

## **ORDINANCE 2132**

### **ORDINANCE OF THE TOWN OF LOS GATOS AMENDING THE ZONING ORDINANCE OF THE TOWN CODE ESTABLISHING PERSONAL SERVICE BUSINESS REGULATIONS IN SECTIONS 29.10.020, 29.20.185, 29.20.190 AND 29.60.320**

**WHEREAS**, the Town of Los Gatos seeks to preserve its unique mix of businesses in the downtown that contribute to its economic success; and

**WHEREAS**, the Town of Los Gatos general plan contains numerous goals, policies and implementing strategies intended to preserve its unique retail environment; and

**WHEREAS**, concerns have been raised in the community regarding potential detrimental impacts of additional Personal Service Businesses in the central business district including but not limited to, location, parking, traffic circulation, and land use mix; and

**WHEREAS**, the Town of Los Gatos zoning regulations do not provide a definition of "Personal Service Business" nor does it contain adequate ways to regulate potential negative impacts associated with them; and

**WHEREAS**, an increase in the number of Personal Service Businesses potentially threatens the Town's unique retail environment by their ability to displace retail businesses and may reduce the attractiveness of the Central Business District to retail consumers, and ultimately may limit the ability of the Central Business District to successfully compete with other business districts in the region; and

**WHEREAS**, the Town Council directed the Community Development Department to develop regulations related to Personal Service Businesses; and

**WHEREAS**, the Town Council's intent in adopting this ordinance is to ensure the exercise of greater control over the location of new personal service businesses in order to promote high standards of urban design and careful consideration of pedestrian circulation, compatibility with adjacent businesses, economic vitality and aesthetics.

### **THE TOWN COUNCIL OF THE TOWN OF LOS GATOS DOES ORDAIN AS FOLLOWS:**

#### **SECTION I**

Town Code Section 29.10.020 is amended to read as follows:

#### **Section 29.10.020 Definitions**

*Personal service business* means uses that predominately sell personal convenience services directly to the public, including but not limited to, barbers, beauty salons and related services, cosmetologists, electrolysis, facial and/or skin care, hair dressers and/or hair stylists, hair removal and/or replacement, manicurists, nail salons, pedicurists, permanent make-up, skin and body care, piercing, spas, tanning salons, tattooing, cleaners, dog grooming, tailors and other services of a

similar nature. Personal service business does not include travel agencies, insurance offices, law offices, architect offices, or any other type of office use.

*Retail use* means providing on site sales directly to the consumer for consumer or household use, including but not limited to the following: small markets/businesses which sell meat, vegetables, dairy products, baked goods, candy and/or other food products, household cleaning and maintenance products, cards, stationary, notions, books, cosmetics, specialty items, hobby materials, toys, household pets and supplies, apparel, jewelry, fabrics, cameras, household electronic equipment, CD music and movies, sporting equipment, kitchen utensils, home furnishings, home appliances, art supplies and framing, art work, antiques, paint, wallpaper, carpet, floor covering, office supplies, musical instruments, hardware, homeware, computers and related equipment/supplies, bicycles, automotive parts and accessories (excluding service and installation), and flowers, plants and garden supplies (excluding nurseries). Retail sales that are incidental to the primary use will not satisfy this definition.

## **SECTION II**

Town Code Section 29.20.185 (1) is amended to read as shown in Exhibit A attached hereto.

## **SECTION III**

Town Code section 29.20.190 (b) 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 or a personal service business if any of the following findings are made:
  - (1) The proposed use of the property is not in harmony with specific provisions or objectives of the general plan and the purposes of this chapter;
  - (2) The proposed use will detract from the existing balance and diversity of businesses in the commercial district in which the use is proposed to be located;
  - (3) The proposed use would create an over-concentration of similar types of businesses, or;
  - (4) The proposed use will detract from the existing land use mix and high urban design standards including uses that promote continuous pedestrian circulation and economic vitality.

## **SECTION IV**

Town Code sections 29.60.320 (a) (2) and (a) (3) are deleted.

## **SECTION V**

Town Code section 29.60.320 (b) is amended to read as follows:

- (b) Examples of proper C-2 activities are apparel stores, antique stores, artist studios, craft studios, auto part sales and artist supply shops. Examples of activities which are not proper in the C-2 zone are vehicle sales or service, manufacturing, warehousing, laundry or dry cleaning plants.

## SECTION VI

Town Code section 29.60.320 ( c ) is amended to read as follows:

- (c) Personal service businesses and office activities in the C-2 zone are subject to the following:
- (1) Personal service businesses may be allowed on the ground floor in the C-2 zone with a conditional use permit. However, personal service businesses are considered a permitted use in the areas described in Section 2 a-f below and in the remainder of the C-2 zone.
  - (2) Office activities in the C-2 zone shall not be located on the ground floor along any street, alleyway, or public parking lot except in the areas described below :
    - (a) Lyndon Avenue;
    - (b) Properties abutting Wood Road;
    - (c) The west side of Victory Lane;
    - (d) The south side of Los-Gatos-Saratoga Road excluding:
      - i. 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.
      - ii. The south side of Los Gatos-Saratoga Road between Santa Cruz Avenue and University Avenue; and
    - (e) The east side of South Santa Cruz Avenue directly across the street from Wood Road.
    - (f) The north and south side of West Main Street west of Victory Lane.
  - (3) Notwithstanding subsection (c)(2), office activities on ground floors described below shall be considered conforming and shall be allowed to continue so long as the office use is not discontinued for one hundred and eighty (180) consecutive days. If the office use is discontinued for such a period, then the office use shall not be resumed, and token use shall not toll or interrupt a period of discontinuance.
    - a. Office activities existing on June 17, 1991; or
    - b. Office activities in a building under construction on July 16, 1990, if the applicable architecture and site approval specifically stated that the building was approved for office activities.

## SECTION VII

Ordinance 2118 is repealed effective the 31<sup>st</sup> day following the final approval of this ordinance by the Town Council.

## SECTION VIII

This ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos 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 May 17, 2004. This ordinance takes effect 30 days after it is adopted.

### COUNCIL MEMBERS:

AYES: Sandy Decker, Joe Pirzynski, Mike Wasserman.

NAYS: Diane McNutt, Steve Glickman.

ABSENT: None

ABSTAIN: None

SIGNED:



MAYOR OF THE TOWN OF LOS GATOS  
LOS GATOS, CALIFORNIA

ATTEST:



CLERK OF THE TOWN OF LOS GATOS  
LOS GATOS, CALIFORNIA