

ORDINANCE NO. 2014-403

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
LOS ALTOS ESTABLISHING A TEMPORARY MORATORIUM
ON THE ESTABLISHMENT, EXPANSION OR RELOCATION
OF CERTAIN MEDICAL OFFICE USES WITHIN THE CITY OF
LOS ALTOS 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:

In accordance with California Government Code section 65858, the City Council finds and declares that this Ordinance is deemed necessary for the following reasons:

1. There have been recent complaints made by the residents in the neighborhoods abutting and/or near the City of Los Altos ("City") business districts that patrons and/or employees of certain medical office uses are parking on the public streets. This excessive on-street parking is creating negative parking impacts to these adjacent neighborhoods. Further, this excessive on-street parking is created by certain medical office uses not having adequate parking spaces.
2. Overuse of public on-street parking in certain business districts and in the residential neighborhoods is also creating negative traffic congestion impacts because people may not be able to find on-street parking and thus, spend more time circling the business area and/or residential areas trying to secure legal public on-street parking.
3. The City's Zoning Code (Los Altos Municipal Code Chapter 14) may not adequately regulate the parking requirements for certain medical office uses within the City.
4. In light of the foregoing, the City Council finds that the establishment, expansion, or relocation of certain medical office uses within the City presents a current and immediate threat to public health, safety and welfare.

The City Council further finds that a temporary moratorium on the establishment, expansion, or relocation of certain medical office uses within the City is warranted so that the City Council may review and consider possible amendments to the City's Zoning Code to address this threat on a permanent basis.

SECTION 2. MORATORIUM.

A. Scope

This Ordinance prohibits the establishment, expansion, or relocation, which includes, but is not limited to, the issuance of any use permit, building permit, variance, subdivision or any

other applicable permit, approval, or entitlement for use for development, of any medical office use within the City.

B. Applicability

This Ordinance shall apply to the “medical office uses.”

For purposes of this Ordinance, the terms “medical office use” shall mean an "office use" that provides medical, optometry, ophthalmology, dental and veterinary services to the public.

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) because the activity is not a project as defined by Section 15378 of the CEQA guidelines. The Ordinance has no potential for resulting in physical change to the environment either directly or indirectly. Furthermore, pursuant to Section 15060(c)(2) of the CEQA Guidelines, the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment because this Ordinance prevents changes in the environment pending the contemplated review of City Zoning Code amendments applicable to medical office uses.

SECTION 4. 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 5. PUBLICATION.

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

SECTION 6. 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 7. 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. After notice pursuant to section 65090 of the Government Code and a public hearing, the Council, by four-fifths (4/5) vote, may extend the effectiveness of this Ordinance for an additional 10 months and 15 days, following notice and a public hearing. Not more than two extensions may be adopted. See Govt. Code §65858(a).

The foregoing ordinance was passed and adopted by the City Council of the City of Los Altos at a regular meeting held on October 14, 2014 by the following vote:

AYES: BRUINS, CARPENTER, FISHPAW, PEPPER, SATTERLEE
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE


Megan Satterlee, MAYOR

Attest:


Jon Maginot, CMC, CITY CLERK



STATE OF CALIFORNIA)
COUNTY OF SANTA CLARA) CERTIFIED COPY OF ORDINANCE
CITY OF LOS ALTOS) 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. 2014-~~403~~; adopted by the Los Altos City Council on 10/17, 2014 by the following vote:

AYES: BRUINS, CARPENTER, FISHPAW, PEPPER, 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: October 22, 2014. Said ordinance shall be effective immediately.

Dated this 30th day of October, 2014.



Jon Maginot, CMC
City Clerk