



**TOWN OF LOS GATOS  
COUNCIL AGENDA REPORT**

MEETING DATE: 09/19/2017

ITEM NO: 14

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DATE: SEPTEMBER 14, 2017

TO: MAYOR AND TOWN COUNCIL

FROM: LAUREL PREVETTI, TOWN MANAGER

SUBJECT: CONSIDERATION AND ADOPTION OF AN INTERIM URGENCY ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS EXTENDING FOR A PERIOD OF TEN MONTHS AND FIFTEEN DAYS THE MORATORIUM PROHIBITING THE PROCESSING AND ISSUANCE OF LAND USE DEVELOPMENT ENTITLEMENTS WITHIN THE NORTH 40 SPECIFIC PLAN AREA UNTIL AN UPDATE TO THE NORTH 40 SPECIFIC PLAN HAS BEEN COMPLETED

**RECOMMENDATION:**

Staff recommends that the Town Council open the public hearing, take testimony, consider documentary evidence, and adopt the Extension of the Interim Urgency Ordinance (Attachment 1) by at least four-fifths vote to be read by title only and waive further reading.

**BACKGROUND:**

On August 15, 2017, the Town Council adopted an Interim Urgency Ordinance for a moratorium on processing future development applications within the North 40 Specific Plan ("Moratorium").

**DISCUSSION:**

The Moratorium was adopted pursuant to Government Code section 65858, which provides that an interim zoning ordinance adopted as an urgency measure shall remain in effect for 45 days, unless extended for an additional period of up to 10 months and 15 days, and a second

**PREPARED BY:** ROBERT SCHULTZ  
Town Attorney

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Reviewed by: Town Manager, Assistant Town Manager, and Finance Director

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DISCUSSION (cont'd):

time for up to an additional one year. Approval of an extension of an interim zoning ordinance requires a four-fifths affirmative vote of the Town Council. The initial 45-day period for the Moratorium will expire on September 30, 2017, unless the Town Council adopts the proposed ordinance extending the Moratorium (Attachment 1).

The purpose of the Moratorium and its proposed extension is to promote the public health, safety, or welfare during the time Town staff analyzes and prepares an update and amendments to the North 40 Specific Plan. Both statutory and case authority now support the Town Council's right to consider and enact a moratorium on processing applications with the North 40 Specific Plan area while the Town studies the Specific Plan to address the Court ruling and the repercussions that have occurred due to the approval of the project that was the subject of that litigation.

Section 65858 also requires that, not less than 10 days prior to the expiration of an interim zoning ordinance or any extension, the Town Council shall issue a written report describing the measures taken to alleviate the conditions that led to adoption of the ordinance ("Report"). This Staff Report shall serve as the report required under Section 65858 and describes the steps already undertaken and anticipated by staff leading to future action by Council with regard to updating and amending the North 40 Specific Plan.

On September 27, 2016, the Town Council conducted a special meeting and provided suggestions for potential amendments to the North 40 Specific Plan. The General Plan Committee (GPC) met on October 27, 2016 and November 17, 2016 to discuss the Council suggestions. Based on the GPC discussion, specific potential amendments to the North 40 Specific Plan were presented to the Planning Commission on December 15, 2016 and January 24, 2017. Since the Planning Commission meetings and the 45 day Urgency Ordinance was enacted, staff has been analyzing and researching potential suggested amendments and has compiled the proposed amendments to the North 40 Specific Plan. The Town Council has set a Council Study Session to review potential amendments to the North 40 Specific Plan for October 3, 2017, and has tentatively scheduled for the November 7, 2017 Town Council Meeting the potential approval of amendments to the North 40 Specific Plan. For the Town Council meetings, staff will be preparing report materials and other documentation, as necessary, for consideration by the Town Council.

If extended, the Moratorium will remain in effect for 10 months and 15 days or until the Town has completed its update and amendments to the North 40 Specific Plan. If the latter occurs, the Moratorium could be rescinded prior to its expiration. Alternatively, the Moratorium may be extended a second and last time for up to an additional one year period, if further time is required by the Town to complete its update.

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SUBJECT: INTERIM URGENCY ORDINANCE

DATE: SEPTEMBER 14, 2017

ENVIRONMENTAL ASSESSEMENT:

The proposed extension of the Moratorium is exempt from review under the California Environmental Quality Act ("CEQA") pursuant to sections 15060(c) (2), 15060(c) (3) and 15601(b) (3) of the CEQA Guidelines, because the action will not result in a direct or reasonably feasible indirect physical change in the environment. This Ordinance, therefore, is categorically exempt from further CEQA review under CEQA Guidelines. This Ordinance does not authorize any new construction or development entitlements. Any proposed project that will utilize the changes set forth in this Ordinance will be subject to CEQA review as part of the entitlement review of the project. The Ordinance will not adversely impact the environment and is therefore exempt from the provisions of CEQA.

FISCAL ANALYSIS:

Continuing the Moratorium will require a significant commitment of staff time. While funding this staff time does not require an additional appropriation at this time, it will require staff to adjust its priorities in working on other issues.

Attachments:

1. Extension of the Interim Urgency Ordinance Moratorium.