



**CITY OF LOS ALTOS  
CITY COUNCIL MEETING  
August 25, 2015**

**PUBLIC HEARING**

**Agenda Item # 15**

**SUBJECT:** Adopt Interim Urgency Ordinance No. 2015-412, establishing a temporary moratorium on development within the Loyola Corners Neighborhood Commercial Center Specific Plan and declaring the urgency thereof

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**BACKGROUND**

At its July 28, 2015 regular meeting, the City Council directed the City Attorney to draft an Ordinance regarding a moratorium on development within the Specific Plan.

**EXISTING POLICY**

None

**PREVIOUS COUNCIL CONSIDERATION**

None

**DISCUSSION**

Adoption of the proposed Ordinance (Ordinance No. 2015-412) on development within the Specific Plan will ensure that new development does not occur while the City Council considers enacting new Specific Plan policies, zoning regulations, and design standards affecting development within this study area.

If the City Council adopts the Ordinance, it will remain in effect for 45 days. The City Council must issue a written report “describing the measures taken to alleviate the condition which led to the adoption” of the temporary moratorium 10 days prior to its expiration on October 9, 2015. See Govt. Code §65858(b). If the City Council needs more than 45 days to consider enacting new regulations affecting development within the Specific Plan, after notice pursuant to Section 65090 and public hearing, the legislative body may by a four-fifths (4/5) vote extend the Ordinance for 22 months and 15 days. See Govt. Code §65858(b). Due to the City Council meeting schedule, this will be considered at the September 8, 2015 meeting.

**PUBLIC CONTACT**

A public hearing notice was published in the *Town Crier* for the August 25, 2015 City Council meeting.

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

**FISCAL/RESOURCE IMPACT**

None

**ENVIRONMENTAL REVIEW**

Not applicable

**RECOMMENDATION**

Adopt Interim Urgency Ordinance No. 2015-412, establishing a temporary moratorium on development within the Loyola Corners Neighborhood Commercial Center Specific Plan and declaring the urgency thereof

**ALTERNATIVES**

1. Do not adopt the Ordinance; if Council chooses this action, new development may occur within the Specific Plan prior to imposition of any new Specific Plan policies, zoning regulations, and design standards the City Council may later adopt

Prepared by: Jolie Houston, City Attorney

**ATTACHMENT:**

1. Ordinance No. 2015-412

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*Adopt Interim Urgency Ordinance No. 2015-412, establishing a temporary moratorium on development within the Loyola Corners Neighborhood Commercial Center Specific Plan and declaring the urgency thereof*

**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 \_\_\_\_\_, 2015 by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Janis C. Pepper, MAYOR

Attest:

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Jon Maginot, CMC, CITY CLERK