TOWN OF LOS GATOS
TOWN COUNCIL POLICY COMMITTEE MEETING – *AMENDED AGENDA
JANUARY 19, 2017
TOWN COUNCIL CHAMBERS – 110 EAST MAIN STREET
LOS GATOS, CA
10:00 AM

Marico Sayoc, Mayor
Marcia Jensen, Council Member

MEETING CALLED TO ORDER

ROLL CALL

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

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

1. Approval of the December 15, 2016 Council Policy Committee Draft Minutes

*2. Review and discuss the Commission Appointment Policy in relation to the December 13, 2016 Interview and Appointment Process

*3. Review and discuss the Light and Exit Well Standards

4. Review and discuss Floor Area Ratio (FAR) Requirements

*5. Review and provide direction to the Neighborhood Parking Plan process and associated cost recovery issues
Staff is requesting deferral to a future meeting

6. Review and discuss the Facilities Use Policy regarding the definition of "All Other Users"

ADJOURNMENT

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

DRAFT
MINUTES OF THE TOWN COUNCIL POLICY COMMITTEE MEETING
DECEMBER 15, 2016

The Town Council Policy Committee of the Town of Los Gatos conducted a Regular Meeting on Thursday, December 15, 2016, at 10:00 a.m.

ROLL CALL

Members Present: Marico Sayoc, Marcia Jensen
Staff Present: Laurel Prevetti, Rob Schultz, Joel Paulson, Matt Morley, Shelley Neis, JR Langer, Shelayne Hammack

MEETING CALLED TO ORDER AT 10:00 AM

VERBAL COMMUNICATIONS

Lee Quintana

- Discussed the appeal process and the Zoning Code.

Dan Ross

- Commented on how the potential changes to the Cellar Policy would affect current projects.

AGENDA ITEMS

1. Review a draft Policy defining ancillary office use in the LM Zone

Due to other work load, this Staff Report is anticipated to be ready for January's Council Policy Committee meeting and there was no discussion of this item.

2. Review and Discuss the Cellar Policy and Basement definition

Joel Paulson, Community Development Director made the staff presentation.

Opened Public Comment.

Lee Quintana

- Commented on the original development of the policy.

Dan Ross
- Commented about his concern that the change of policy will increase the mass and scale of houses.

Maria Ristow
- Commented about the goal of the policy.

Shannon Susick
- Stated that there should be language encouraging cellars and basements.

Closed Public Comment.

Committee members received further clarification on the policy and the report from staff. Committee accepted the proposed definition as contained in the staff report with direction to staff to bring back the cellar policy for additional discussion.

3. Review and provide direction on the Neighborhood Parking Plan process and associated cost recovery issues.

Lieutenant JR Langer made the presentation.

Opened Public Comment.

Maria Ristow
- Discussed cost recovery for permit parking and suggested increasing permit costs. She stated she would like to see a pilot program around the high school.

Closed Public Comment.

The Committee directed staff to communicate to all pilot and application areas that this issue is under study and that there should not be an expectation of preferential parking. Staff will also remove the petition and associated materials from the website. Staff will come back to the Committee with a proposed policy for the Committee's consideration that includes safety criteria and a cost recovery proposal.

4. Review and Discuss Facilities Use Policy regarding the definition of "All Other Users"

Shelayne Hammack, Management Analyst made the staff presentation.

Opened and closed Public Comment.

Committee requested staff to amend the Policy separating the Chambers and the Chambers Lobby. In addition, they requested to delete "all other users" and add language specifying

non-profit organizations that are related to Town business or events that are associated with a government purpose.

5. Review and Discuss Commission Appointment Policy

Shelley Neis, Clerk Administrator gave the presentation.

Opened and closed Public Comment.

The Committee requested staff to amend the Policy requiring applicants to only apply for one Commission and creating a "none of the above" option for the Commission ballot. The Committee asked staff to amend the Policy to create a process for assigning terms in the Policy.

ADJOURNMENT
The meeting adjourned at 12:35 pm.

Attest:

_____
SHELAYNE HAMMACK, Management Analyst

TOWN OF LOS GATOS
TOWN COUNCIL POLICY
COMMITTEE REPORT

MEETING DATE: 01/19/2017

ITEM NO: 2

DATE: JANUARY 12, 2017

TO: TOWN COUNCIL POLICY COMMITTEE

FROM: LAUREL PREVETTI, TOWN MANAGER

SUBJECT: REVIEW AND DISCUSS THE COMMISSION APPOINTMENT POLICY IN RELATION TO THE DECEMBER 13, 2016 INTERVIEW AND APPOINTMENT PROCESS

RECOMMENDATION:

Review and discuss the Commission Appointment Policy in relation to the recent interview and appointment process.

BACKGROUND:

After discussion at its December 15, 2016 meeting the Committee directed staff to amend certain procedures:

1. Applicants may only apply for one Board, Commission, or Committee (hereinafter "Commissions") per recruitment.
2. Create a process for assigning terms when there are unfulfilled vacancies.
3. Identify the interview process (individual or group) by which the applicants will be interviewed.
4. Modify the written ballot to include a "None of the above" option.

Suggested modification for the Committee to consider (received at the Commissioner Orientation):

5. Address tardiness and leaving early as part of the attendance requirement.

Staff recommends including a process to enforce the Fair Political Practices Commission (FPPC) requirements:

6. Form 700 for all Commissioners
7. AB 1234 Ethics Training for Planning Commissioners

PREPARED BY: SHELLEY NEIS
Clerk Administrator

CONCLUSION AND NEXT STEPS:

The proposed amendments to the Policy are included in the red-lined Policy (Attachment 1) for the Committee to review and discuss. Based on the discussion, the Committee should identify any new changes to the proposed updated Council Policy 2-11 (Attachments 1 and 2). The Committee's recommendations on the document will be forwarded to the Town Council for its review and consideration.

COORDINATION:

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

FISCAL IMPACT:
There is no fiscal impact.

ENVIRONMENTAL ASSESSMENT:

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

Attachments:
1. Redline changes to Policy 2-11
2. Revised Policy 2-11

Title: Commission Appointments, Residency And Attendance Requirements, And Establishing A Quorum	**Policy Number:** 2-11
Effective Date: 2/28/90	**Pages:** 6
Enabling Actions:	**Revised Date:** 6/13/94; 6/16/14; 4/7/15; 10/18/16
Approved:	

PURPOSE

To establish a policy to encourage participation by the Town's residents on Town Boards, Commissions and Committees (hereinafter referred to as "Commissions"). The Town will encourage residents to participate on Commissions by advertising vacancies on Commissions for at least 30 days, preparing easily understood applications, maintaining clear descriptions of the role of each Commission and Commissioners/Committee and Board Members (Commission members), providing current meeting schedules, and conducting public interviews of all Commission applicants, except as provided for in this Policy.

SCOPE

This Policy applies to all applicants to Town Boards, Commissions and Committees.

POLICY

The Town Council encourages public participation in all decision making and to be successful residents must be assured that the participation is meaningful and that their input will be valued. The widest representation from the community can only be achieved if vacancies are well advertised so that anyone interested will have the opportunity to apply. Public interviewing of the applicants by the Town Council demonstrates that the Council values these appointments and that everyone has an equal opportunity to be appointed. Applicants may only apply to one Commission during each recruitment cycle.

To ensure the greatest possible participation by the public, it is the Town's policy that no person shall be appointed to more than one Commission except in those cases where they are ex-officio members of other Boards, Commissions and Committees. This Policy does not apply to Commission members serving as representatives of their Commission who have been appointed by the Town Council. (Revised on 4/07/15)

RESIDENCY REQUIREMENTS

Residency within the incorporated municipal limits of the Town of Los Gatos, California is required for appointment and continued membership on all Town of Los Gatos Boards, Commissions, and Committees with the exception of the Youth Commission.

Youth Commission:
The members shall be students who are entering grades 8 through 12. Membership for the students requires either residency in the incorporated limits of the Town of Los Gatos or residency in the unincorporated areas of the County of Santa Clara, which have a Los Gatos mailing address.

ATTENDANCE REQUIREMENTS

1. All members of all appointive Town Advisory Bodies should attend all regular and special meetings of said Advisory Bodies.
2. Any member not in attendance at a regular or special meeting of said Advisory Body for at least 70% of the meeting shall be considered absent.
3. Any member of an appointive Town Advisory Body who is absent from the number of regular meetings listed below appropriate to his or her Advisory Body shall, as a result, surrender his or her office on the Advisory Body and the office shall be considered vacant.
    a. For an Advisory Body which holds six (6) or more regular meetings per a consecutive twelve (12) month period: three (3) regular meetings.
    b. For an Advisory Body which holds five (5) or fewer regular meetings per a consecutive twelve (12) month period: two (2) regular meetings.
    c. For an Advisory Body which holds sixteen (16) or more regular meetings per a consecutive twelve (12) month period: eight (8) regular meetings.
4. The vacant position shall be filled by appointment by a majority vote of the Town Council, for a term equal to the unexpired portion of the office vacated. Any member removed from office due to non-attendance may re-apply to serve on a Town Advisory Body.
5. An Advisory Body member may be removed from the Advisory Body prior to the end of his or her term by a three-fifths (3/5) vote of the Town Council.

QUORUM REQUIREMENTS

The number of members needed to constitute a quorum on any Town Advisory Body shall be a majority of the total number of filled seats.

PROCEDURES

The following procedures will be followed by the applicant, the Town Clerk Administrator and the Town Council for the appointment of applicants to Town Commissions:

Responsibility and Actions: Town Clerk Administrator

A. Annual Recruitments

Adult Commission members' terms begin on January 1 and end December 31, Youth Commissioners' terms follow the academic year and begin on August 1 and end on June 30. The Town Clerk Administrator shall perform the following duties in conducting an annual recruitment for Commission members:

1. Notify Town Council of vacancies on Commissions by indicating the names of the Commissions, the number of terms expiring or being vacated, names of individual(s) with expiring terms or vacating seats, advertising periods (at least 30 days) and the date of interview.

2. Advertise the vacancies, including the application deadline and the interview date, which shall be set for no later than the second Town Council meeting in December for Adult Commissioners, and the fourth Wednesday in May, no earlier than 4:00 p.m., for Youth Commissioners.

3. Prepare and maintain easily understood applications for appointment to Commissions. Applications shall include the following policy information:

   a. Prior to initial appointment to any Commission, non-incumbent applicants must be interviewed by the Town Council. The applications of those not appearing will be held for the next recruitment.

   b. If an incumbent is requesting reappointment to the same Commission, the incumbent will be re-interviewed, or must submit a letter for distribution to the Council prior to the interviews, describing the reason why the applicant cannot be present for an interview and why the applicant should be reappointed to the Commission. Incumbent interviews by telephone may be considered under extraordinary circumstances.

   c. Submissions deadlines are mandatory; no exceptions are permitted.

4. Applications:

   a. *For adult applicants* — Accept applications, verify eligibility, and distribute copies of the applications of eligible applicants to the Town Council prior to the interviews for appointment.

   b. *For student applicants* — Accept applications, verify eligibility, and distribute copies of the applications of eligible applicants to the Town Council Selection Committee prior to the interviews for appointment.

5. Notify the applicant by letter or email as to the date and time of the interview.

6. Facilitate the Council voting process set forth below by informing Council as to how many votes are possible on each Commission, calling out applicants' names, and identifying the applicants receiving sufficient votes for appointment. This process does not apply to student applicants.

7. Applicants:

   a. *For adult applicants* — After the interviews and Council vote are completed, notify all applicants of the Council's action, and explain Town policy of keeping application active for one year with notification of subsequent openings on that Commission to the interested applicants.

   b. *For student applicants* — After the interviews are completed, notify all applicants of the Council Committee's action, and prepare a staff report for the Town Council to ratify the Committee's appointment at the first Town Council meeting in June.

Balloting Process

Unless determined otherwise, the Council shall conduct a ballot vote for the appointment of individuals to fill the vacancies on Commissions. Such ballot vote may be conducted at either a regular, adjourned or special meeting of the Town Council. The ballot vote process shall be conducted as follows:

1. The Clerk Administrator shall provide a ballot to each Town Council member listing the names of all applicants and "None of the above" for a respective Commission. Prior to the vote, the Clerk Administrator shall publicly announce the position vacancy and all applicant names that are listed on the ballot;

2. Each Council member may vote for the same number of applicants as there are current vacancies on the respective Commission. In no case, can a Council Member cast more votes than there are vacancies; or vote for the same candidate more than once on each ballot (i.e. cumulative voting -- e.g. where there are three vacancies, a Council member may not give all three votes to the same candidate).

3. The Clerk Administrator shall collect all ballots and shall publicly announce the name of each Town Council member and how that Council member cast their respective vote.

4. Applicants receiving a majority number of votes shall be deemed appointed to the Commission. In the event of a tie, a run-off ballot shall be conducted of only the applicants receiving the highest number of votes from the previous round. This shall continue until a majority consensus on an applicant(s) is reached for the number of vacancies to be filled. In the event of an unbreakable tie, the Council may determine an alternative method for selecting the appointee(s) or direct the Clerk Administrator to re-advertise the vacancy. If a Council Member does not vote for a candidate in the initial voting they are ineligible to vote in any run-off ballot.

5. If the number of applicants seeking appointment to a specific Commission is equal to the number of available seats on said Commissions, the Council may dispense with the formal balloting procedure to appoint representatives to fill expiring vacancies.

6. If there are unfulfilled vacancies, term limits for appointed applicants will be determined by the number of votes each applicant receives (i.e. highest vote gets the longest term, for tie votes lots will be drawn).

B. Mid-Term Recruitments

During the year, Commissions may experience vacancies that drop the number of filled seats to a number of members that is not sufficient to conduct Commission business. The Commission may request the Council to conduct a mid-term recruitment to fill seats. To the extent possible, the Clerk Administrator will consolidate mid-term recruitments to minimize the number of recruitments occurring though the year. In the event of a vacancy on the Planning Commission, the Town will automatically conduct a mid-term recruitment. Mid-term recruitments will not be conducted for student commissioners. The Clerk Administrator shall advertise mid-term vacancies on Commissions for at least 15 days.

Responsibility and Action: Applicant

1. Read the Commission Appointments, Residency and Attendance Requirements, and Establishing a Quorum Policy, complete and submit to the Clerk Administrator the

application for appointment to a Town Commission by the advertised deadline date and time.

2. *For adult applicants:* Attend the Council meeting to be interviewed for Commission appointment.
   For student applicants: Attend the Council Selection Committee interview session.

3. If an incumbent Commission member is requesting reappointment to the same Commission and cannot be present for the interview, submit a letter to the Clerk Administrator by Friday prior to the interview, describing why applicant cannot be present for the interview and why the applicant should be reappointed to the Commission.

4. If appointed, prior to starting the Commission term, appointees are required to attend the Commissioner Orientation held in January and take the "Oath of Office."

5. All Commissioners are required to file the following documents required by the Fair Political Practices Commission:

   a. Form 700 – Assuming Office, Annually, and Leaving Office when term is complete
   b. Planning Commissioners are also required to complete AB 1234 Ethics Training and file the original certificate with the Clerk Administrator every two years.
   c. If the required filings are not completed timely, the Commissioner may be removed from office and may not be reappointed.

6. Attend Commission meetings once term begins.

7. Read the Commissioners' Handbook. The Handbook is to be returned to the Clerk Administrator when the term is complete.

Responsibility and Action: Town Council

1. Review applications.

2. *For adult applicants* – Interview applicants as a group by Commission at a public meeting.
   For student applicants – Town Council Selection Committee interviews applicants.

3. Determine if the incumbents not in attendance and having submitted a letter pursuant to this Policy should be considered for reappointment.

4. If there are limited applications for any vacancy to a Commission, the Mayor, on behalf of the Council, may request that the Clerk Administrator re-advertise the vacancy, reschedule the interviews, and notify all applicants of the new interview date.

APPROVED AS TO FORM:

_____

Robert Schultz, Town Attorney

TOWN OF LOS GATOS CALIFORNIA

COUNCIL POLICY MANUAL

Small Town Service *Community Stewardship* *Future Focus*

Title: Commission Appointments, Residency And Attendance Requirements, And Establishing A Quorum	**Policy Number**: 2-11
Effective Date: 2/28/90	**Pages**: 6
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   b. Planning Commissioners are also required to complete AB 1234 Ethics Training and file the original certificate with the Clerk Administrator every two years.
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7. Read the Commissioners' Handbook. The Handbook is to be returned to the Clerk Administrator when the term is complete.

Responsibility and Action: Town Council

1. Review applications.

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3. Determine if the incumbents not in attendance and having submitted a letter pursuant to this Policy should be considered for reappointment.

4. If there are limited applications for any vacancy to a Commission, the Mayor, on behalf of the Council, may request that the Clerk Administrator re-advertise the vacancy, reschedule the interviews, and notify all applicants of the new interview date.

APPROVED AS TO FORM:

_____

Robert Schultz, Town Attorney

TOWN OF LOS GATOS

TOWN COUNCIL POLICY COMMITTEE REPORT

MEETING DATE: 1/19/2017

ITEM NO: 3

DATE: JANUARY 17, 2017

TO: TOWN COUNCIL POLICY COMMITTEE

FROM: LAUREL PREVETTI, TOWN MANAGER

SUBJECT: REVIEW AND DISCUSS THE LIGHT AND EXIT WELL STANDARDS

RECOMMENDATION:

Review and discuss the light and exit well standards and provide direction to staff for next steps.

BACKGROUND:

On December 15, 2016, the Policy Committee reviewed revised Code language to address below grade square footage and directed staff to proceed to the Town Council for rescission of the Cellar Policy and then to the Planning Commission for consideration of the necessary revisions to the Town Code and other policy documents.

DISCUSSION:

At the December 15, 2016 meeting, staff mentioned that there were a few standards in the Cellar Policy (Attachment 1) that may need to be carried forward in a revised policy and/or Town Code language.

The standards that staff would like to discuss with the Committee are:

- Light and exit well setbacks;
- Light and exit well size; and
- Below grade patios.

Staff looks forward to the discussion and direction of the Committee for next steps.

PREPARED BY: JOEL PAULSON
Community Development Director

Reviewed by: Town Manager and Town Attorney

COORDINATION:

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

Attachment:
1. Cellar Policy

RESOLUTION 2002- 167

RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF LOS GATOS
ADOPTING CELLAR AND ATTIC POLICIES

WHEREAS, the Town of Los Gatos does not currently have any written codes or policies regulating cellars and attics, and

WHEREAS, the General Plan encourages use of basements and cellars to provide hidden square footage in-lieu of above ground visible mass (Policy L.P.2.1); and

WHEREAS, adoption of such policies will help provide clear direction to developers and homeowners processing development applications (General Plan Implementing Strategy L.I.7.4); and

WHEREAS, adoption of such policies will help reduce the bulk and mass and scale of new and remodeled homes; and

THEREFORE BE IT RESOLVED: the Town Council of the TOWN OF LOS GATOS does hereby adopt the Cellar and Attic Policies attached hereto as Exhibits A and B.

PASSED AND ADOPTED at a regular meeting of the Town Council held on the 21st day of October 2002, by the following vote:

COUNCIL MEMBERS:

AYES:	Steven Blanton, Sandy Decker, Steve Glickman, Joe Pirzynski, Mayor Randy Attaway.
NAYS:	None
ABSENT:	None
ABSTAIN:	None

SIGNED: Randy Attaway
MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:

Marian V Cosyns
CLERK OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTACHMENT 1

TOWN COUNCIL POLICY
TOWN OF LOS GATOS

Subject: Cellars

Enabling Action:
2002- 167

Approved: Randy Attaway

Randy Attaway, Mayor

Effective
Date: October 21, 2002

PURPOSE:

General Plan policy L.P.2.3 states: "Encourage basements and cellars to provide "hidden" square footage in-lieu of visible mass."

The following policy shall be used by staff when reviewing plans that include a cellar.

DEFINITION:

A cellar is an enclosed area that does not extend more than four feet above the existing or finished grade in any location. Cellars, as defined here, shall not be included in the FAR. That area of a cellar where the building height exceeds four feet above existing or finished grade shall not be included in this definition and shall be included in the floor area calculation. For purposes of this policy, whichever grade (existing or proposed) results in the lowest building profile of a building shall be used.

POLICY:

In reviewing plans for cellars staff shall consider the following:

- A cellar shall not extend more than four feet above the adjacent finished grade at any point around the perimeter of the foundation. Below grade floor area must meet the above definition of cellar to be excluded from the floor area calculations for the structure.

- If any portion of a cellar extends more than four feet above grade, that area shall be included in the floor area calculation.

- Light and exit wells may encroach into front and side yard setbacks provided that a minimum three-foot wide pedestrian access is provided around the light well(s). Light wells and exiting shall be the minimum required to comply with the Uniform Buildind Code criteria for natural light and ventilation.

- Below grade patios may extend out from a cellar into the required rear yard provided that a minimum 10 foot setback is retained from the rear property line.

- Cellars and basements (except light and exit wells) shall not extend beyond the building footprint.

- The Planning Commission may allow an exception to this policy based on extenuating or exceptional circumstances applicable to the property including size, shape, topography, location or surroundings. The Commission shall make findings to support such a decision.

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Revised September 30, 2002

PLANNING COMMISSION POLICY
TOWN OF LOS GATOS

Subject: Planning Commission Interpretation of Cellar Policy

Approved:
Bud Lortz, Director of Community Development

Effective Date: October 5, 2004

PURPOSE

To establish a policy on the number and location of cellars permitted under the Town Council's Cellar Policy

SCOPE

This policy applies to cellars as defined by the Town Council Policy adopted under Resolution 2002-167.

POLICY

A cellar shall not extend beyond the footprint of the main building (included attached garage) or detached accessory structure. One cellar is permitted per property. Additional cellars shall be included in the floor area calculation.

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TOWN OF LOS GATOS

TOWN COUNCIL POLICY COMMITTEE REPORT

MEETING DATE: 1/19/2017

ITEM NO: 4

DATE: JANUARY 17, 2017

TO: TOWN COUNCIL POLICY COMMITTEE

FROM: LAUREL PREVETTI, TOWN MANAGER

SUBJECT: REVIEW AND DISCUSS FLOOR AREA RATIO REQUIREMENTS

RECOMMENDATION:

Review and discuss the floor area ratio (FAR) requirements and provide direction to staff for next steps.

BACKGROUND:

On December 15, 2016, the Policy Committee asked that FAR be placed on their next agenda so that the matter could be discussed.

DISCUSSION:

FAR is currently regulated in the Town Code in a number of sections. Staff has attached an excerpt of the residential section of Town Code (Attachment 1) which contains the FAR formulas and other code language.

Staff has also attached an excerpt from the Hillside Development Standards and Guidelines (HDS&G) relating to FAR (Attachment 2).

Staff looks forward to the discussion and direction of the Committee for next steps.

PREPARED BY: JOEL PAULSON
Community Development Director

Reviewed by: Town Manager and Town Attorney

COORDINATION:

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

Attachments:
1. Town Code excerpt regarding FAR
2. HDS&G excerpt regarding FAR

slope (measured in the general direction of the side lot lines) is twenty (20) percent or more on at least one-quarter of the depth of the lot, the front yard is reduced to fifty (50) percent of that required in the zone.
(Ord. No. 1316, § 4.10.080, 6-7-76; Ord. No. 1337, 11-1-76)

Sec. 29.40.065. Rear yard.

In computing the depth of a rear yard where such yard opens onto an alley, one-half (½) the width of such alley may be assumed to be a portion of the required rear yard.
(Ord. No. 1316, § 4.10.090, 6-7-76; Ord. No. 1337, 11-1-76)

Sec. 29.40.070. Projections allowed into yards.

(a) A porte cochere may be permitted over a driveway in a side yard, provided that it is not more than one (1) story high and twenty-four (24) feet long, with supporting columns a minimum of three (3) feet from the side lot line with a maximum eave length of twelve (12) inches, and is entirely open on at least three (3) sides, except for the necessary supporting columns and customary architectural features.

(b) Cornices, eaves, belt courses, sills, canopies, bay windows, chimneys or other similar architectural features may extend or project into a required side yard not more than twenty-four (24) inches and may extend or project into a required front or rear yard not more than thirty (30) inches.

(c) Open, unenclosed porches or decks, not covered by a roof or canopy, less than one (1) foot above grade, may project into side or rear yards.

(d) Open, unenclosed porches, not covered by a roof or canopy, less than four (4) feet above grade may project into front, side or rear yards or into any court up to six (6) feet; but in no case shall the projection into a side yard be closer than six (6) feet to the property line or into a court exceed a distance of more than twenty (20) percent of the width of such court.

(e) Open, unenclosed balconies, not covered by a roof or canopy may project into a front or rear yard up to six (6) feet.
(Ord. No. 1316, § 4.10.100, 6-7-76; Ord. No. 1337, 11-1-76; Ord. No. 2149, § I, 5-1-06)

Sec. 29.40.075. Floor area ratio.

(a) The objective of the floor area ratio (FAR) is to assist in determining whether the mass and scale of the project is compatible with the surrounding neighborhood. The FAR is a nominal limit, not a goal, and shall be used in conjunction with the residential development standards adopted by resolution.

(b) The FAR applies to those lots developed or proposed to be developed with a single- or two-family dwelling in all residential zones (except the RC and HR zones). The following standards shall be used to regulate new construction:

(1) The allowable FAR for all structures, excluding garages, on lots between five thousand (5,000) square feet and thirty thousand (30,000) square feet shall be determined by the

formula:

$$FAR = .35 - \left(\frac{A\text{-}5}{25} \times .20 \right)$$

where:

FAR is the floor area ratio.

A is the net lot area in thousands of square feet (for example, 7,500 square feet is written as 7.5).

(2) The allowable FAR for a garage on lots between five thousand (5,000) square feet and thirty thousand (30,000) square feet shall be determined by the formula:

$$FAR = .10 - \left(\frac{A\text{-}5}{25} \times .07 \right)$$

where:

FAR is the floor area ratio.

A is the net lot area in thousands of square feet (for example, 7,500 square feet is written as 7.5).

(3) The allowable floor area ratio for all structures, excluding up to four hundred (400) square feet of garage space, on any lot containing less than five thousand (5,000) square feet shall be determined by the formula:

$$\text{Floor Area Ratio} = .40 - \left(\frac{A\text{-}2}{3} \times .05 \right)$$

(c) The deciding body may allow a FAR in excess of the FAR derived by the formulas in subsections (b)(1), (2) and (3) above if it makes the following findings:

(1) The design theme, sense of scale, exterior materials and details of the proposed project are consistent with the provisions of:

a. Any applicable landmark and historic preservation overlay zone; and

b. Any applicable specific plan; and

c. The adopted residential development standards; and

(2) The lot coverage, setbacks and FAR of the proposed project is compatible with the development on surrounding lots.

(d) Any lot containing more than thirty thousand (30,000) square feet shall be exempt from the floor area ratio limitations.
(Ord. No. 1316, § 4.10.110, 6-7-76; Ord. No. 1789, § VII, 5-15-89; Ord. No. 1851, § I, 5-20-91; Ord. No. 1872, § I, 10-7-91)

Secs. 29.40.080—29.40.150. Reserved.

DIVISION 2. RC OR RESOURCE CONSERVATION ZONE

Sec. 29.40.155. Intent.

The purpose and intent of the RC zone is to enhance the quality of life in the Town through the protection of open space, special land forms, scenic areas, watershed, wildlife and vegetation; to restrict access to and within these certain designated areas, to restrict the intensity of activity and development, to limit residential density, to reduce fire hazards in the hillside areas which are under Williamson Act contract with the Town, and to provide for open space in the form of parks, playgrounds, and other community facilities.
(Ord. No. 1316, § 4.22.010, 6-7-76)

Sec. 29.40.160. Permitted uses.

The following uses are permitted in the RC or resource conservation zone in the Town:

(1) Single-family dwelling, provided that there is not more than one (1) principal residential structure on a lot.

(2) Agriculture, except dairying.

IV. DEVELOPMENT INTENSITY

A. Maximum Allowable Development

The Town of Los Gatos controls the amount of development that is allowed by limiting density and intensity of development - the minimum land area required for each house - and by limiting the maximum floor area of each house.

In Los Gatos, limiting the floor area or size of a house is important for several reasons:

- Large houses are more visible and therefore create greater adverse visual impacts.
- Large houses cover more land area, therefore requiring more disruption of the natural landscape and ecosystems.
- Large houses create more impervious surface area, which can increase runoff and cause drainage, landslide, and flooding problems.
- Large houses consume a greater amount of resources, both to construct and to maintain.

Refer to the Town's Zoning Regulations

Maximum allowed gross floor area. The maximum allowable gross floor area for homes subject to the Hillside Development Standards and Guidelines is determined using a floor area ratio (FAR) adjusted for slope as provided in Table 1, below. However, achieving the maximum floor area allowed is not guaranteed due to individual site constraints. The priority is to comply with the standards and guidelines rather than designing to the FAR. The FAR is a numerical guide and achieving the allowable square footage is not a goal. Greater weight shall be given to issues, including but not limited to, height, building mass and scale, visual impacts, grading and compatibility.

TABLE 1
REDUCTION OF NET SITE AREA ON SLOPING LOTS

Average lot slope	Percent of net lot area to be deducted
10.01 - 20%	10% plus 2% for each 1% of slope over 10%
20.01 - 30%	30% plus 3% for each 1% of slope over 20%
Over 30%	60%

ATTACHMENT 2

TABLE 2
MAXIMUM ALLOWED GROSS FLOOR AREA

Net Lot Area[1]	Floor Area Ratio (%)	Allowable Floor Area[3]
11,000 sq. ft. and less	34.5	3800
up to 12,000 sq. ft.	32.5	3900
up to 13,000 sq. ft	30.7	4000
up to 14,000 sq. ft.	29.3	4100
up to 15,000 sq. ft.	28.0	4200
up to 16,000 sq. ft.	26.9	4300
up to 17,000 sq. ft.	25.9	4400
up to 18,000 sq. ft.	25.0	4500
up to 19,000 sq. ft.	24.2	4600
up to 20,000 sq. ft.	23.5	4700
up to 21,000 sq. ft.	22.8	4800
up to 22,000 sq. ft.	22.3	4900
up to 23,000 sq. ft.	21.7	5000
up to 24,000 sq. ft.	21.3	5100
up to 25,000 sq. ft.	20.8	5200
up to 26,000 sq. ft.	20.4	5300
up to 27,000 sq. ft.	20.0	5400
up to 28,000 sq. ft.	19.6	5500
up to 29,000 sq. ft.	19.3	5600
up to 30,000 sq. ft.	19.0	5700
up to 31,000 sq. ft.	18.7	5800
up to 32,000 sq. ft.	18.5	5900
32,001 sq. ft. and above [2]		6000

[1]Net lot area as adjusted for slope – see Table 1

[2]For lots containing a net lot area of more than 32,000 square feet, the maximum gross floor area shall be 6,000 square feet unless an exception is granted by the Planning Commission in compliance with subsection d. (Exceptions to maximum floor area).

[3]Accessory structures including garages larger than 400 sq. ft. are included in the maximum floor area.

B. Exclusions from allowed floor area.

The following items are not included in the calculation of a structure's allowed gross floor area.

1. Cellars.
2. Garages up to 400 square feet in area.
3. Stables that are not fully enclosed.
4. Barns that do not exceed the applicable size shown in Table 3 below.

TABLE 3
MAXIMUM FLOOR AREA FOR BARNS AND STABLES*

Parcel Size (gross)	Maximum floor area of accessory structure
Up to one acre	500 sq. ft.
Up to 2.5 acres	1,000 sq. ft.
Up to 5 acres	2,000 sq. ft
Over 5 acres	2,500 sq. ft.

*All other enclosed accessory buildings are included in FAR.

Note: Accessory buildings that do not contain floor area because they are not fully enclosed (e.g. gazebos, arbors, carports) will be carefully reviewed for potential impacts such as grading, trees, impervious coverage, visibility, etc.

C. Exceptions to maximum floor area.

The Town Council or Planning Commission *may* approve residential projects greater than the maximum allowed floor area (but it is not guaranteed) when all of the following conditions apply:

1. The development will not be visible from any of the established viewing platforms (see glossary for definition of visible home).
2. There will be no significant impacts on protected trees, wildlife habitat or movement corridors.
3. Any grading necessary to accommodate the building area that exceeds the allowed FAR or an accessory building will be minimized.
4. All standards and applicable guidelines are being met.

5. Compliance to Title 24 Energy Efficiency Standards are shown using computer methods. The compliance margin must be at least 10.0.

6. The house will be pre-wired for future photovoltaic (PV) installation.

7. A minimum of 25% of hardscape material is permeable (certain types of interlocking pavers, grasscrete, pervious concrete, etc.).

8. A significant cellar element is included in the design, unless it conflicts with other standards.

9. There will not be a significant visual impact to neighboring properties.

TOWN OF LOS GATOS
POLICY COMMITTEE REPORT

MEETING DATE: 01/19/2017
ITEM NO: 6

DATE: JANUARY 17, 2017

TO: COUNCIL POLICY COMMITTEE

FROM: LAUREL PREVETTI, TOWN MANAGER

SUBJECT: REVIEW AND DISCUSS THE FACILTIIES USE POLICY REGARDING THE DEFINITION OF "ALL OTHER USERS"

RECOMMENDATION:

Review and discuss the Facilities Use Policy regarding the definition of "All Other Users."

BACKGROUND:

On August 2, 2016 Town Council approved the Town Facilities Use Policy. The Policy was amended on October 18, 2016 to include special event parameters for the use of Oak Meadow Park (see Attachment 1). Since that time, staff has received inquiries from parties wanting to use Council Chambers and the Lobby that raise questions that should be addressed by the Committee and ultimately, the Town Council. At its December 15th meeting, the Committee directed staff to return with an amended Policy, separating the use of Council Chambers and Council Chambers Lobby along with replacing the phrase "All Other Users" with more specific language.

DISCUSSION:

The recently-adopted Policy states:

> The Town Council Chambers and Lobby may be reserved by federal, state, county, and municipal agencies, and schools for activities that benefit Los Gatos residents and students. The Town Council Chambers and Lobby may also be reserved by agencies providing government education programs.

PREPARED BY: SHELAYNE HAMMACK
Management Analyst

Reviewed by: Town Manager and Town Attorney

DISCUSSION (cont'd):

1. The Town may grant permission to use the Town Council Chambers and Lobby in the following priority schedule:
    a. Town Council /Board, Commission, and Committees, including ceremonials
    b. Town Departments
    c. Town established Organizations and Committees (in which Town employees or Town officials participate)
    d. Government Agencies and Officials
    e. All other users

There has been a variety of local and non-local groups over the years that used the Council Chambers. Due to the lack of a community center in Los Gatos, the Council Chambers has often served that community purpose. The Council Chambers has allowed for large groups to come together for a variety of programs and activities as approved by the Town Manager's Office. Recent groups who have been using the Chamber, who are now excluded under the current Policy, include League of Women Voters, the Veterans Memorial Foundation, Friends of the Library, and Irish Culture Bay Area.

From the December 15th Policy Committee meeting direction, staff developed a draft amended Policy (see Attachment 2), that more clearly identifies which groups are allowed to use Council Chambers and Council Chambers Lobby. This draft Policy defines the separate uses of the Council Chambers and the Council Chambers Lobby. In this draft, the Council Chambers would be used solely for Town business and the Council Chambers Lobby will be able to be used more broadly. In addition, the draft amended Policy removes the phrase "All other users" and specifies the Council Chambers is to be used for Town or government related business.

ALTERNATIVES:

In considering this issue, staff has identified four options as a starting point for the discussion:

1. Keep the Policy as is, which would only allow government organizations and schools.

2. Approve the draft amended Policy as reads in Attachment 2 and bring to Town Council for approval.

3. Direct staff to edit the draft amended Policy and bring back to Policy Committee for further direction.

CONCLUSION:

Review and discuss the Facilities Use Policy regarding the definition of "All Other Users." Advise staff in the next direction for the Policy.

Attachments:
1. Facilities Use Policy
2. Draft Amended Facilities Use Policy Redline Version
3. Draft Amended Facilities Use Policy Clean Version

TOWN OF LOS GATOS CALIFORNIA

COUNCIL POLICY MANUAL

Small Town Service *Community Stewardship* *Future Focus*

TITLE: TOWN FACILITIES USE	**POLICY NUMBER**: 1-04
EFFECTIVE DATE: 8/3/16	**PAGES: 7**
ENABLING ACTIONS:	**REVISED DATES: 10/18/16**
APPROVED:	

PURPOSE

To establish a policy for managing use of the Town of Los Gatos Town facilities for use by the general public, official Town business, and governmental agencies. Which will:

1. Preserve core functions.

2. Provide for public access and use of civic facilities.

3. Facilitate and coordinate multiple uses of civic facilities.

SCOPE

Guiding Principles

1. Civic facilities are intended to be used primarily for administrative operations of the Town programs, and of the Town for the community. Therefore, official Town business, programs, and activities shall have priority use of all civic facilities.

2. Civic facilities are further intended to serve as a hub of civic and cultural activity and a major gathering center for community meetings and an active program of outdoor events.

3. Designated portions of the civic facilities may be used by the public for events including concerts, festivals, ceremonies, or other similar activity for the purposes of celebration, education or cultural enrichment.

4. It is the Town's intent to provide spaces that are affordable and accessible for cultural, civic, and celebratory activities, without compromising security and official Town business needs.

POLICY

Policy Overview

1. The Town Council will establish the civic facilities use policy. The Town Manager and his or her designee will issue permits and use agreements for events, and act as the final authority for the application of the policy.

2. The Town Manager's Office is responsible for the day-to-day operation of scheduling and administering facilities' reservation.

3. The granting of permission to use any civic facility shall not in any way constitute an endorsement of the views of the persons and/or group reserving the facility.

4. Users of civic facilities for outdoor events will be required to enter into an agreement and comply with all requirements set forth in this Town Facilities Use Policy.

5. All civic facility use reservations shall be made subject to the condition that the Town maintains the right to cancel or change any reservation if civic facilities are needed for official Town business. In no event shall the Town have any liability whatsoever for any cancellation made under the Town's authority to do so.

6. Use of civic facilities must not interfere with the conduct of official Town business or be unduly disruptive to others present in Town Hall or to adjacent properties.

7. All commercial activities shall be prohibited except as provided in an appropriate permit, or license issued by the Town, or provided for in an agreement with the Town.

Public Use – Civic Facilities

A. Civic Center Lawn

The Civic Center lawn, as a focal point for the Town of Los Gatos Civic Center, shall be used as the regular location for community gatherings and events free and open to all members of the public including concerts, festivals, ceremonies, or other similar activity for the purposes of celebration, education or cultural enrichment.

1. Reservations are processed on a "first come, first served" basis. A tentative reservation may be made up to one year in advance by submitting an application for a Special Event Permit, and Release of Liability. All required paperwork must be submitted wit original signatures.

2. Events are limited to one event per week. Recurring or continuing events shall require both a Town agreement and Town Council approval.

3. Private parties are not allowed.

4. Scheduled events must not interfere with the conduct of official Town business or be unduly disruptive to others present in Town Hall or to adjacent properties.

5. The following must be submitted and approved no later than two months prior to the scheduled event:
    a. Special Event Permit Application or Town agreement.
    b. Certificate of Insurance and Endorsement, naming the Town as an additional insured and making coverage primary, $1,000,000 liability insurance.
    c. Release of Liability, Assumption of Risk and Indemnity Agreement.
    d. Complete payment of all applicable fees and charges for use as established within the Municipal Code and are contained in the Town's Fee Schedule. All checks are to be made payable to "The Town of Los Gatos".

B. Civic Center Deck and Stairs

The Civic Center Deck and Stairs shall be used as the regular location for community gatherings and events free and open to all members of the public including concerts, festivals, ceremonies, or other similar activity for the purposes of celebration, education or cultural enrichment.

1. Reservations are processed on a "first come, first served" basis. A tentative reservation may be made up to one year in advance by submitting an application for a Special Event Permit, and Release of Liability. All required paperwork must be submitted with original signatures.

2. Events are limited to one event per week. Recurring or continuing events shall require both a Town agreement and Town Council approval.

3. Private parties are not allowed.

4. Scheduled events must not interfere with the conduct of official Town business or be unduly disruptive to others present in Town Hall or to adjacent properties.

5. The following must be submitted and approved no later than two months prior to the scheduled event:
    a. Special Event Permit Application or Town agreement.
    b. Certificate of Insurance and Endorsement, naming the Town as an additional insured and making coverage primary, $1,000,000 liability insurance.
    c. Release of Liability, Assumption of Risk and Indemnity Agreement
    d. Complete payment of all applicable fees and charges for use as established within the Municipal Code and are contained in the Town's Fee Schedule. All checks are to be made payable to "The Town of Los Gatos".

C. Council Chambers

The Town Council Chambers may be reserved by federal, state, county, and municipal agencies, and schools for activities that benefit Los Gatos residents and students. The Town Council Chambers may also be reserved by agencies providing government education programs.

1. The Town may grant permission to use the Town Council Chambers in the following priority schedule:
    a. Town Council/Board, Commission, and Committees, including ceremonial events
    b. Town Departments
    c. Town established Organizations and Committees (in which Town employees or Town officials participate)
    d. Government Agencies and Officials
    e. Non-profit organizations that are related to Town business or are hosting events that are associated with a government purpose.

2. Reservations are processed on a "first come, first served" basis. A tentative reservation may be made up to six months in advance by submitting an Application, and Release of Liability. All required paperwork must be submitted with original signatures.

3. The following must be submitted and approved no later than two weeks prior to the scheduled event:
    a. Application for Use of Room
    b. Certificate of Insurance and Endorsement, naming the Town as an additional insured and making coverage primary, $1,000,000 liability insurance
    c. Release of Liability, Assumption of Risk and Indemnity Agreement
    d. Complete payment of Building Attendant. All checks are to be made payable to "The Town of Los Gatos".

4. During the evenings (after 5 p.m.), on the weekends (Saturdays and Sundays), and on Holidays, all users will be charged a Facility Use Fee and other applicable charges for Town services as set forth in the Fee Schedule, unless the meeting or event is for official Town business, and the meeting or event is planned, managed, and led by the Town Council or Town Department.

5. A Building Attendant is required for all meetings regardless of meeting time or size. The Town will schedule the Building Attendant and invoice the applicant for the actual time scheduled. The Building Attendant will be responsible for the opening and closing of the facility and overseeing that the room is returned to its original condition.

6. Use is limited to a maximum of ten hours, per event, subject to other scheduled events, or Town use

7. Groups composed of minors must be supervised by at least one (1) adult for every ten (10) children under the age of 18 at all times while they are using the facility.

8. Alcohol is not permitted in the Council Chambers.

9. Applicants are responsible for setting up before and cleaning up after each event in the Chambers. Applicants shall be responsible for removing all personal property, owned or rented, prior to vacating the facility.
    a. Absolutely no open flames are allowed in the Chambers.
    b. No foreign substance may be applied to the floor, walls, or ceiling (this includes decorations).
    c. No rice, birdseed, confetti, etc., may be thrown in or around the Town Council Chambers.
    d. Gambling or wagering is prohibited.

Use of the Town Council Chambers will not be restricted because of age, sex, color, race, marital status, sexual orientation, ancestry, physical or mental disability, medical condition, religion, place of national origin, or any other basis prohibited by law.

10. Any exceptions to the use regulations must be approved, in writing, by the Town Manager.

D. Council Chambers Lobby

The Council Chambers Lobby located within Town Hall shall be used for conducting Town related business.

1. The Town may grant permission to use the Meeting Rooms in the following priority schedule:
    a. Town Council and Town Council Committees
    b. Planning Commission
    c. Others Boards and Commissions
    d. Town Departments
    e. All other uses

2. Reservations are processed on a "first come, first served" basis. A tentative reservation may be made up to six months in advance by submitting an Application, and Release of Liability. All required paperwork must be submitted with original signatures.

3. The following must be submitted and approved no later than two weeks prior to the scheduled event:
    a. Application for Use of Room
    b. Certificate of Insurance and Endorsement, naming the Town as an additional insured and making coverage primary, $1,000,000 liability insurance
    c. Release of Liability, Assumption of Risk and Indemnity Agreement
    d. Complete payment of Building Attendant. All checks are to be made payable to "The Town of Los Gatos".

4. The following must be submitted and approved no later than two weeks prior to the scheduled event:
    e. Application for Use of Room
    f. Certificate of Insurance and Endorsement, naming the Town as an additional insured and making coverage primary, $1,000,000 liability insurance
    g. Release of Liability, Assumption of Risk and Indemnity Agreement

h. Complete payment of Building Attendant. All checks are to be made payable to "The Town of Los Gatos".

5. The following must be submitted and approved no later than two weeks prior to the scheduled event:
   i. Application for Use of Room
   j. Certificate of Insurance and Endorsement, naming the Town as an additional insured and making coverage primary, $1,000,000 liability insurance
   k. Release of Liability, Assumption of Risk and Indemnity Agreement
   l. Complete payment of Building Attendant. All checks are to be made payable to "The Town of Los Gatos".

6. During the evenings (after 5 p.m.), on the weekends (Saturdays and Sundays), and on Holidays, all users will be charged a Facility Use Fee and other applicable charges for Town services as set forth in the Fee Schedule, unless the meeting or event is for official Town business, and the meeting or event is planned, managed, and led by the Town Council or Town Department.

7. A Building Attendant is required for all meetings regardless of meeting time or size. The Town will schedule the Building Attendant and invoice the applicant for the actual time scheduled. The Building Attendant will be responsible for the opening and closing of the facility and overseeing that the room is returned to its original condition.

8. Use is limited to a maximum of ten hours, per event, subject to other scheduled events, or Town use

9. Groups composed of minors must be supervised by at least one (1) adult for every ten (10) children under the age of 18 at all times while they are using the facility.

10. Alcohol is not permitted in the Council Chambers Lobby.

11. Applicants are responsible for setting up before and cleaning up after each event in the Chambers and/or Lobby. Applicants shall be responsible for removing all personal property, owned or rented, prior to vacating the facility.
    m. Absolutely no open flames are allowed in the Lobby.
    n. No foreign substance may be applied to the floor, walls, or ceiling (this includes decorations).

o. No rice, birdseed, confetti, etc., may be thrown in or around the Town Council Chambers.
p. Gambling or wagering is prohibited.

Use of the Town Council Chambers will not be restricted because of age, sex, color, race, marital status, sexual orientation, ancestry, physical or mental disability, medical condition, religion, place of national origin, or any other basis prohibited by law.

12. Any exceptions to the use regulations must be approved, in writing, by the Town Manager.

E. Civic Facilities Conference and Meeting Rooms

Conference and Meeting Rooms located within Town Hall, the Library, the Police Operations Building, and the Parks and Public Works Corporation Yard shall be used solely for conducting official Town business.

1. The Town may grant permission to use the Meeting Rooms in the following priority schedule:
    a. Town Council and Town Council Committees
    b. Planning Commission
    c. Others Boards and Commissions
    d. Town Departments
    e. All other Town uses

F. Town Plaza Park and Oak Meadow Park

Town Plaza Park and Oak Meadow Park, as focal points for the Town of Los Gatos, shall be used as a location for free gatherings that are open to the public. Events allowed include concerts, festivals, ceremonies, or other similar activity for the purposes of celebration, education or cultural enrichment.

1. Reservations are processed on a "first come, first served" basis. A tentative reservation may be made up to one year in advance by submitting an application for a Park Use Permit and/or a Special Event Permit, and Release of Liability. All required paperwork must be submitted with original signatures.

2. Events are limited to one event per week.

3. No event may completely shut down the park. The park must always remain accessible to the public.

4. Private parties (outside of Town designated reservable spaces) and fee for entrance events are not allowed. Incidental item sales may be allowed if they are consistent with the event activities, as approved.

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    d. Complete payment of all applicable fees, deposits, and charges for use as established within the Municipal Code, Park Use Fees, and as contained in the Town's Fee Schedule. All checks are to be made payable to "The Town of Los Gatos".

APPROVED AS TO FORM:

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Robert Schultz, Town Attorney

TOWN OF LOS GATOS CALIFORNIA

COUNCIL POLICY MANUAL

Small Town Service *Community Stewardship* *Future Focus*

TITLE: TOWN FACILITIES USE	**POLICY NUMBER**: 1-04
EFFECTIVE DATE: 8/3/16	**PAGES: 7**
ENABLING ACTIONS:	**REVISED DATES: 10/18/16**
APPROVED:	

PURPOSE

To establish a policy for managing use of the Town of Los Gatos Town facilities for use by the general public, official Town business, and governmental agencies. Which will:

1. Preserve core functions.
2. Provide for public access and use of civic facilities.
3. Facilitate and coordinate multiple uses of civic facilities.

SCOPE

Guiding Principles

1. Civic facilities are intended to be used primarily for administrative operations of the Town programs, and of the Town for the community. Therefore, official Town business, programs, and activities shall have priority use of all civic facilities.
2. Civic facilities are further intended to serve as a hub of civic and cultural activity and a major gathering center for community meetings and an active program of outdoor events.
3. Designated portions of the civic facilities may be used by the public for events including concerts, festivals, ceremonies, or other similar activity for the purposes of celebration, education or cultural enrichment.

4. It is the Town's intent to provide spaces that are affordable and accessible for cultural, civic, and celebratory activities, without compromising security and official Town business needs.

POLICY

Policy Overview

1. The Town Council will establish the civic facilities use policy. The Town Manager and his or her designee will issue permits and use agreements for events, and act as the final authority for the application of the policy.

2. The Town Manager's Office is responsible for the day-to-day operation of scheduling and administering facilities' reservation.

3. The granting of permission to use any civic facility shall not in any way constitute an endorsement of the views of the persons and/or group reserving the facility.

4. Users of civic facilities for outdoor events will be required to enter into an agreement and comply with all requirements set forth in this Town Facilities Use Policy.

5. All civic facility use reservations shall be made subject to the condition that the Town maintains the right to cancel or change any reservation if civic facilities are needed for official Town business. In no event shall the Town have any liability whatsoever for any cancellation made under the Town's authority to do so.

6. Use of civic facilities must not interfere with the conduct of official Town business or be unduly disruptive to others present in Town Hall or to adjacent properties.

7. All commercial activities shall be prohibited except as provided in an appropriate permit, or license issued by the Town, or provided for in an agreement with the Town.

Public Use – Civic Facilities

A. Civic Center Lawn

The Civic Center lawn, as a focal point for the Town of Los Gatos Civic Center, shall be used as the regular location for community gatherings and events free and open to all members of the public including concerts, festivals, ceremonies, or other similar activity for the purposes of celebration, education or cultural enrichment.

1. Reservations are processed on a "first come, first served" basis. A tentative reservation may be made up to one year in advance by submitting an application for a Special Event Permit, and Release of Liability. All required paperwork must be submitted wit original signatures.

2. Events are limited to one event per week. Recurring or continuing events shall require both a Town agreement and Town Council approval.

3. Private parties are not allowed.

4. Scheduled events must not interfere with the conduct of official Town business or be unduly disruptive to others present in Town Hall or to adjacent properties.

5. The following must be submitted and approved no later than two months prior to the scheduled event:
    a. Special Event Permit Application or Town agreement.
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    c. Release of Liability, Assumption of Risk and Indemnity Agreement.
    d. Complete payment of all applicable fees and charges for use as established within the Municipal Code and are contained in the Town's Fee Schedule. All checks are to be made payable to "The Town of Los Gatos".

B. Civic Center Deck and Stairs

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C. Council Chambers ~~and Lobby~~

The Town Council Chambers ~~and Lobby~~ may be reserved by federal, state, county, and municipal agencies, and schools for activities that benefit Los Gatos residents and students. The Town Council Chambers ~~and Lobby~~ may also be reserved by agencies providing government education programs.

1. The Town may grant permission to use the Town Council Chambers ~~and Lobby~~ in the following priority schedule:
   a. Town Council/Board, Commission, and Committees, including ceremonial events
   b. Town Departments
   c. Town established Organizations and Committees (in which Town employees or Town officials participate)
   d. Government Agencies and Officials
   ~~d.~~e. Non-profit organizations that are related to Town business or are hosting events that are associated with a government purpose.
   ~~e. All other users~~

2. Reservations are processed on a "first come, first served" basis. A tentative reservation may be made up to six months in advance by submitting an Application, and Release of Liability. All required paperwork must be submitted with original signatures.

3. The following must be submitted and approved no later than two weeks prior to the scheduled event:
    a. Application for Use of Room
    b. Certificate of Insurance and Endorsement, naming the Town as an additional insured and making coverage primary, $1,000,000 liability insurance
    c. Release of Liability, Assumption of Risk and Indemnity Agreement
    d. Complete payment of Building Attendant. All checks are to be made payable to "The Town of Los Gatos".

4. During the evenings (after 5 p.m.), on the weekends (Saturdays and Sundays), and on Holidays, all users will be charged a Facility Use Fee and other applicable charges for Town services as set forth in the Fee Schedule, unless the meeting or event is for official Town business, and the meeting or event is planned, managed, and led by the Town Council or Town Department.

5. A Building Attendant is required for all meetings regardless of meeting time or size. The Town will schedule the Building Attendant and invoice the applicant for the actual time scheduled. The Building Attendant will be responsible for the opening and closing of the facility and overseeing that the room is returned to its original condition.

6. Use is limited to a maximum of ten hours, per event, subject to other scheduled events, or Town use

7. Groups composed of minors must be supervised by at least one (1) adult for every ten (10) children under the age of 18 at all times while they are using the facility.

8. Alcohol is not permitted in the Council Chambers ~~or Lobby~~.

9. Applicants are responsible for setting up before and cleaning up after each event in the Chambers ~~and/or Lobby~~. Applicants shall be responsible for removing all personal property, owned or rented, prior to vacating the facility.
    a. Absolutely no open flames are allowed in the Chambers ~~or Lobby~~.
    b. No foreign substance may be applied to the floor, walls, or ceiling (this includes decorations).
    c. No rice, birdseed, confetti, etc., may be thrown in or around the Town Council Chambers.

d. Gambling or wagering is prohibited.

Use of the Town Council Chambers will not be restricted because of age, sex, color, race, marital status, sexual orientation, ancestry, physical or mental disability, medical condition, religion, place of national origin, or any other basis prohibited by law.

10. Any exceptions to the use regulations must be approved, in writing, by the Town Manager.

D. Council Chambers Lobby

The Council Chambers Lobby located within Town Hall shall be used for conducting Town related business.

1. The Town may grant permission to use the Meeting Rooms in the following priority schedule:
   a. Town Council and Town Council Committees
   b. Planning Commission
   c. Others Boards and Commissions
   d. Town Departments
   e. All other uses

2. Reservations are processed on a "first come, first served" basis. A tentative reservation may be made up to six months in advance by submitting an Application, and Release of Liability. All required paperwork must be submitted with original signatures.

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10. Alcohol is not permitted in the Council Chambers Lobby.

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~~D.~~E. ***Civic Facilities Conference and Meeting Rooms***

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~~E.~~F. ***Town Plaza Park and Oak Meadow Park***

Town Plaza Park and Oak Meadow Park, as focal points for the Town of Los Gatos, shall be used as a location for free gatherings that are open to the public. Events allowed include concerts, festivals, ceremonies, or other similar activity for the purposes of celebration, education or cultural enrichment.

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