

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF MORGAN HILL APPROVING A ZONING AMENDMENT FROM THE R-3 MEDIUM DENSITY RESIDENTIAL DISTRICT TO THE R-2 (PD) RESIDENTIAL PLANNED DEVELOPMENT OVERLAY DISTRICT WITH A PRECISE DEVELOPMENT PLAN TO ALLOW UP TO 60 TOWNHOME-STYLE CONDOMINIUMS AND 14 SINGLE-FAMILY DETACHED HOMES ON A ±9.6 ACRE SITE LOCATED AT THE NORTHWEST CORNER OF SAN PEDRO AVENUE AND MURPHY AVENUE (APN: 817-12-009)

WHEREAS, on February 4, 2015 and August 5, 2015 the City Council adopted a General Plan Amendment, Zoning Amendment, and Environmental Impact Report (EIR) to reconcile the land use and zoning designations on the property to the current designations of Residential Attached Low and R3 Medium - Density Residential; and

WHEREAS, on January 12, 2016, the Planning Commission awarded allotments pursuant to the Residential Development Control System for 30 units; and

WHEREAS, such request was considered by the Planning Commission at its regular meetings of July 12, 2016 and July 26, 2016, at which time the Planning Commission recommended approval of the Zoning Amendment application, ZA-16-01: Condit - Mana Investments; and

WHEREAS, testimony received at a duly-noticed public hearing, along with exhibits and drawings and other materials have been considered in the review process.

THE CITY COUNCIL OF THE CITY OF MORGAN HILL DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Establishing an R2-Small Lot Medium Density Residential with Precise Development Plan (PD) for a ±9.6 acre site located on the northwest corner of San Pedro Avenue and Murphy Avenue.

SECTION 2. INCORPORATING THE MAP BY REFERENCE. There hereby is attached hereto as Exhibit "A" and made a part of this ordinance, a zoning map entitled "Property Map and Legal Description" which gives the boundaries of the described parcels of land.

SECTION 3. The proposed zoning amendment is consistent with the Zoning Ordinance and General Plan.

SECTION 4. The zone change is required in order to serve the public convenience, necessity

and general welfare as provided in Section 18.62.070 of the Municipal Code.

- SECTION 5.** The City Council of the City of Morgan Hill hereby finds that, on the basis of the whole record before it (including the initial study and any comments received), that there is no substantial evidence that the project will have a significant effect on the environment and that the subsequent Addendum reflect the City Council's independent judgment and analysis. The custodian of the documents or other material which constitute the record shall be the Community Development Department.
- SECTION 6.** The City Council finds that the proposed PD Overlay District is consistent with the criteria specified in Chapter 18.30 of the Morgan Hill Municipal Code.
- SECTION 7.** The City Council hereby approves a precise development plan as contained in that certain series of documents dated June 3, 2016 on file in the Community Development Department, entitled "Precise Development Plan, Site Development Plan, Presidio at Morgan Hill" prepared by RJA Engineers, Planners, and Surveyors. These documents, as amended by the Design Review approval, show the exact location and size of all lots in this development and the location and dimensions of all proposed buildings, vehicle and pedestrian circulation ways, recreational amenities, parking areas landscape areas and any other purposeful uses on the project.
- SECTION 8.** Approval of the PD overlay to rezone the subject site to R-2 (PD) and precise development pan shall allow exceptions to the base development standards of the R-2 zoning district, which could include front, rear, and side-yard setbacks, reduced lot areas and dimensions, and lot types, and has been identified on the precise development as defined in Exhibit "B" and Exhibit "C" attached.
- SECTION 9.** For all of the approved units, future building additions shall comply with the site development standards of the R-2 zoning district.
- SECTION 10.** Notice is hereby given that, pursuant to the Mitigation Fee Act, the City of Morgan Hill charges certain fees (as such term is defined in Government Code Section 66000) in connection with approval of your development project for the purpose of defraying all or a portion of the cost of public facilities related to your development project (Mitigation Fee Act Fees). These fees do not include fees for processing applications for governmental regulatory actions or approvals, or fees collected under development agreements, or as a part of your application for development allocations under the City's Residential Development Control System. The Mitigation Fee Act Fees applying to your project are listed in the schedule of fees provide. Notice is also hereby given that you have the opportunity to protest the imposition of the Mitigation Fee Act Fees within 90 days of the approval of the approval or conditional approval of your development project and that the 90-day approval period in which you may protest has begun. This right to protest does not apply to voluntary Residential Development

Control System fees.

SECTION 11. Severability. If any part of this Ordinance is held to be invalid or inapplicable to any situation by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or the applicability of this Ordinance to other situations.

SECTION 12. Effective Date; Publication. This Ordinance shall take effect thirty (30) days after the date of its adoption. The City Clerk is hereby directed to publish this ordinance pursuant to §36933 of the Government Code.

THE FOREGOING ORDINANCE WAS INTRODUCED AT A MEETING OF THE CITY COUNCIL HELD ON THE 24th DAY OF AUGUST 2016, AND WAS FINALLY ADOPTED AT A MEETING OF THE CITY COUNCIL HELD ON THE 7th DAY OF SEPTEMBER 2016, AND SAID ORDINANCE WAS DULY PASSED AND ADOPTED IN ACCORDANCE WITH LAW BY THE FOLLOWING VOTE:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSTAIN: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

ATTEST:

APPROVED:

IRMA TORREZ, City Clerk

STEVE TATE, Mayor

⤵ CERTIFICATION ⤵

I, IRMA TORREZ, CITY CLERK OF THE CITY OF MORGAN HILL, CALIFORNIA, do hereby certify that the foregoing is a true and correct copy of Ordinance No. _____, New Series, adopted by the City Council of the City of Morgan Hill, California at its regular meeting held on the 7th day of September, 2016.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.

DATE: _____

IRMA TORREZ, City Clerk