However, late night entertainment (after 10 p.m.), if not further regulated, can jeopardize public safety, result in an increase of calls for police services and compromise the quality of life for Town residents. This policy provides a permit process and parameters for late night entertainment when disturbances to Town residents are least tolerable.

For the purposes of this policy, entertainment is defined as consisting of one or more of the following: amplified music, live performance, dancing, DJ, karaoke, jam sessions, and/or other related activities.

Late night entertainment is a discretionary privilege to be determined on a case by case basis. The following provisions are intended to balance the protection of residential neighborhoods in close proximity to commercial districts and still maintain the viability, vibrancy, and vitality of the Town's commercial centers.

II. Review Processes for Establishments with Late Night Entertainment

1. Late night entertainment (after 10 p.m.) shall be subject to a public hearing before the Planning Commission, with appeal to the Town Council. The Late Night Entertainment Policy is not to be construed to be a right of development. The Town retains the right of review and approval (or denial) of each application based on its merits.

2. The deciding body, in determining whether to approve or deny an application for a late night entertainment permit, is to base its decision on the following criteria:

    a. The use will be compatible with adjacent uses and will not adversely affect the surrounding area by means of noise or other problems;

    b. Any increase in traffic and parking resulting from the use will not adversely affect the surrounding area or Town at large;

    c. The proximity of the surrounding residential areas, schools, churches, parks, and public buildings;

    d. The increased policing, if any, necessitated by the activity for which the permit is requested; and

e. Any other factor created by the type of entertainment proposed to be supplied by such permit which factor would interfere with or endanger the public health, safety, morals, or welfare."

3. An Application for late night entertainment shall be subject to all Town Code requirements. The issuance of a Late Night Entertainment Permit shall include the following operational conditions:

   a. The applicant shall be responsible for ensuring that noise from the entertainment meets the Town's noise ordinance. If noise complaints are submitted to Town Staff, the Town reserves the right to require a Noise Consultant to monitor noise levels to ensure that noise levels meet the Town noise ordinance. The establishment shall be responsible for the payment of all costs associated with the noise consulting services.

   b. Security measures shall be required when to deter unlawful conduct on the part of employees or patrons or to promote the safe and orderly assembly and movement of persons and vehicles or to prevent disturbance of the neighborhood by excessive noise created by patrons entering or leaving the establishment where the entertainment occurs.

   c. Where the deciding body determines that the permitted activity will result in the need for increased City services for public safety, traffic management, trash collection, etc., the applicant shall be required to make payment to the City in an amount equal to the increased City services attributed to the permitted activity

   d. The applicant shall be responsible for making certain that patrons are be respectful of adjacent public and private property after they leave the establishment and enter adjacent parking lots or nearby public streets by not participating in disruptive behavior. Such behavior includes but is not limited to criminal activity, vandalism, loud talking, public urination, and revving of vehicle engines.

   e. The deciding body may impose additional appropriate conditions on a permit as may be necessary to protect the public peace, health, safety or general welfare should particular facts or circumstances of a proposed entertainment so justify.

4. An existing establishment with a Conditional Use Permit (CUP) that expressly prohibits entertainment would need to obtain an amendment to the CUP permit to add an allowance for any type of entertainment. The intent is not to reconsider other conditions in the CUP unless requested by the applicant. A late night entertainment permit could be considered with the CUP amendment.

5. Entertainment Permits issued by the Planning Commission or Town Council may be suspended, modified or revoked by the City Council in the event the City Council determines that sufficient evidence exists that the subject use is operating, or has operated, in a manner that constitutes a public nuisance or no longer satisfies the criteria for issuance of an entertainment permit.