

## **ORDINANCE 2342**

### **AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS AMENDING CHAPTER 29, "ZONING REGULATIONS," OF THE TOWN CODE REGARDING LAND USE AND ECONOMIC RECOVERY AMENDMENTS RELATED TO PERSONAL SERVICE BUSINESSES, BARS, TAP/TASTING ROOMS, SPECIALTY FOOD RETAIL, BANKS, FINANCIAL AND INVESTMENT SERVICES, OFFICE ACTIVITIES, FORMULA RETAIL, GROUP CLASSES, VETERINARIANS, AND DEFINITIONS**

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

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

**WHEREAS**, on June 3, 2020, in response to the COVID-19 Pandemic, the Town of Los Gatos adopted Economic Recovery Resolution 2020-022, which was intended to provide economic relief to businesses experiencing economic uncertainty during the COVID-19 emergency orders. Resolution 2020-022 has since been extended and expanded by Resolutions 2021-002, 2021-051, 2022-066, and current Resolution 2023-027 with a sunset date of October 31, 2023; and

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

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

**WHEREAS**, the Town of Los Gatos Town Council has an adopted strategic priority related to Economic Vitality and Pandemic Recovery, which prioritizes: economic recovery through increased flexibility and opportunity; business permit streamlining; and economic and community vitality; and

**WHEREAS**, in consideration of the recent termination of Federal, State, and local emergency orders, and the sunset date of the current Economic Recover Resolution approaching, staff prepared amendments to the Town Code to continue the Town Council's pre-Pandemic streamlining efforts and to offer post-Pandemic economic recovery support for businesses consistent with the Town Council Strategic Priorities; and

**WHEREAS**, on April 26, 2023, the Planning Commission reviewed and commented on the proposed amendments regarding land use and economic recovery and forwarded a recommendation to the Town Council for approval of the proposed amendments with modifications; and

**WHEREAS**, this matter was regularly noticed in conformance with State and Town law and came before the Town Council for public hearing on June 20, 2023; and

**WHEREAS**, on June 20, 2023, the Town Council reviewed and commented on the proposed amendments regarding land use and economic recovery and the Town Council voted to introduce the Ordinance with specific modifications; and

**WHEREAS**, this matter was regularly noticed in conformance with State and Town law and came before the Town Council for public hearing on August 1, 2023.

**NOW, THEREFORE, BE IT ORDAINED** by the Town Council of the Town of Los Gatos as follows:

**SECTION I.** Section 29.10.020, "Definitions," of Chapter 29, "Zoning Regulations," is amended to add the following between the definitions of "*Automobile wrecking*" and "*Bar*" to read as follows:

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

**SECTION II.** Section 29.10.020, "Definitions," of Chapter 29, "Zoning Regulations," is amended to add the following between the definitions of "*Fence height*" and "*Home occupation*" to read as follows:

*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.

**SECTION III.** Section 29.10.020, “Definitions,” of Chapter 29, “Zoning Regulations,” is amended to add the following between the definitions of “*Occupancy*” and “*Open space*” to read as follows:

*Office activities* means office uses, including but not limited to: administrative; professional; medical; dental; optical; real estate; insurance; financial and investment services; venture capital; technology incubator facilities; biotechnology incubator facilities, including dry-lab facilities where testing and analyses is performed using data, coding, and computer systems and excluding wet-lab facilities where testing and analyses are performed using physical samples, biological matter, chemicals, and/or hazardous substances; and other similar office uses characterized by an absence of retail sales.

**SECTION IV.** Section 29.10.020, “Definitions,” of Chapter 29, “Zoning Regulations,” is amended to add the following between the definitions of “*Shopping center*” and “*Stables*” to read as follows:

*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: tea houses, donut shops, juice/smoothie bars, and ice cream/frozen yogurt shops. Specialty food retail does not include coffee houses.

**SECTION V.** Section 29.10.020, “Definitions,” of Chapter 29, “Zoning Regulations,” is amended to add the following between the definitions of “*Swimming pools*” and “*Townhouse*” to read as follows:

*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.

**SECTION VI.** Section 29.10.020, “Definitions,” of Chapter 29, “Zoning Regulations,” definitions of “*Formula retail business*” is amended to read as follows:

*Formula retail business* means a retail business which, along with eleven (11) 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.

**SECTION VII.** Section 29.10.020, “Definitions,” of Chapter 29, “Zoning Regulations,” definitions of “Bar,” “Convenience market,” and “Personal service” are amended to read as follows:

*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.

*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 specialty food retail and also excluding establishments which have a sizeable assortment of fresh fruits and vegetables and fresh-cut meat.

*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, rollers (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.

**SECTION VIII.** Subsection (b) of Section 29.10.150, “Number of Off-Street Spaces Required,” of Chapter 29, “Zoning Regulations,” is amended to read as follows:

(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, 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 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.

**SECTION IX.** Subsections (c)(9) and (10) of Section 29.10.150, “Number of Off-Street Spaces Required,” of Chapter 29, “Zoning Regulations,” is amended to read as follows:

- (9) *Retail and commercial stores shops, personal service businesses, specialty food retail, restaurants, bars, 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 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.

**SECTION X.** Subsection (1) of Section 29.20.185, "Table of Conditional Uses," of Chapter 29, "Zoning Regulations," is amended to read as follows:

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, retail									X	X	X		
	b. Reserved													
	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 or specialty									X	X	X	X	

			food retail use													
		2.	Without food service (bar)									X				
		3.	Tap/tasting room								X	X	X	X		
	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.	In conjunction with a specialty food retail use									X	X	X	X	
	m.	Convenience market										X	X	X		
	n.	Reserved														
	o.	Formula retail business greater than 10,000 s.f										X	X	X	X	
	p.	Reserved														
	q.	New office building approved or constructed after May 1, 2006										X	X	X		

	r.	New retail sales of firearms, ammunition and /or destructive devices as set forth in section 29.70.100												X	
--	----	--	--	--	--	--	--	--	--	--	--	--	--	---	--

**SECTION XI.** Subsection (9)(c) of Section 29.20.185, “Table of Conditional Uses,” of Chapter 29, “Zoning Regulations,” is amended to read as follows:

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

**SECTION XII.** Subsection (b) of Section 29.20.190, “Findings and Decision,” of Chapter 29, “Zoning Regulations,” is amended to read as follows:

- (b) 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 ten thousand (10,000) square feet 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.

**SECTION XIII.** Section 29.20.745, “Development Review Committee,” of Chapter 29, “Zoning Regulations,” is amended to read as follows:

**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.

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

**SECTION XIV.** Section 29.60.085, "Permitted uses," of Chapter 29, Zoning Regulations," is amended to read as follows:

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.

**SECTION XV.** Section 29.60.210, "Permitted Uses," of Chapter 29, "Zoning Regulations," is amended to read as follows:

**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, including formula retail up to ten thousand (10,000) 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.

**SECTION XVI.** Section 29.60.320, "Permitted Uses," of Chapter 29, "Zoning Regulations," is amended to read as follows:

**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 ten thousand (10,000) 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) 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 manufacturing, warehousing, laundry or dry cleaning plants.
- (c) 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) Lyndon Avenue;
  - (2) Properties abutting Wood Road;
  - (3) The west side of Victory Lane:



- (4) The south side of Los-Gatos-Saratoga Road excluding:
  - a. 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.
  - b. The south side of Los Gatos-Saratoga Road between Santa Cruz Avenue and University Avenue; and
- (5) The east side of South Santa Cruz Avenue directly across the street from Wood Road.
- (6) The north and south side of West Main Street west of Victory Lane.
- (7) Tenant suites located at 114 Royce Street with entries at the rear of the building and that do not have street frontage.
- (d) Notwithstanding subsection (c), 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.
  - (1) Office activities existing on June 17, 1991; or
  - (2) 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.

**SECTION XVII.** Section 29.60.420, "Permitted Uses," of Chapter 29, "Zoning Regulations," is amended to read as follows:

**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 ten thousand (10,000) 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.

**SECTION XVIII.** Subsection (a) of Section 29.70.100, "Permitted Uses," of Chapter 29, "Zoning Regulations," is amended to read as follows:

- (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 ten thousand (10,000) 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.

**SECTION XIX. Severability.**

In the event that a court of competent jurisdiction holds any Section, subsection, paragraph, sentence, clause, or phrase in this Ordinance unconstitutional, preempted, or otherwise invalid, the invalid portion shall be severed from this Section and shall not affect the validity of the remaining portions of this Section. The Town hereby declares that it would have adopted each Section, subsection, paragraph, sentence, clause, or phrase in this Section irrespective of the fact that any one or more Sections, subsections, paragraphs, sentences, clauses or phrases in this Section might be declared unconstitutional, preempted, or otherwise invalid.

**SECTION XX. CEQA.**

Adopting this Ordinance is not a project subject to CEQA because it can be seen with certainty that it will not impact the environment (CEQA Guidelines Section 15378).

## SECTION XXI. Publication.

In accordance with Section 63937 of the Government Code of the State of California, this Ordinance takes effect 30 days from the date of its passage. The Town Council hereby directs the City Clerk to cause this Ordinance or a summary thereof to be published or posted in accordance with Section 36933 pf the Government Code of the State of California.

## SECTION XXII. Effective Date.

This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on the 20<sup>th</sup> day of June 2023, and adopted by the Town Council of the Town of Los Gatos at its regular meeting on the 1<sup>st</sup> day of August 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: 8-2-23

ATTEST:

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

DATE: 8-2-23



## **ORDINANCE 2342**

### **AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS AMENDING CHAPTER 29, "ZONING REGULATIONS," OF THE TOWN CODE REGARDING LAND USE AND ECONOMIC RECOVERY AMENDMENTS RELATED TO PERSONAL SERVICE BUSINESSES, BARS, TAP/TASTING ROOMS, SPECIALTY FOOD RETAIL, BANKS, FINANCIAL AND INVESTMENT SERVICES, OFFICE ACTIVITIES, FORMULA RETAIL, GROUP CLASSES, VETERINARIANS, AND DEFINITIONS**

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

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

**WHEREAS**, on June 3, 2020, in response to the COVID-19 Pandemic, the Town of Los Gatos adopted Economic Recovery Resolution 2020-022, which was intended to provide economic relief to businesses experiencing economic uncertainty during the COVID-19 emergency orders. Resolution 2020-022 has since been extended and expanded by Resolutions 2021-002, 2021-051, 2022-066, and current Resolution 2023-027 with a sunset date of October 31, 2023; and

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

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

**WHEREAS**, the Town of Los Gatos Town Council has an adopted strategic priority related to Economic Vitality and Pandemic Recovery, which prioritizes: economic recovery through increased flexibility and opportunity; business permit streamlining; and economic and community vitality; and

**WHEREAS**, in consideration of the recent termination of Federal, State, and local emergency orders, and the sunset date of the current Economic Recover Resolution approaching, staff prepared amendments to the Town Code to continue the Town Council's pre-Pandemic streamlining efforts and to offer post-Pandemic economic recovery support for businesses consistent with the Town Council Strategic Priorities; and

**WHEREAS**, on April 26, 2023, the Planning Commission reviewed and commented on the proposed amendments regarding land use and economic recovery and forwarded a recommendation to the Town Council for approval of the proposed amendments with modifications; and

**WHEREAS**, this matter was regularly noticed in conformance with State and Town law and came before the Town Council for public hearing on June 20, 2023; and

**WHEREAS**, on June 20, 2023, the Town Council reviewed and commented on the proposed amendments regarding land use and economic recovery and the Town Council voted to introduce the Ordinance with specific modifications; and

**WHEREAS**, this matter was regularly noticed in conformance with State and Town law and came before the Town Council for public hearing on August 1, 2023.

**NOW, THEREFORE, BE IT ORDAINED** by the Town Council of the Town of Los Gatos as follows:

**SECTION I.** Section 29.10.020, "Definitions," of Chapter 29, "Zoning Regulations," is amended to add the following between the definitions of "*Automobile wrecking*" and "*Bar*" to read as follows:

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

**SECTION II.** Section 29.10.020, "Definitions," of Chapter 29, "Zoning Regulations," is amended to add the following between the definitions of "*Fence height*" and "*Home occupation*" to read as follows:

*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.

**SECTION III.** Section 29.10.020, “Definitions,” of Chapter 29, “Zoning Regulations,” is amended to add the following between the definitions of “*Occupancy*” and “*Open space*” to read as follows:

*Office activities* means office uses, including but not limited to: administrative; professional; medical; dental; optical; real estate; insurance; financial and investment services; venture capital; technology incubator facilities; biotechnology incubator facilities, including dry-lab facilities where testing and analyses is performed using data, coding, and computer systems and excluding wet-lab facilities where testing and analyses are performed using physical samples, biological matter, chemicals, and/or hazardous substances; and other similar office uses characterized by an absence of retail sales.

**SECTION IV.** Section 29.10.020, “Definitions,” of Chapter 29, “Zoning Regulations,” is amended to add the following between the definitions of “*Shopping center*” and “*Stables*” to read as follows:

*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: tea houses, donut shops, juice/smoothie bars, and ice cream/frozen yogurt shops. Specialty food retail does not include coffee houses.

**SECTION V.** Section 29.10.020, “Definitions,” of Chapter 29, “Zoning Regulations,” is amended to add the following between the definitions of “*Swimming pools*” and “*Townhouse*” to read as follows:

*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.

**SECTION VI.** Section 29.10.020, “Definitions,” of Chapter 29, “Zoning Regulations,” definitions of “*Formula retail business*” is amended to read as follows:

*Formula retail business* means a retail business which, along with eleven (11) 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.



**SECTION VII.** Section 29.10.020, “Definitions,” of Chapter 29, “Zoning Regulations,” definitions of “Bar,” “Convenience market,” and “Personal service” are amended to read as follows:

*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.

*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 specialty food retail and also excluding establishments which have a sizeable assortment of fresh fruits and vegetables and fresh-cut meat.

*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, rollers (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.

**SECTION VIII.** Subsection (b) of Section 29.10.150, “Number of Off-Street Spaces Required,” of Chapter 29, “Zoning Regulations,” is amended to read as follows:

(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, 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 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.

**SECTION IX.** Subsections (c)(9) and (10) of Section 29.10.150, “Number of Off-Street Spaces Required,” of Chapter 29, “Zoning Regulations,” is amended to read as follows:

- (9) *Retail and commercial stores shops, personal service businesses, specialty food retail, restaurants, bars, 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 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.*

**SECTION X.** Subsection (1) of Section 29.20.185, "Table of Conditional Uses," of Chapter 29, "Zoning Regulations," is amended to read as follows:

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, retail									X	X	X		
	b. Reserved													
	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 or specialty									X	X	X	X	

			food retail use													
		2.	Without food service (bar)									X				
		3.	Tap/tasting room								X	X	X	X		
	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.	In conjunction with a specialty food retail use								X	X	X	X		
	m.	Convenience market									X	X	X			
	n.	Reserved														
	o.	Formula retail business greater than 10,000 s.f									X	X	X	X		
	p.	Reserved														
	q.	New office building approved or constructed after May 1, 2006									X	X	X			

	r.	New retail sales of firearms, ammunition and /or destructive devices as set forth in section 29.70.100												X	
--	----	--	--	--	--	--	--	--	--	--	--	--	--	---	--

**SECTION XI.** Subsection (9)(c) of Section 29.20.185, “Table of Conditional Uses,” of Chapter 29, “Zoning Regulations,” is amended to read as follows:

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

**SECTION XII.** Subsection (b) of Section 29.20.190, “Findings and Decision,” of Chapter 29, “Zoning Regulations,” is amended to read as follows:

(b) 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 ten thousand (10,000) square feet 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.

**SECTION XIII.** Section 29.20.745, “Development Review Committee,” of Chapter 29, “Zoning Regulations,” is amended to read as follows:

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

**SECTION XIV.** Section 29.60.085, "Permitted uses," of Chapter 29, Zoning Regulations," is amended to read as follows:

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.

**SECTION XV.** Section 29.60.210, "Permitted Uses," of Chapter 29, "Zoning Regulations," is amended to read as follows:

**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, including formula retail up to ten thousand (10,000) 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.

**SECTION XVI.** Section 29.60.320, "Permitted Uses," of Chapter 29, "Zoning Regulations," is amended to read as follows:

**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 ten thousand (10,000) 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) 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 manufacturing, warehousing, laundry or dry cleaning plants.
- (c) 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) Lyndon Avenue;
  - (2) Properties abutting Wood Road;
  - (3) The west side of Victory Lane:

- (4) The south side of Los-Gatos-Saratoga Road excluding:
  - a. 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.
  - b. The south side of Los Gatos-Saratoga Road between Santa Cruz Avenue and University Avenue; and
- (5) The east side of South Santa Cruz Avenue directly across the street from Wood Road.
- (6) The north and south side of West Main Street west of Victory Lane.
- (7) Tenant suites located at 114 Royce Street with entries at the rear of the building and that do not have street frontage.
- (d) Notwithstanding subsection (c), 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.
  - (1) Office activities existing on June 17, 1991; or
  - (2) 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.

**SECTION XVII.** Section 29.60.420, "Permitted Uses," of Chapter 29, "Zoning Regulations," is amended to read as follows:

**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 ten thousand (10,000) 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.

**SECTION XVIII.** Subsection (a) of Section 29.70.100, "Permitted Uses," of Chapter 29, "Zoning Regulations," is amended to read as follows:

- (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 ten thousand (10,000) 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.

**SECTION XIX. Severability.**

In the event that a court of competent jurisdiction holds any Section, subsection, paragraph, sentence, clause, or phrase in this Ordinance unconstitutional, preempted, or otherwise invalid, the invalid portion shall be severed from this Section and shall not affect the validity of the remaining portions of this Section. The Town hereby declares that it would have adopted each Section, subsection, paragraph, sentence, clause, or phrase in this Section irrespective of the fact that any one or more Sections, subsections, paragraphs, sentences, clauses or phrases in this Section might be declared unconstitutional, preempted, or otherwise invalid.

**SECTION XX. CEQA.**

Adopting this Ordinance is not a project subject to CEQA because it can be seen with certainty that it will not impact the environment (CEQA Guidelines Section 15378).

**SECTION XXI. Publication.**

In accordance with Section 63937 of the Government Code of the State of California, this Ordinance takes effect 30 days from the date of its passage. The Town Council hereby directs the City Clerk to cause this Ordinance or a summary thereof to be published or posted in accordance with Section 36933 pf the Government Code of the State of California.

**SECTION XXII. Effective Date.**

This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on the 20<sup>th</sup> day of June 2023, and adopted by the Town Council of the Town of Los Gatos at its regular meeting on the 1<sup>st</sup> day of August 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

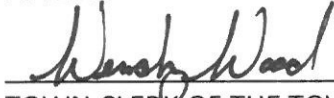
SIGNED:



MAYOR OF THE TOWN OF LOS GATOS  
LOS GATOS, CALIFORNIA

DATE: 8-2-23

ATTEST:



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

DATE: 8-2-23

## ORDINANCE 2341

### AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS AMENDING CHAPTER 18, ARTICLE VII, "WEAPONS," OF THE TOWN CODE TO UPDATE THE TOWN'S CONCEALED CARRY FIREARM LICENSING ORDINANCE AND PROHIBIT THE CARRY OF FIREARMS IN SENSITIVE PLACES

**WHEREAS**, the Town of Los Gatos regulates weapons in Chapter 18, Article VII, of the Town Code;

**WHEREAS**, state Penal Code Section 26155 authorizes Chiefs of Police to issue concealed carry firearm licenses;

**WHEREAS**, Town Code Section 18.70.025 addresses the issuance of concealed carry firearm licenses;

**WHEREAS**, the 2022 Supreme Court decision of *N.Y. State Rifle & Pistol Ass'n v. Bruen*, 142 S. Ct. 2111 ("Bruen") held that a "good cause" requirement for a concealed carry firearm license is unconstitutional;

**WHEREAS**, the *Bruen* decision also held that municipalities can prohibit the carrying of concealed weapons in "sensitive places;" and

**WHEREAS**, the Town wishes to update Chapter 18, Article VII, of the Town Code to update its concealed carry firearm license procedures to remove the "good cause" requirement, use the same terminology as the state Penal Code, and add a prohibition on firearms, including concealed carry firearms, in "sensitive places;"

**NOW, THEREFORE, BE IT ORDAINED** by the Town Council of the Town of Los Gatos as follows:

#### **SECTION I. Legislative Findings:**

- A. The Town of Los Gatos has a compelling interest in protecting the health and safety of the public and the orderly functioning of government within its bounds.
- B. The incidence of firearm-related fatalities and injuries has reached alarming and unacceptable proportions at the national, state, and local level, as described in a report by the Santa Clara County Department of Public Health, "Cost of Gun Violence in Santa Clara County" (Aug. 12, 2022), which notes that the age-adjusted firearm death rate in Santa Clara County was 4.8 people per 100,000 in 2020, the highest rate in the past

decade.

- C. According to the Gun Violence Archive (<https://www.gunviolencearchive.org>), California experienced 369 mass shootings (defined as an incident that kills or injures four or more people) between 2014 and January 2023. In Santa Clara County, mass shooting tragedies have included May 26, 2021, at the VTA railyard in San Jose (10 dead including the shooter); July 28, 2019, at the Gilroy Garlic festival (4 dead including the shooter, 17 wounded); Oct. 5, 2011, at the Lehigh Cement Plant in Cupertino (3 dead, 7 wounded); and Feb 16, 1988 at ESL Inc. in Sunnyvale (7 dead, 4 wounded).
- D. Previously, California law required applicants for permits to carry a concealed weapon to demonstrate “good cause” for the issuance of the license. The United States Supreme Court recently held, in *N.Y. State Rifle & Pistol Ass’n v. Bruen* (2022), 142 S. Ct. 2111, that such “good cause” requirements are unconstitutional under the Second and Fourteenth Amendments. This development in the law will likely result an increase in concealed carry permits issued in California.
- E. The U.S. Supreme Court has said that laws prohibiting the carrying of firearms in certain “sensitive places,” including “schools and government buildings,” and “legislative assemblies, polling places, and courthouses,” may be consistent with the Second Amendment. (*N.Y. State Rifle & Pistol Ass’n v. Bruen* (2022), 142 S. Ct. 2111; *D.C. v. Heller* (2008), 554 U.S. 570.)
- F. Through this Ordinance, the City Council desires to prohibit the carry of firearms in sensitive places, including by those who are licensed to carry a concealed weapon, consistent with the Supreme Court’s guidance in *N.Y. State Rifle & Pistol Ass’n v. Bruen*.

**SECTION II.** Article VII, “Weapons,” of Chapter 18, “Offences and Miscellaneous Provisions,” of the Town Code is amended to add section 18.70.005, “Definitions,” to read as follows:

**Sec. 18.70.005. Definitions.**

For the purpose of this Chapter, the following words and phrases have the meaning ascribed to them, unless otherwise noted:

“Ammunition” means any ammunition as defined in California Penal Code Section 16150, or any successor legislation.

“Concealed firearm” has the meaning set forth in Section 25400 of the California Penal Code or any successor legislation.

“Firearm”:

- (a) Means any gun, pistol, revolver, rifle, or any devise, designated or modified to be used as a weapon, from which is expelled though a barrel a projectile by the force of an explosion of other form of combustion.
- (b) Includes:
  - 1. A firearm, as defined in California Penal Code section 16520 or any successor legislation.



2. A BB device, as defined in California Penal Code section 16250 or any successor legislation.
3. An imitation firearm, as defined in California Penal Code section 16700(a) or any successor legislation.

“Licensee” means a person granted a license to carry a pistol, revolver, or other firearm capable of being concealed upon the person pursuant to Sections 26150, 26155, or 26170 of the California Penal Code.

“Sale” or “Sell”:

(a) Means any transaction, with or without the exchange of consideration, which:

1. Transfers ownership, title, possession, or control of a firearm, or ammunition, or both; or
2. Gives, loans, leases, or delivers a firearm, or ammunition, or both.

(b) Includes the act of placing a order for any of the aforementioned transfers.

“School” means “school zone” as defined in Penal Code Section 626.9 as well as institutions that provide preschool, post-secondary, technical, or trade or vocational education, and includes all athletic facilities, offices, cafeterias and eating establishments, health care facilities, research facilities, parking lots, and shared rooms and common areas of dormitories thereof.

“School” does not include a private residence at which education is provided for children who are all related to one another by blood, marriage, or adoption.

“Sensitive Place” means any of the following places:

- (a) Town Property;
- (b) Any polling place where voting is occurring;
- (c) Any School;
- (d) A bus, train, paratransit, or other form of transportation paid for in whole or in part with public funds where the public agency that operates the transit system has duly authorized the Town to enforce this prohibition; and
- (e) A church, synagogue, mosque or other place of worship, including in any parking area immediately adjacent threats. Unless the operation of the place of worship clearly and conspicuously posts a sign at the entrance of the building or on the premises indication that license holders are permitted to carry firearms on the property.

“Town Property” means Town government buildings, including but not limited to, the Civic Center Complex, the Police Operations Building, the Parks and Public Works Department offices, and the Town Library.

“Unloaded”:

(a) Means:

1. No ammunition is in the firearm’s chamber or cylinder; and
2. No ammunition, clip, tube, speed loader, or magazine that is compatible with the firearm and that contains ammunition is on the person who is carrying the firearm.

(b) Does not include a muzzle-loading firearm that is capped or primed and has powder charge and ball, shot, or projectile in the barrel or cylinder.

**SECTION III.** Section 18.70.025, “Permit to carry, shoot and discharge” of Article VII, “Weapons,” of Chapter 18, of the Town Code is amended to read as follows:

**Sec. 18.70.025. License to carry pistol, revolver, or other firearm capable of being concealed upon the person.**

- (a) In accordance with Penal Code Section 26155 and the concealed carry firearm license procedures implemented by the Chief of Police, a person may apply for a license to carry a pistol, revolver, or other firearm capable of being concealed upon the person.
- (b) The Chief of Police may issue a concealed carry firearm license to that person upon proof of all of the following:
  - 1. The applicant is of good moral character.
  - 2. The applicant is a resident of the Town of Los Gatos.
  - 3. The applicant has completed a course of training as described in Penal Code Section 26165.
  - 4. The application complies with state law, the Town Code, and the Town’s concealed carry firearm license procedure adopted by the Chief of Police.
- (c) License applications shall be submitted electronically using the Town’s on-line concealed carry license application portal.
- (d) The Chief of Police or designee shall review the completed application and corresponding documents to determine whether it satisfies the requirements set forth in state law, the Town Code, and the Town’s concealed carry firearm license procedure.
- (e) Any such license issued shall contain a description of the firearm subject to such license, giving the name of the manufacturer, the serial number and caliber and gauge, and shall set forth the date issued and expiration date, which shall in no event exceed two years from the date of issuance.
- (f) In accordance with Penal Code Section 26200, the license may contain restrictions limiting the use of the concealed carry firearm.
- (g) If the Chief of Police issues a license to the applicant, a duplicate original copy thereof shall be filed and remain in the office of the Chief of Police.
- (h) The Chief of Police may deny any application that does not comply with state law, Town Code, or the Town’s concealed carry firearm license procedure or revoke any license if the license holder does not comply with state or local law, the Town’s concealed carry firearm license procedure, or a license condition. In such event, the Chief of Police shall notify such applicant or permittee of the decision in person or by mail at the address shown on the application on file in the office of the Chief of Police. Notice shall be deemed to have been given on the day the notice is mailed or personal notice given.

Cross reference(s)—Licenses and miscellaneous business regulations, Ch. 14.

**SECTION IV.** Section 18.70.030, “Sale to, possession, use by minors,” of Article VII, “Weapons,” of Chapter 18, of the Town Code is removed.

**SECTION V.** Section 18.70.035, "Sling shots; possession prohibited," of Article VII, "Weapons," of Chapter 18, of the Town Code is removed.

**SECTION VI.** Article VII, "Weapons," of Chapter 18, "Offences and Miscellaneous Provisions," of the Town Code is amended to add section 18.70.040, "Prohibited acts – Ban on possession and sale of firearms," to read as follows:

**Sec. 18.70.040. Prohibited acts – Ban on possession and sale of firearms.**

No person shall, including those persons holding a concealed carry weapons license:

- (a) Bring onto or possess at a sensitive place:
  - 1. A firearm, loaded or unloaded.
  - 2. Ammunition for a firearm.
- (b) Sell on Town property:
  - 1. A firearm, loaded or unloaded.
  - 2. Ammunition for a firearm.

**SECTION VII.** Article VII, "Weapons," of Chapter 18, "Offences and Miscellaneous Provisions," of the Town Code is amended to add section section 18.70.050, "Exceptions – Ban on possession," to read as follows:

**Sec. 18.70.050. Exceptions – Ban on possession.**

Section 18.70.040 does not apply to the following:

- (a) A federal, state, or local law enforcement officer when such person is authorized to carry a concealed firearm or a loaded firearm under state law or under 18 U.S.C. Section 926B or 926C or any successor legislation;
- (b) An honorably retired officer or agent of a law enforcement agency, when authorized to carry a concealed or loaded firearm under State law;
- (c) A security guard or messenger of a financial institution, a guard of a contract carrier operating an armored vehicle, a licensed private investigator, a patrol operator, an alarm company operator, or security guard, when such persons are authorized by applicable state or federal law to carry a firearm and when such persons are engaged in the exercise of their official duties;
- (d) An active member of the military forces of the State or of the United States when engaged in the performance of lawful duties and orders;
- (e) Any person bringing an unloaded firearm onto Town property in order to exchange or transfer or relinquish it to the Police Department, in compliance with any Police Department operated or sponsored program to purchase, exchange, or otherwise obtain voluntary relinquishment of firearms;
- (f) A person delivering unloaded firearms as authorized by state or federal law, to or from law enforcement;

- (g) A person lawfully possessing an unloaded firearm in the locked trunk or inside a locked container in a motor vehicle;
- (h) A person who is lawfully at and using a firearms target range in accordance with its rules and applicable law.
- (i) A patrol special police officer, animal control officer, or zookeeper when authorized by applicable California or federal law to carry a loaded firearm and when engaged in exercise of official duties on city properties.
- (j) An officer authorized to transport prisoners under applicable California or federal law.
- (k) An authorized participant in a motion picture, television, film or video production, or musical theatrical production when the participant lawfully uses an unloaded firearm as a part of that production.
- (l) A hunter with a valid hunting license when going to or returning from a legal hunting expedition; provided, however, that when transiting through any area where firearms are prohibited; any firearm is safely stored in a locked container or otherwise secured using a firearm safety device as defined by California Penal Code Section 16540 or any successor legislation;
- (m) A licensee in their residence or place of business in accordance with Section 12026 of the California Penal Code and any successor legislation.

**SECTION VIII.** Article VII, "Weapons," of Chapter 18, "Offences and Miscellaneous Provisions," of the Town Code is amended to add section 18.70.060, "Exceptions – Ban on sale," to read as follows:

**Sec. 18.70.060. Exceptions – Ban on sale.**

Section 18.70.040 does not apply to the purchase or sale of a firearm, or ammunition, or both, by a federal, state, or local law enforcement agency or by any other federal, state, or local government entity.

**SECTION IX.** Article VII, "Weapons," of Chapter 18, "Offences and Miscellaneous Provisions," of the Town Code is amended to add section 18.70.070, "Sale to, possession, use by minors," to read as follows:

**Sec. 18.70.070. Sale to, possession, use by minors.**

No person shall sell to any minor in the Town under the age of sixteen (16) years, and no person shall sell or give to any minor in the Town under the age of eighteen (18) years, without written consent of the minor's parent or guardian, any rifle, gun, pistol, revolver, air rifle, B-B gun, or other similar instrument from or by means of which any bullet, shot or other missile of any kind may be projected. No such minor shall use or possess any rifle, gun, pistol, revolver, air rifle, B-B gun or other similar instrument from or by means of which any bullet, shot or other missile of any kind may be projected. The provisions of this section shall not apply to the possession of such firearms or other instruments by such minors in carrying or transporting

such firearms or other such instrument, unloaded or broken down into, through or out of the Town or in bona fide shooting galleries, gun clubs or organizations or educational institutions authorized to give military instruction, while such firearms or other instrument are being used as a part of such instruction, nor to the possession of unloaded firearms, air rifles or other such instruments by any such minor as an employee of a merchant, when such possession is in the usual course of the minor's employment. The provisions of this section shall not apply to cap pistols, dart guns or other similar toys.

**SECTION X.** Article VII, "Weapons," of Chapter 18, "Offences and Miscellaneous Provisions," of the Town Code is amended to add section 18.70.035, "Sling shots; possession prohibited," to read as follows:

**Sec. 18.70.080. Sling shots; possession prohibited.**

No person shall make use of or wear or carry or have in possession any sling shot, rubber sling or other instrument or contrivance by means of which shots or other missiles of any kind or description are or made to be hurled or projected.

**SECTION XI. Severability.**

In the event that a court of competent jurisdiction holds any Section, subsection, paragraph, sentence, clause, or phrase in this Ordinance unconstitutional, preempted, or otherwise invalid, the invalid portion shall be severed from this Section and shall not affect the validity of the remaining portions of this Section. The Town hereby declares that it would have adopted each Section, subsection, paragraph, sentence, clause, or phrase in this Section irrespective of the fact that any one or more Sections, subsections, paragraphs, sentences, clauses or phrases in this Section might be declared unconstitutional, preempted, or otherwise invalid.

**SECTION XII. CEQA.**

Adopting this Ordinance is not a project subject to CEQA because it can be seen with certainty that it will not impact the environment (CEQA Guidelines Section 15378).

**SECTION XIII. Publication.**

The Town Council hereby directs the Town Clerk to cause this Ordinance or a summary thereof to be published or posted in accordance with Section 36933 of the Government Code of the State of California.

**SECTION XIV. Effective Date.**

This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on the 20<sup>th</sup> of June, 2023, and adopted by the following vote as an ordinance of the Town of Los Gatos at a regular meeting of the Town Council of the Town of Los Gatos on the 1<sup>st</sup> of August, 2023. This ordinance takes effect 30 days after it is adopted.

**COUNCIL MEMBERS:**

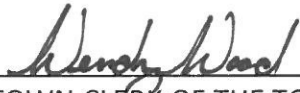
AYES: Mary Badame, Matthew Hudes, Rob Moore, Rob Rennie, Mayor Maria Ristow  
NAYS: None  
ABSENT: None  
ABSTAIN: None

SIGNED:

  
\_\_\_\_\_  
MAYOR OF THE TOWN OF LOS GATOS  
LOS GATOS, CALIFORNIA

DATE: 8-2-23

ATTEST:

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

DATE: 8-2-23