

ORDINANCE NO. 2017-431

AN INTERIM URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS EXTENDING A TEMPORARY MORATORIUM ON NEW DEVELOPMENT IN THE EL CAMINO REAL CORRIDOR AND DECLARING THE URGENCY THEREOF, TO TAKE EFFECT IMMEDIATELY

WHEREAS, on October 4, 2016, in accordance with Government Code section 65858, the City Council took testimony and adopted Interim Ordinance No. 2016-425, (a copy of which is attached hereto as Exhibit "A") an interim urgency 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 El Camino Corridor; and

WHEREAS, on November 15, 2016, in accordance with Government Code section 65858, the City Council held a duly noticed public hearing and took testimony regarding this ordinance to extend Interim Ordinance No. 2016-425 ("Extension Ordinance No. 2016-429"); and

WHEREAS, on March 14, 2017, in accordance with Government Code section 65858, the City Council held a duly noticed public hearing and took testimony regarding this ordinance to extend Interim Ordinance No. 2016-425 ("Extension Ordinance No. 2017-431"); and

WHEREAS, the City Council has considered, and by adopting this Extension Ordinance No 2017-431 ratifies and adopts, the report, which is incorporated in the Staff Report dated March 14, 2017, prepared by the Community Development Director describing the measures taken to date to alleviate the conditions which led to the adoption of Interim Ordinance No. 2016-425; and

WHEREAS, because the conditions justifying the adoption of Interim Ordinance No. 2016-425 have not been alleviated, the City Council now desires to extend the moratorium established by Interim Ordinance No. 2016-425 and Extension Ordinance No. 2016-429 for an additional eight (8) months, up to November 14, 2017, as permitted by Government Code Section 65858(a); and

WHEREAS, the City Council finds that this Extension Ordinance No. 2017-431 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 No. 2017-431 prevents changes in the environment pending the contemplated review of the El Camino Corridor study area. CEQA Guidelines, sections 15060(c)(2).

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

SECTION 1. FINDINGS AND PURPOSE.

On March 14, 2017, the City Council considered the adoption of this Extension Ordinance No. 2017-431 at a duly noticed public hearing and on the basis of the record thereof, finds and determines as follows:

- A. Recent proposed development projects located in the El Camino Real Corridor have made it apparent that the City of Los Altos (“City”) should evaluate the continued effectiveness of the zoning regulations or design standards, as well as possible amendments to the General Plan, PUD’s and Specific Plan within this commercial thoroughfare.
- B. The El Camino Real Corridor study area (“El Camino Real Corridor”) includes the following zoning districts: Commercial Thoroughfare (CT), and two sites that have Planned Unit Development (PUD designations with underlying CT zoning, specifically 60-PUD/C2 and 06-PUD/C2. The El Camino Real Corridor is depicted in the attached map, attached hereto as Exhibit “B” and incorporated by this reference.
- C. The City intends to study, within a reasonable time, the adequacy of the El Camino Real Corridor zoning regulations or design standards, as well as possible amendments to the General Plan, PUD’s, Specific Plan and Density Bonus Regulations. The City 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 El Camino Real Corridor. Given the time required to undertake adequate study and planning, the City Council finds that this Extension Ordinance is necessary to prevent new development that might conflict with the City’s contemplated new El Camino Real Corridor zoning regulations or design standards, as well as possible amendments to the General Plan, PUD’s, Specific Plan and Density Bonus Regulations.
- C. The City Council has the authority to adopt an interim ordinance pursuant to Government Code Section 65858(a) in order to protect the public health, safety, or welfare. 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 El Camino Real Corridor.
- D. The issuance of any use permit, building permit, variance, subdivision or any other applicable permit, approval, or entitlement for use for development within the El Camino Real Corridor could result in new development that conflicts with the proposed changes to zoning regulations or design standards, as well as possible amendments to the General Plan, PUD’s and Specific Plan for the El Camino Real Corridor and may threaten the public health, safety, and welfare.
- E. Due to the foregoing circumstances, development of the properties located within the El Camino Real Corridor before the City can amend or modify the zoning regulations or design standards, as well as possible amendments to the General Plan, PUD’s, Specific Plan, or Density Bonus Regulations 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.

- F. To the extent this Ordinance affects multifamily housing projects within the El Camino Real Corridor for purposes of Government Code Section 65858(c), the City Council finds that: (i) the continued approval of the development of such multifamily housing projects would have a specific, adverse impact upon the public health or safety; (ii) this interim ordinance is necessary to mitigate or avoid such adverse impact; and (iii) there is no feasible alternative to satisfactorily mitigate or avoid such adverse impact as well or better, with a less burdensome or restrictive effect, than the adoption of the proposed interim ordinance.
- G. There is an urgent necessity, for the City to adopt this Extension Ordinance No. 2017-431, which prohibits issuance or approval of any use permit, building permit, variance, and subdivision or any other applicable permit, approval, or entitlement for use for development within the El Camino Real Corridor.

SECTION 2. SCOPE AND APPLICABILITY OF MORATORIUM.

This Extension Ordinance No. 2017-431 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 El Camino Real Corridor. This Extension Ordinance No. 2017-431 does not apply to applications that are “deemed complete” as of October 4, 2016.

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 Extension Ordinance No. 2017-431 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 El Camino Real Corridor zoning regulations or design standards, as well as possible amendments to the General Plan.

SECTION 4. SEVERABILITY.

If any provision of this Extension Ordinance No. 2017-431 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 Extension Ordinance No. 2017-431 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 Extension Ordinance No. 2017-431 shall be published as provided in Government Code section 36933.

SECTION 6. EFFECTIVE DATE.

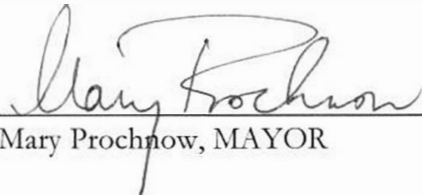
This Extension Ordinance No. 2017-431 is declared to be an urgency measure adopted pursuant to the provisions of Government Code section 65858. As set forth in the findings

above, this Extension Ordinance No. 2017-431 is necessary for preserving the public safety, health, and welfare. Pursuant to Government Code section 65858, Interim Ordinance No. 2016-429 Ordinance was effective immediately and in full force and effect for four (4) months or until March 15, 2017.

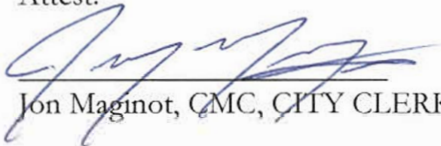
In accordance with the provisions of Government Code section 65858(a) and after notice pursuant to section Government Code 65090 and a public hearing, the Council, by four fifths (4/5) vote, may extend the effectiveness of Interim Ordinance No. 2017-431 for eight (8) months or until November 14, 2017.

The foregoing ordinance was passed and adopted by the City Council of the City of Los Altos at a meeting held on March 14, 2017, by the following vote:

AYES: BRUINS, LEE ENG, MORDO, PEPPER, PROCHNOW
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE


Mary Prochnow, 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. 2017-431, adopted by the Los Altos City Council on March 14, 2017 by the following vote:

AYES: BRUINS, LEE ENG, MORDO, PEPPER, PROCHNOW
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

I hereby further certify that a summary of the ordinance was published in accordance with Government Code Section 36933 on the following date: March 22 2017. Said ordinance shall be effective immediately.

Dated this 22 day of March, 2017.


Jon Maginot, CMC
City Clerk

EXHIBIT A

ORDINANCE NO. 2016-425

AN INTERIM URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS ESTABLISHING A TEMPORARY MORATORIUM ON NEW DEVELOPMENT IN THE EL CAMINO REAL CORRIDOR 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 October 4, 2016, 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 El Camino Real Corridor have made it apparent that the City of Los Altos ("City") should evaluate the continued effectiveness of the zoning regulations or design standards, as well as possible amendments to the General Plan, PUD's and Specific Plan within this commercial thoroughfare.
- B. The El Camino Real Corridor study area ("El Camino Real Corridor") includes the following zoning districts: Commercial Thoroughfare (CT), and two sites that have Planned Unit Development (PUD) designations with underlying CT zoning, specifically 60-PUD/C2 and 06-PUD/C2. The El Camino Real Corridor is depicted in the attached map, attached hereto as Exhibit "A" and incorporated by this reference.
- C. The City intends to study, within a reasonable time, the adequacy of the El Camino Real Corridor zoning regulations or design standards, as well as possible amendments to the General Plan, PUD's and Specific Plan. The City 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 El Camino Real Corridor. 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 El Camino Real Corridor zoning regulations or design standards, as well as possible amendments to the General Plan, PUD's and Specific Plan. The City Council has the authority to adopt an interim ordinance pursuant to Government Code Section 65858(a) in order to protect the public health, safety, or welfare.
- D. 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 El Camino Real Corridor. The issuance of any use permit, building permit, variance, subdivision or any other applicable permit, approval, or entitlement for use for development within the El Camino Real Corridor could result in new development that conflicts with the proposed changes to zoning regulations or design standards, as well as possible amendments to the General Plan, PUD's and Specific Plan for the El Camino Real Corridor and may

EXHIBIT A

threaten the public health, safety, and welfare. This Ordinance does not apply to applications that have been approved or are "deemed complete" as of October 4, 2016. Due to the foregoing circumstances, development of the properties located within the El Camino Real Corridor before the City can amend or modify the zoning regulations or design standards, as well as possible amendments to the General Plan, PUD's and Specific Plan within the El Camino Real Corridor 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.

- E. There is an urgent necessity, for the City to adopt this Ordinance, which prohibits issuance or approval of any use permit, building permit, variance, and subdivision or any other applicable permit, approval, or entitlement for use or development within the El Camino Real Corridor.

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 El Camino Real Corridor. This Ordinance does not apply to applications that are "deemed complete" as of October 4, 2016.

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 El Camino Real Corridor zoning regulations or design standards, as well as possible amendments to the 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

EXHIBIT A

effective immediately and shall be in full force and effect for forty-five (45) days from the date of its adoption or until November 18, 2016. 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 ten months (10) months and fifteen (15) days in accordance with the provisions of Government Code section 65858(a).

The foregoing ordinance was passed and adopted by the City Council of the City of Los Altos at a special meeting held on October 4, 2016, by the following vote:

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


Jeannie Bruins, 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. 2016-425, adopted by the Los Altos City Council on October 4, 2016 by the following vote:

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

I hereby further certify that the ordinance was published in accordance with Government Code Section 36933 on the October 12, 2016. Said ordinance shall be effective immediately

Dated this 19th day of October, 2016.


Jon Maginot, CMC
City Clerk

