

ORDINANCE NO. 2015-415

**AN INTERIM ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF LOS ALTOS EXTENDING A TEMPORARY
MORATORIUM ON NEW DEVELOPMENT IN THE LOYOLA
CORNERS NEIGHBORHOOD COMMERCIAL CENTER
SPECIFIC PLAN AND DECLARING THE URGENCY THEREOF**

WHEREAS, on August 25, 2015, in accordance with Government Code section 65858, the City Council at a duly noticed public meeting took testimony and adopted Interim Ordinance No. 2015-415, (a copy of which is attached hereto as Exhibit "A") an urgency interim ordinance that prohibited, for a period of 45 days the issuance of any use permit, building permit, variance, subdivision or any other applicable permit, approval, or entitlement for use for development within the Loyola Corners Neighborhood Commercial Center Specific Plan ("Specific Plan"); and

WHEREAS, on September 8, 2015, in accordance with Government Code section 65858, the City Council held a duly noticed public hearing and took testimony regarding this urgency ordinance to extend Interim Ordinance No. 2015-415 ("Extension Ordinance"); and

WHEREAS, the City Council has considered, and by adopting this Extension Ordinance ratifies and adopts, the report, which is incorporated in the Staff Report dated September 8, 2015, prepared by the City Attorney describing the measures taken to date to alleviate the conditions which led to the adoption of Ordinance No. 2015-415; and

WHEREAS, because the conditions justifying the adoption of Interim Ordinance No. 2015-415 have not been alleviated, the City Council now desires to extend the moratorium established by Interim Ordinance No. 2015-415 for an additional twenty-two months (22) months and fifteen (15) days, as permitted by Government Code Section 65858(b); and

WHEREAS, the City Council finds that this Extension Ordinance is not subject to the California Environmental Quality Act ("CEQA") (Public Resources Code sections 21000 *et seq.*), because it will not result in a direct or reasonably foreseeable indirect physical change in the environment because this Extension Ordinance prevents changes in the environment pending the contemplated review of the Specific Plan. CEQA Guidelines, sections 15060(c)(2).

NOW THEREFORE, the City Council of the City of Los Altos does hereby ordain as follows:

SECTION 1. SCOPE AND APPLICABILITY OF MORATORIUM:

This Extension Ordinance prohibits the issuance or approval of any use permit, building permit, variance, subdivision or any other applicable permit, approval, or entitlement for use for development within the Specific Plan. This Extension Ordinance does not apply to applications that are "deemed complete" as of September 8, 2015.

SECTION 2. COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

The City Council finds that this Extension Ordinance is not subject to the California Environmental Quality Act (CEQA). Pursuant to Section 15060(c)(2) of the CEQA Guidelines, the adoption of this Ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment because it prevents changes in the environment pending the contemplated study and review of the Specific Plan policies, zoning regulations or design standards, as well as possible amendments to the Specific Plan or General Plan.

SECTION 3. CONSTITUTIONALITY. If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 4. PUBLICATION. This ordinance shall be published as provided in Government Code section 36933.

SECTION 5. EFFECTIVE DATE. In accordance with the provisions of Government Code section 65858(b), this Extension Ordinance shall be in effect for twenty-two months (22) months and fifteen (15) days from the adoption of the Extension Ordinance. This Extension Ordinance shall take effect immediately and shall remain in effect until July 23, 2017.

The foregoing ordinance was, at a regular meeting held on September 8, 2015 passed and adopted by the following vote:

- AYES: BRUINS, PEPPER, PROCHNOW, SATTERLEE
- NOES: NONE
- ABSENT: MORDO
- ABSTAIN: NONE



Janis C. Pepper, MAYOR

Attest:



Jon Maginot, CMC, CITY CLERK

ORDINANCE NO. 2015-412**AN INTERIM URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS ESTABLISHING A TEMPORARY MORATORIUM ON NEW DEVELOPMENT IN THE LOYOLA CORNERS NEIGHBORHOOD COMMERCIAL CENTER AND DECLARING THE URGENCY THEREOF, TO TAKE EFFECT IMMEDIATELY**

NOW THEREFORE, the City Council of the City of Los Altos does hereby ordain as follows:

SECTION 1. FINDINGS AND PURPOSE.

On August 25, 2015, the City Council considered the adoption of this Ordinance at a duly noticed public meeting, and on the basis of the record thereof, finds and determines as follows:

- A. Recent proposed development projects located in the Loyola Corners Neighborhood Commercial Center Specific Plan (“Specific Plan”) have made it apparent that the City of Los Altos (“City”) should evaluate the continued effectiveness of the Specific Plan, which was adopted in 1990 and amended in 1993. The Specific Plan is over 25 years old and several requirements of the Specific Plan were never implemented. For example, an assessment district was never formed so the City did not purchase land required to implement some of the Specific Plan’s stated goals. For these reasons, the City needs time to evaluate the Specific Plan.
- B. The City intends to study, within a reasonable time, the adequacy of the Specific Plan. The Planning and Transportation Commission, the City Council, and the residents of Los Altos require a reasonable, yet sufficient period of time to consider and study legally appropriate and reasonable policies regulating the development in the Specific Plan. Given the time required to undertake adequate study and planning, the City Council finds that this Ordinance is necessary to prevent new development that might conflict with the City’s contemplated new Specific Plan policies, zoning regulations or design standards, as well as possible amendments to the Specific Plan or General Plan. The City Council has the authority to adopt an interim ordinance pursuant to Government Code Section 65858(b) in order to protect the public health, safety, or welfare.
- C. Accordingly, the City Council finds that there is a current and immediate threat to the public health, safety and welfare presented by potential new development in the Specific Plan. The issuance of any use permit, building permit, variance, subdivision or any other applicable permit, approval, or entitlement for use for development within the Specific Plan could result in new development that conflicts with the Specific Plan and may threaten the public health, safety, and welfare. Due to the foregoing circumstances, development of the properties located within the Specific Plan area before the City can amend or modify the Specific Plan poses an immediate threat to the public health, safety, and welfare.

This Ordinance is necessary as an urgency ordinance for the immediate preservation of the public, health, safety, and welfare within the meaning of Government Code Section 65858 and therefore, shall be passed immediately upon its introduction and shall become effective immediately upon its adoption.

- D. There is an urgent necessity, for the City to adopt this Ordinance, which prohibits issuance or approval of any use permit, building permit, variance, subdivision or any other applicable permit, approval, or entitlement for use for development within the Specific Plan area.

SECTION 2. SCOPE AND APPLICABILITY OF MORATORIUM.

This Ordinance prohibits the issuance or approval of any use permit, building permit, variance, subdivision or any other applicable permit, approval, or entitlement for use for development within the Specific Plan area. This Ordinance does not apply to applications that are “deemed complete” as of August 25, 2015.

SECTION 3. COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

The City Council finds that this Ordinance is not subject to the California Environmental Quality Act (CEQA). Pursuant to Section 15060(c)(2) of the CEQA Guidelines, the adoption of this Ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment because it prevents changes in the environment pending the contemplated study and review of the Specific Plan policies, zoning regulations or design standards, as well as possible amendments to the Specific Plan or General Plan.

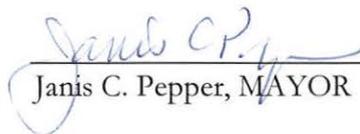
SECTION 4. SEVERABILITY. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance, including the application of such part of provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, the provisions of this Ordinance are severable. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be held unconstitutional, invalid, or unenforceable.

SECTION 5. PUBLICATION. This ordinance shall be published as provided in Government Code section 36933.

SECTION 6. EFFECTIVE DATE. This Ordinance is declared to be an urgency measure adopted pursuant to the provisions of Government Code section 65858. As set forth in the findings above, this Ordinance is necessary for preserving the public safety, health, and welfare. Pursuant to Government Code section 65858, this Ordinance is effective immediately and shall be in full force and effect for forty-five (45) days from the date of its adoption or until October 9, 2015. After further notice pursuant to section Government Code 65090 and a public hearing, the Council, by four-fifths (4/5) vote, may extend the effectiveness of this Ordinance for twenty-two months (22) months and fifteen (15) days in accordance with the provisions of Government Code section 65858(b).

The foregoing ordinance was passed and adopted by the City Council of the City of Los Altos at a regular meeting held on August 25, 2015 by the following vote:

AYES: BRUINS, PEPPER, PROCHNOW, SATTERLEE
NOES: MORDO
ABSENT: NONE
ABSTAIN: NONE


Janis C. Pepper, MAYOR

Attest:


Jon Maginot, CMC, CITY CLERK



STATE OF CALIFORNIA)
COUNTY OF SANTA CLARA) CERTIFIED COPY OF ORDINANCE
CITY OF LOS ALTOS) SECOND READING/ADOPTION

I, Jon Maginot, City Clerk for the City of Los Altos in said County of Santa Clara, and State of California, do hereby certify that the attached is a true and correct copy of Ordinance No. 2015-412, adopted by the Los Altos City Council on August 25, 2015 by the following vote:

AYES: BRUINS, MORDO, PEPPER, PROCHNOW, SATTERLEE
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

I hereby further certify that the ordinance was published in accordance with Government Code Section 36933 on the following date: September 2, 2015. Said ordinance shall be effective immediately

Dated this 9th day of September, 2015.


Jon Maginot, CMC
City Clerk