



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 28, 2016 – 10:00 A.M.

MEETING CALLED TO ORDER

ROLL CALL

VERBAL COMMUNICATIONS *(Three minute time limit)*

1. Approval of the April 14, 2016 Council Policy Committee Draft Minutes
2. Review and discuss revised draft Entertainment Policy
3. Discuss and provide direction on a draft Civic Facilities Use Policy
4. Identification and discussion of future Policy Committee agenda items

ADJOURNMENT

Enclosures:

1. April 14, 2016 Policy Committee Draft Minutes (Item 1)
2. Review and discuss revised draft Entertainment Policy (Item 2)
3. Discuss and provide direction on a draft Civic Facilities Use Policy (Item 3)

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]

TOWN OF LOS GATOS
COUNCIL POLICY COMMITTEE
April 14, 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 10:15 a.m.

Members and Staff present:

Vice Mayor Marico Sayoc
Councilmember Marcia Jensen
Laurel Prevetti, Town Manager
Rob Schultz, Town Attorney
Joel Paulson, Community Development Director
Monica Renn, Economic Vitality Manager

Verbal Communications

None

Agenda Items

**1. Approval of March 24, 2016 Council Policy Committee Meeting Minutes
Committee Action:**

The Committee unanimously approved the draft minutes with no changes.

2. Review and discuss the updated draft Entertainment Policy

The Policy Committee agreed to recommend to the Council a simple policy that allows businesses to provide amplified sound by right before 10:00 p.m., given that all provisions within the Town's Noise Ordinance are followed. In addition, the Committee would like to provide two options for Council consideration of an application process for entertainment after 10 p.m.: (1) simple policy with the Development Review Committee as the deciding body and (2) more detailed policy with the Planning Commission as the deciding body. Findings with which the deciding body may use to make a decision would be clear and included within the recommended policy.

With both recommendations, it was decided that those existing Conditional Use Permits (CUPs) that are silent or refer to compliance with an entertainment policy would be able to observe the new provisions, if adopted by the Council, without further review. the

CUPs with language that prohibits live entertainment and/or amplified sound would need to be modified through the public hearing process. Staff suggested the possibility of giving similar business types the opportunity to have their CUPs grouped together at a single hearing to modify this single condition in multiple use permits.

Council member Jensen stated it was her goal to use the second paragraph in the Music in the Park and Jazz on the Plazz contract as the framework for the language in the proposed policy, as this language has been adopted by the Council. In addition, the Committee discussed how to define entertainment or to provide examples to demonstrate clearly the activities being regulated under the policy. It was recommended that the Town move away from calling this an Entertainment Policy and move towards an Amplified Sound Policy, recognizing that entertainment takes many forms and that the concern that comes from entertainment is largely the noise.

The Committee also discussed compliance and the ability to revoke the right to have amplified sound should there be multiple founded complaints of a business participating in amplified sound that is out of compliance with the Town's Noise Ordinance and the potential new provisions. The Town does have the right to review and modify or revoke CUPs of businesses with founded compliance issues. Staff was asked to discuss the role of code compliance within the staff report that is forwarded to the Council.



MEETING DATE: 04/28/16
ITEM NO: 2

POLICY COMMITTEE REPORT

DATE: APRIL 26, 2016
TO: POLICY COMMITTEE
FROM: LAUREL PREVETTI, TOWN MANAGER *Laurel Prevetti*
SUBJECT: REVIEW AND DISCUSS REVISED DRAFT ENTERTAINMENT POLICY

RECOMMENDATION:

Review and discuss revised draft entertainment policy.

BACKGROUND:

At its April 14, 2016 Policy Committee meeting, the Committee reviewed a draft policy, and directed staff to return at its next meeting with additional elements and policy points for inclusion in a revised entertainment policy.

DISCUSSION:

Attachment 1 includes the draft entertainment policy as reviewed and discussed at the April 14, 2016 Policy Committee meeting.

Attachment 2 includes a revised draft policy regulating late night entertainment for discussion at the April 28, 2016 Policy Committee meeting.

CONCLUSION AND NEXT STEPS:

Following the discussion, staff would finalize the draft Late Night Entertainment Policy for the Committee's review.

COORDINATION:

The preparation of this report was coordinated with the Town Manager's Office and the Town Attorney.

PREPARED BY: ROBERT SHULTZ
Town Attorney

Reviewed by: _____ Assistant Town Manager _____ Town Attorney NA Finance

DRAFT 4/14/16

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 Town services for public safety, traffic management, trash collection, etc., the applicant shall be required to make payment to the Town in an amount equal to the increased Town 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 the 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 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 Town 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.

DRAFT 4/26/16

POLICY REGULATING LATE NIGHT ENTERTAINMENT

I. Purpose

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. This policy provides a permit process and parameters for late night entertainment (after 10 p.m.).

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

Late night entertainment is a discretionary privilege and is not to be construed to be a right of development. 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. A late night entertainment permit (after 10 p.m.) shall be issued by the Town Manager. The Town Manager may refer any permit to the Development Review Committee for their consideration and determination, with appeal to Planning Commission and Town Council. The Town Manager or deciding body retains the right of approval or denial of each application based on its merits.
2. The Town Manager or 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 proposed uses of the property are essential or desirable to the public convenience or welfare;
 - b. The proposed uses will not impair the integrity and character of the zone;
 - c. The proposed uses would not be detrimental to public health, safety or general welfare; and
 - d. The proposed uses of the property are in harmony with the various elements or objectives of the general plan.
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 in or around the premises to deter unlawful conduct and prevent disturbance of the neighborhood created by patrons entering or leaving the establishment where the entertainment occurs.
 - c. The deciding body may impose additional appropriate conditions on a permit as may be necessary to protect the public 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 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 Town Manager or deciding body may be suspended, modified or revoked by the City Council in the event it is determined 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.



MEETING DATE: 04/28/16
ITEM NO: 3

POLICY COMMITTEE REPORT

DATE: APRIL 26, 2016

TO: POLICY COMMITTEE

FROM: LAUREL PREVETTI, TOWN MANAGER *Laurel Prevetti*

SUBJECT: DISCUSS AND PROVIDE DIRECTION ON A DRAFT CIVIC FACILITIES USE POLICY

RECOMMENDATION:

Discuss and provide direction on a draft Civic Facilities Use policy.

BACKGROUND:

Beginning in 2015, the Council Policy Committee expressed a desire to review and discuss existing policies, procedures, and guidelines for the use of Civic Facilities, and to draft a comprehensive, Town-wide Use Policy that establishes criteria for the use of Civic Facilities. The purpose of the policy would be to create a process that the public could follow to be able to utilize Town facilities.

At its January 27, 2016 Policy Committee meeting, the Committee provided staff with the direction to return to the Committee at a future date with a draft, comprehensive Civic Facilities Use policy that includes Library Use guidelines and address the following issues:

- Identify and provide a list of facilities, meetings rooms, and other Town owned spaces available for public use.
- Draft proposed procedures and guidelines for reserving available facilities, meeting rooms, and other spaces, including identifying the types of groups or organizations who can reserve and use these spaces.
- Develop a recommended fee structure that recoups costs for staffing, janitorial services and other maintenance costs.
- Provide recommended guidelines for Town co-sponsorship events.
- Prohibit Library use for special events after hours.

PREPARED BY: CHRISTINA GILMORE
Assistant to the Town Manager

Reviewed by: _____ Assistant Town Manager _____ Town Attorney NA Finance

PAGE 2

POLICY COMMITTEE

SUBJECT: DISCUSS AND PROVIDE DIRECTION ON A DRAFT CIVIC FACILITIES USE POLICY
APRIL 26, 2016

DISCUSSION:

Attachment 1 provides a list of facilities, meeting rooms and other Town owned spaces available for public use. The immediate demand for public use of Civic Center spaces has been for the stairs between the Police Headquarters and NUMU/Friends, the Civic Center Lawn, and the deck. Other requests have been made for Town properties, such as short term use of Forbes Mill and the Venue.

Attachment 2 includes the current Park Facilities or Areas Use Permit provisions from the Town Code Section 19.30.010 through -.030 that the Committee may consider as a potential model for a Town Facilities or Areas Use Permit policy that regulates use of the Civic Center or other Town-owned spaces. The Park Facilities process is handled administratively by staff.

Prior to writing a draft policy with procedures and guidelines, staff would appreciate obtaining additional guidance from the Committee. Specifically, responses to the following questions would be helpful to establish a policy framework:

1. By establishing a Civic Facilities Use Policy, what is the Town trying to protect?
2. What are the types of events that would be permissible on Civic Facilities?
3. What are some thresholds and/or criteria for consideration?
4. Under what circumstances should staff administratively approve the use of Civic Facilities and under what circumstances should the Council be the deciding body?
5. If a permit/approval process is appropriate, is it correct to assume that the review process should be cost recovery?

CONCLUSION AND NEXT STEPS:

Following the discussion, staff would draft a Civic Facilities Use Policy for the Committee's review.

COORDINATION:

The preparation of this report was coordinated with the Town Manager's Office and the Town Attorney.

Attachments:

1. List of Town Facilities
2. Town Code Section 19.30.010 through -.030: Park Facilities or Areas Use Permit Provisions

Inventory of Civic Center Facilities, Meeting Rooms and Public Spaces

Meeting Space	Type	Available for Public Use	Existing Policy	Existing Fees for Use	Comments
Town Council Chambers	Council Chambers	Y	Y	Y (Building Attendant fee required)	Can be reserved by federal, state, county, and municipal agencies, and schools for activities that benefit Los Gatos residents and students.
Town Council Chambers Lobby	Lobby	Y	N	Y (Building Attendant fee required)	No specific policy for this space. Generally falls under the Town Council Chamber Policy.
Library Conference Room	Conference Room	N	N	N	Available for Town Staff, Board, Commission, & Committee Use Only
HR Conference Room	Conference Room	N	N	N	Available for Town Staff, Board, Commission, & Committee Use Only
Small Library Conference Room	Conference Room	N	N	N	Available for Town Staff, Board, Commission, & Committee Use Only
PPW Conference Room	Conference Room	N	N	N	Available for Town Staff, Board, Commission, & Committee Use Only
Library Walk Way	Walk way area between Library Parking lot and Library stairs, bordered by Villa Avenue to the East and Town Hall to the West	Y	N	N	Area could be subject to First Amendment laws
Civic Center Lawn	Lawn	Y	Y	There is no specific fee for use of the Civic Center Lawn. A special event permit fee applies to all Town approved events.	Town is in contract with Los Gatos Music in the Park to hold a summer concert series utilizing the stage and the Civic Center lawn & Kiwanis of Los Gatos to hold the annual Fiesta de Artes. The library programs an annual Literary Fair the lawn in the late summer/early fall. Examples of other proposed events include an annual Easter Egg Roll event, the Glass Pumpkin event, events associated with NUMU & Friends of the Library Bookstore, and events associated with the future Veterans Memorial.
Civic Center Stage	Stage	Y	N	N	Town is in contract with Los Gatos Music in the Park to hold a summer concert series utilizing the stage and the Civic Center lawn. Other interested parties have approached the Town to hold music/art/cultural/veterans events on the stage.
Civic Center Deck & Stairs	Open Space		N	N	Town has been approached by current tenants to utilize space for private fundraising events, award ceremonies, etc. Area could be subject to First Amendment laws

Inventory of Civic Center Facilities, Meeting Rooms and Public Spaces

Meeting Space	Type	Available for Public Use	Existing Policy	Existing Fees for Use	Comments
Forbes Mill	Historical Building/Former Museum Space		N	N	Vacant property. Former NUMU museum space. Town has been approached to utilize space for upcoming Town historical walking tour.
Tait Avenue	Historical Building/Former Museum Space		N	N	Vacant property. Former NUMU museum space.
Venue	Vacant Teen Center		N	N	Vacant property. LGHS enters into an agreement with Town annually to use the space for prep/storage of Senior Grad night. Town Council direction to discuss future use as KCAT headquarters currently in progress.
Pageant Park	Park	Y	N	N	Available for public use. Not available to be reserved for private events.

TOWN OF LOS GATOS MUNICIPAL CODE

ARTICLE III. - PARK FACILITIES OR AREAS USE PERMIT

- **Sec. 19.30.010. - Required.**

A permit shall be obtained from the Parks and Public Works Department for the temporary, exclusive or special use of any park facility or area by any organized group.

(Ord. No. 2212, § I, 2-4-13)

- **Sec. 19.30.013. - Permit guidelines and fees.**

(1)The Director shall establish a use permit application process, including any such procedures and guidelines as may be necessary to manage and schedule temporary, exclusive or special uses of any park. Only parks designated in the guidelines may be used for temporary, exclusive or special uses.

(2)Permit fees shall be charged as set forth in the most recently adopted Town of Los Gatos Comprehensive Fee Schedule. (Ord. No. 2212, § I, 2-4-13)

- **Sec. 19.30.015. - Application.**

A person seeking issuance of a permit under section 19.30.010 shall file and complete a special use permit application with the Parks and Public Works Department and pay any and all required fees and deposits. For evening use of the Oak Meadow bandstand, a special event permit is required through the Police Department under section 14.100.025. (Ord. No. 2212, § I, 2-4-13)

- **Sec. 19.30.020. - Prerequisites to issuance.**

The Parks and Public Works Department shall issue a permit under section 19.30.010 when the following has been determined:

(1)That the proposed activity and use will not unreasonably interfere with, or detract from, the promotion of public health, welfare, safety and recreation.

(2)That the proposed activity or use is not unreasonably anticipated to incite violence, crime or disorderly conduct.

(3)That the proposed activity or use will not entail unusual, extraordinary or burdensome expense to police operation.

(4)That the facilities desired have not been reserved for other use at the day and hour required in the application.

(Ord. No. 2212, § I, 2-4-13)

- **Sec. 19.30.025. - Terms and conditions.**

(1)The permittee under section 19.30.010 shall be bound by all park rules and regulations and all applicable Town ordinances where not expressly approved by permit.

(2)The permittee shall be liable for any loss, damage or injury sustained by the Town or by any person. (Ord. No. 2212, § I, 2-4-13)

- **Sec. 19.30.030. - Revocation.**

The Parks and Public Works Department shall have the authority to revoke a permit under section 19.30.010 upon a finding of a violation of any of the provisions of this chapter or any other ordinance of the Town, or of any rule promulgated hereunder, or upon good cause shown. (Ord. No. 2212, § I, 2-4-13)