

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL DENYING THE APPEAL SUBMITTED BY MWEST PROPCO XXIII LLC FOR MC-15-12 (JARVIS-MWEST) AND REAFFIRMING THE FINAL PROJECT SCORE FOR THE 2015 RESIDENTIAL DEVELOPMENT CONTROL SYSTEM (RDSCS) COMPETITION YEAR.

WHEREAS, on September 1, 2015, MWest PropCo XXIII LLC. (MC-15-12 -Jarvis-MWest) submitted an application requesting building allotments pursuant to Chapter 18.78 of the Morgan Hill Municipal Code; and

WHEREAS, Section 18.78.110 of the Municipal Code further prescribes that the Planning Officer (PO) shall evaluate each residential project in accordance with Sections 18.78.115 and 18.78.120 of the Municipal Code and that the PO shall submit final evaluations to the Planning Commission for approval, disapproval or modification; and

WHEREAS, such requests were considered by the Planning Commission at its regular meetings of October 27, 2015 and November 10, 2015, at which time the Planning Commission recommended final scores for each application; and,

WHEREAS, on November 30, 2015, MWest PropCo XXIII LLC. submitted an Appeal of the Planning Commission's final scores for MC-15-12 (Jarvis-MWest); and

WHEREAS, such Appeal was duly noticed by the City and considered by the City Council at its regular meeting of December 16, 2015, at which time the City Council gave all interested persons an opportunity to be heard and provide testimony on the Appeal; and

WHEREAS, the City Council duly considered all testimony received and other information received on the Appeal, including without limitation that certain City Council Staff Report entitled, "AP-15-07-Appeal of the Planning Commission's Evaluation of Residential Development Control System applications for MC-15-12 (Jarvis-MWest)," including all attachments thereto (collectively, the "Staff Report"), which Staff Report is incorporated herein by this reference as though fully set forth herein.

NOW, THEREFORE, THE MORGAN HILL CITY COUNCIL DOES RESOLVE AS FOLLOWS:

SECTION 1: The City Council hereby finds the relevant facts set forth hereinabove true and correct and, in connection with this Appeal:

- A. In accordance with Section 18.78.110 of the Morgan Hill Municipal Code, the Planning Officer submitted the RDSCS evaluation for MC-15-12 (Jarvis-MWest) to the Planning Commission and the Planning Commission modified the

evaluation on October 27, 2015 and November 10, 2015.

- B.** The Planning Commission determined that "new" information submitted following the September 1, 2015 RDCS submittal deadline could not be considered when evaluating the point scores and adjusted the final RDCS Part 2 score for MC-15-12 (Jarvis -MWest) to 139.5.

SECTION 2: Based upon the above facts, the City Council finds as follows:

- A.** Review of the RDCS evaluation is not a project subject to CEQA as no physical changes in the environment will occur as a result of such action; and
- B.** The facts set forth above are true and correct and new facts have not been provided to the City Council through the public hearing conducted on the Appeal related to the Application that negate or materially alter the relevant facts set forth above or that would otherwise support a determination that the Appeal should be granted.

SECTION 3: Based upon the above facts and findings the City Council determines as follows:

- A.** The evaluation of MC-15-12 (Jarvis-MWest) by the Planning Commission on October 27, 2015 and November 10, 2015 was made consistent with Chapter 18.78 (Residential Control System) Article II., Part 2.-Specific Standards and Criteria of the Morgan Hill Municipal Code. Therefore, the Appeal submitted regarding the RDCS point score for the 2015 RDCS competition should not be approved.

SECTION 4: For the reasons set forth above, the Appeal is **DENIED**.

PASSED AND ADOPTED THIS ___ DAY OF _____, 2015 AT A REGULAR MEETING OF THE CITY COUNCIL BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUCNIL MEMBERS:

ATTEST:

IRMA TORREZ
City Clerk

STEVE TATE, Mayor