



DATE: February 24, 2015

AGENDA ITEM # 2

TO: City Council
FROM: Jolie Houston, City Attorney
SUBJECT: Medical office moratorium

RECOMMENDATION:

Recommendation to adopt urgency Ordinance No. 2015-407, repealing Ordinance No. 2015-405, which established a temporary moratorium on the establishment, expansion or relocation of certain medical office uses within the City of Los Altos

SUMMARY:

Estimated Fiscal Impact:

Amount: None

Budgeted: Not applicable

Public Hearing Notice: Not applicable

Previous Council Consideration: October 14, 2014, November 25, 2014

CEQA Status: Exempt pursuant to CEQA Guidelines 15378 and 15060(c)(2)

Attachment:

1. Ordinance No. 2015-407

BACKGROUND

At the September 23, 2014, City Council meeting, the City Council requested that the City Attorney and the Planning Division research the parking requirements for medical office uses. The City Council further directed the City Attorney to draft an interim urgency moratorium ordinance.

At the October 14, 2014, City Council meeting, the City Council adopted Urgency Moratorium Ordinance No. 2014-403, which prohibited the establishment, expansion or relocation of medical office uses within the City.

On November 25, 2014, the City Council adopted Ordinance No. 2014-405, which extended the moratorium on the establishment, expansion or relocation of medical office uses within the City.

At its January 27, 2015, meeting, the City Council held a public hearing and introduced an ordinance amending the Los Altos Municipal Code. Specifically, the changes were to amend the Municipal Code relative to land use definitions and conditional use permit requirements addressing off-street parking requirements for medical, dental and animal clinics, and medical and animal hospitals.

On February 10, 2015, the City Council adopted Zoning Ordinance No. 2015-406, which amended Los Altos City Municipal Code Chapters 14.02, 14.34, 14.36, 14.40, 14.44, 14.48, 14.50, 14.52, 14.54, 14.36, and 14.80.

DISCUSSION

Ordinance No. 2014-405 was to be effective until July 25, 2015, unless extended by subsequent enactment of the City Council. Zoning Ordinance No. 2015-406 will be effective on March 13, 2015. This urgency Ordinance No. 2015-407 takes effect immediately to avoid any conflict between the these ordinances, and is necessary as an urgency ordinance to give clear guidance to the public as to which Los Altos Municipal Code sections, as amended, will apply to medical offices uses. This action requires a 4/5 vote of the City Council.

FISCAL IMPACT

None

PUBLIC CONTACT

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

ORDINANCE NO. 2015-407

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS REPEALING 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

WHEREAS, on November 25, 2014, the City of Los Altos (“City”) adopted Ordinance No. 2014-405, which extended the prohibition imposed by Urgency Moratorium Ordinance No. 2014-403, adopted on October 14, 2014. These urgency ordinances imposed a prohibition on the establishment, expansion, or relocation, which included, but was 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; and

WHEREAS, Ordinance No. 2014-405 was to be effective until July 25, 2015, unless extended by subsequent enactment of the City Council; and

WHEREAS, on January 27, 2015 the City Council held a public hearing and introduced Ordinance No. 2015-406, which would amend Los Altos Municipal Code Chapters 14.02, 14.34, 14.36, 14.40, 14.44, 14.48, 14.50, 14.52, 14.54, 14.36, and 14.80; and

WHEREAS, on February 10, 2015, the City Council adopted Ordinance No. 2015-406, which amended Los Altos City Municipal Code Chapters 14.02, 14.34, 14.36, 14.40, 14.44, 14.48, 14.50, 14.52, 14.54, 14.36, and 14.80; and

WHEREAS, The City Council finds that this Ordinance No. 2015-407 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. This 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.

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

SECTION 1. REPEAL OF ORDINANCE NO. 2014-405.

Upon the adoption of Ordinance No. 2015-407, Ordinance No. 2014-405 is hereby repealed in its entirety and is of no further force or effect.

SECTION 2. EFFECTIVE DATE OF ORDINANCE NO. 2015-407

Ordinance No. 2015-407 shall take effect immediately as an urgency ordinance pursuant to Government Code section 36937 to preserve the public health and safety, and to avoid the conflict between Ordinance No. 2015-406’s effective date of March 13, 2015 and Ordinance No. 2014-405’s effective date of July 25, 2015. This Ordinance No. 2015-407 is further

necessary as an urgency ordinance to give clear guidance to the public as to which Los Altos Municipal Code sections, as amended, will apply to medical offices uses.

SECTION 3. CONSTITUTIONALITY.

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

SECTION 4. PUBLICATION.

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

SECTION 5. 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.

The foregoing Ordinance was passed and adopted by the City Council of the City of Los Altos at a regular meeting held on February 24, 2015, by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

Janis Pepper, MAYOR

Attest:

Jon Maginot, CMC, CITY CLERK