



**CITY OF LOS ALTOS
CITY COUNCIL MEETING
September 8, 2015**

PUBLIC HEARING

Agenda Item # 3

SUBJECT: Adopt Interim Urgency Ordinance No. 2015-415, extending a temporary moratorium on development within the Loyola Corners Neighborhood Commercial Center Specific Plan and declaring the urgency thereof

BACKGROUND

At its August 25, 2015 meeting, the City Council adopted Interim Ordinance No. 2015-412, which established a temporary moratorium on any new development in the Specific Plan. This temporary moratorium will expire on October 9, 2015, unless it is extended. The City Council requires more time to study contemplated new Specific Plan policies, zoning regulations or design standards, as well as possible amendments to the Specific Plan or General Plan.

EXISTING POLICY

Ordinance No. 2015-412

PREVIOUS COUNCIL CONSIDERATION

August 25, 2015

DISCUSSION

Recent proposed development projects located in the 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.

On July 28, 2015, the City Council directed the City Attorney to draft a temporary urgency ordinance that prevented 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. On August 25, 2015, the City Council adopted Interim Ordinance No. 2015-412. Since then the City Council has taken the following actions to alleviate the conditions justifying the adoption of the temporary urgency ordinance.

The City’s Planning and Transportation Commission recently reviewed the Specific Plan and drafted its recommendation to the Council for possible modifications to the Specific Plan. This is scheduled to be heard by the Council at its September 15, 2015 meeting.

In addition, the City Attorney has recommendations for improving the Specific Plan, reducing ambiguity, and avoiding future confusion over the application of its provisions that the Council will consider at its September 15, 2015 meeting. They are briefly outlined below:

1. Remove the language “recommending” changes to the development regulations. Instead, affirmatively impose the desired development regulations.

2. Do not incorporate development regulations by reference to the City's Zoning Code. This creates confusion about which version of the regulations should apply if the zoning districts are later amended. If incorporation by reference cannot be avoided, expressly clarify what happens if the zoning districts are amended.
3. Clarify which development standards and policies are mandatory, if any.
4. Clarify the implementation provisions.
5. Consider the possibility of repealing the Specific Plan altogether, if the Council believes that none of its policies are objectives are still needed. This would require a Zoning Code amendment to remove references to the Specific Plan; although the City could maintain the Loyola Corners zoning district if it felt that were desirable.

If Interim Ordinance 2015-412 is not extended, then the Council will not have sufficient time to complete its study of the contemplated new Specific Plan policies, zoning regulations or design standards, as well as possible amendments to the Specific Plan or General Plan, and the confusion and uncertainty created by the Specific Plan on future projects will remain.

If this Ordinance is adopted, then it will extend the Interim Ordinance No. 2015-412 for up to twenty-two (22) months and fifteen (15) days, or until July 23, 2017.

PUBLIC CONTACT

A public hearing notice was published in the *Town Crier* on August 26, 2015 for the September 8, 2015 City Council meeting.

Posting of the meeting agenda serves as notice to the general public.

FISCAL/RESOURCE IMPACT

None

ENVIRONMENTAL REVIEW

Exempt, CEQA Guideline 15060(c)(2)

RECOMMENDATION

Adopt Interim Urgency Ordinance No. 2015-415, extending a temporary moratorium on development within the Loyola Corners Neighborhood Commercial Center Specific Plan and declaring the urgency thereof

ALTERNATIVES

None

Prepared by: Jolie Houston, City Attorney

ATTACHMENT:

1. Ordinance No. 2015-415

Adopt Interim Urgency Ordinance No. 2015-415, extending a temporary moratorium on development within the Loyola Corners Neighborhood Commercial Center Specific Plan and declaring the urgency thereof

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:
- NOES:
- ABSENT:
- ABSTAIN:

Janis C. Pepper, MAYOR

Attest:

Jon Maginot, CMC, CITY CLERK