

ORDINANCE 2017-

**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**

WHEREAS, on August 15, 2017, in accordance with Government Code section 65858, the Town Council at a duly noticed public meeting took testimony and adopted Interim Ordinance No. 2260, (a copy of which is attached hereto as Exhibit "A" and incorporated herein) an urgency interim ordinance that prohibited, for a period of 45 days the processing or approval of any land use development entitlements in the North 40 Specific Plan Area pending completion of the updates to the North 40 Specific Plan.

WHEREAS, on September 19, 2017, in accordance with Government Code section 65858, the Town Council held a duly noticed public hearing and took testimony regarding this urgency ordinance to extend Interim Ordinance No. 2260 ("Extension Ordinance"); and

WHEREAS, the Town Council has considered, and by adopting this Extension Ordinance ratifies and adopts, the report, which is incorporated in the Staff Report dated September 12, 2017, describing the measures taken to date to alleviate the conditions which led to the adoption of Ordinance No. 2260; and

WHEREAS, because the conditions justifying the adoption of Interim Ordinance 2260 have not been alleviated, the Town Council now desires to extend the moratorium established by Interim Ordinance No. 2260 for an additional ten (10) months and fifteen (15) days, as permitted by Government Code Section 65858(b); and

WHEREAS, the Town Council finds that this Extension Ordinance 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 prevents changes in the environment pending the contemplated review of the Specific Plan. CEQA Guidelines, sections 15060(c)(2).

**NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF LOS GATOS DOES ORDAIN
AS FOLLOWS:**

SECTION 1. The Town Council of the Town of Los Gatos finds that the above recitals are true and correct.

SECTION 2. This Extension Interim Urgency Ordinance prohibits the Town Council, Planning Commission, and the Community Development Department from processing or approving any land use development entitlements in the North 40 Specific Plan Area pending completion of the updates to the North 40 Specific Plan.

SECTION 3. This Extension Interim Urgency Ordinance shall not apply to any application within the North 40 Area where such application has been submitted to Town Staff prior to the August 15, 2017 said application has a vested right by law.

SECTION 4. This Extension Interim Urgency Ordinance is enacted pursuant to the authority conferred upon the Town Council of the Town of Los Gatos by Government Code Sections 65858, 36934, and 36937, and shall be in full force and effect immediately upon its adoption by a four-fifths (4/5) vote of the Town Council as if and to the same extent that such Ordinance had been adopted pursuant to each of the individual sections set forth hereinabove.

SECTION 5. In adopting this Extension Interim Urgency Ordinance, the Town Council finds and determines that each of the recitals contained in the Interim Urgency Ordinance attached hereto as Exhibit A, and included within this Extension Interim Urgency Ordinance are true and correct, and that the adoption of this Extension Interim Urgency Ordinance is necessary to protect the public safety, health, and welfare, as those terms are defined in Government Code Section 65858(a).

SECTION 6. Adoption of this Extension Interim Urgency Ordinance is exempt from further environmental review under the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., "CEQA") and the CEQA Guidelines (14 California Code of Regulations §§ 15000, et seq.) because it establishes rules and procedures for minor alterations

in land use. This Extension Interim Urgency Ordinance, therefore, is categorically exempt from further CEQA review under the CEQA Guidelines §15305. This Extension Interim Urgency Ordinance does not authorize any new construction or development entitlements. Any proposed project that will utilize the changes set forth in this Extension Interim Urgency Ordinance will be subject to CEQA review as part of the entitlement review of the project. The Extension Interim Urgency Ordinance will not adversely impact the environment and is therefore exempt from the provisions of CEQA.

SECTION 7. In accordance with the provisions of Government Code section 65858(b), this Extension Interim Urgency Ordinance shall be of no further force or effect ten (10) months and fifteen (15) days from September 30, 2017, unless the same is extended pursuant to the authority conferred upon the Town Council by Government Code Section 65858(a). Not later than ten (10) days prior to the expiration of this Extension Interim Urgency Ordinance, the Town Council shall issue a written report describing the measures taken to alleviate the condition that has led to the adoption of this Extension Interim Urgency Ordinance.

SECTION 8. This ordinance shall be published as provided in Government Code section 36933.

SECTION 9. If any section, subsection, sentence, clause, or phrase of this Extension Interim Urgency Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Extension Interim Urgency Ordinance. The Town Council hereby declares that it would have passed this Extension Interim Urgency Ordinance, and each and every section, subsection, sentence, clause, and phrase thereof not declared invalid or unconstitutional without regard to whether any portion of the Extension Interim Urgency Ordinance would be subsequently declared invalid or unconstitutional.

PASSED AND ADOPTED by the Town Council of the Town of Los Gatos at a regular public meeting held on the 19th day of September 2017 on a motion of _____, seconded by _____, and on the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:

CLERK ADMINISTRATOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

S:\COUNCIL REPORTS\2017\09-19-17\N40 Moratorium\Attachment 1 - Draft Ord.extension.urgency.170906 Final.docx