

ORDINANCE NO. 2154, NEW SERIES

**AN ORDINANCE OF THE CITY OF MORGAN HILL
APPROVING PRE-ZONING OF CERTAIN REAL
PROPERTY LOCATED AT THE SOUTHEASTERLY
CORNER OF BARRETT AVENUE AND MURPHY AVENUE
TO PUBLIC FACILITIES/PLANNED UNIT DEVELOPMENT
(ASSESSOR PARCEL NUMBERS 817-17-001, 817-17-009, 817-
17-025 and 817-17-026)**

WHEREAS, the request is to Pre-Zone property that is currently outside of the City limits through Zoning Amendment application ZA-08-01: Tennant-Roman Catholic Bishop of San Jose; and

WHEREAS, such request was considered by the Planning Commission at its regular meeting of June 23, 2015, at which time the Planning Commission recommended approval to pre- zone the approximately 38-acre site to Public Facilities/Planned Unit Development to allow the development of a private high school; and

WHEREAS, the City of Morgan Hill has adopted an Agricultural Lands Preservation Program which establishes mitigation requirements for the development of agricultural lands; and

WHEREAS, such request was considered by the City Council at their regular meeting of July 15, 2015, at which time the City Council approved the Zoning Amendment application as shown on the attached map “Exhibit A ZA-08-01: Tennant-Roman Catholic Bishop SJ”; and

WHEREAS, Environmental Impact Report (EIR) was prepared in accordance with the California Environmental Quality Act (CEQA) to evaluate the potential environmental impacts associated with the adoption of a Citywide Agricultural Lands Preservation Program and Southeast Quadrant Land Use Plan (State Clearinghouse No. 2010102010). The EIR was certified by the City Council under a separate resolution on November 5, 2014. This document, prepared in conformance with the CEQA Guidelines (California Code of Regulations, Title 14, Section 15000, et seq.) and City of Morgan Hill rules and regulations, evaluated the impacts of the subject project; 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 HEREBY ORDAINS
AS FOLLOWS:**

SECTION 1. The proposed amendment is consistent with the City of Morgan Hill General Plan and Zoning Ordinance.

SECTION 2. The amendment is required in order to serve the public convenience, necessity and general welfare as provided in section 18.62.050 of the Municipal Code.

SECTION 3. The proposed amendment does not grant a change in land use from commercial or industrial to a residential land use for the property to be incorporated into the urban service boundary.

SECTION 4. There hereby is attached hereto and made a part of this ordinance, a zoning map entitled “Exhibit A ZA-08-01: Tennant-Roman Catholic Bishop SJ” being a part of Ordinance No. 2154, New Series, which gives the boundaries of the described parcels of land, hereby pre zoned Sports/Recreation/Leisure (Sub district B) (SRL-A). Said zoning will become effective upon annexation of the property.

SECTION 5. The standards of the Public Facilities Zoning District shall apply to the subject property with modification that allowable building height shall be up to 55 feet.

SECTION 6. The City Council of the City of Morgan Hill hereby finds that, on the basis of the whole record before it (including the Environmental Impact Report and any comments received), that the project includes adequate mitigations for potential impacts or a Statement of Overriding Considerations has been adopted by the City for the project and that the Environmental Impact Report was certified prior to action taken to introduce the Ordinance. The custodian of the documents or other material, which constitute the record, shall be the Community Development Department.

SECTION 7. 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 applicability of this Ordinance to other situations.

SECTION 8. 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 15th DAY OF JULY 2015, AND WAS FINALLY ADOPTED AT A MEETING OF THE CITY COUNCIL HELD ON THE 5th DAY OF AUGUST 2015, AND SAID ORDINANCE WAS DULY PASSED AND ADOPTED IN ACCORDANCE WITH LAW BY THE FOLLOWING VOTE:

AYES:	COUNCIL MEMBERS:	Larry Carr, Marilyn Librers, Gordon Siebert, Steve Tate
NOES:	COUNCIL MEMBERS:	Rich Constantine
ABSTAIN:	COUNCIL MEMBERS:	None
ABSENT:	COUNCIL MEMBERS:	None

APPROVED:

STEVE TATE, Mayor

ATTEST:

IRMA TORREZ, City Clerk

DATE: _____

Effective September 5, 2015

❧ 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. 2154, New Series, adopted by the City Council of the City of Morgan Hill, California at its regular meeting held on the 5th day of August 2015.

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

DATE: _____

IRMA TORREZ, City Clerk

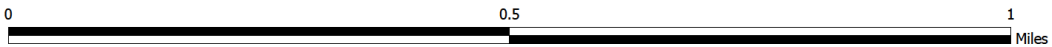
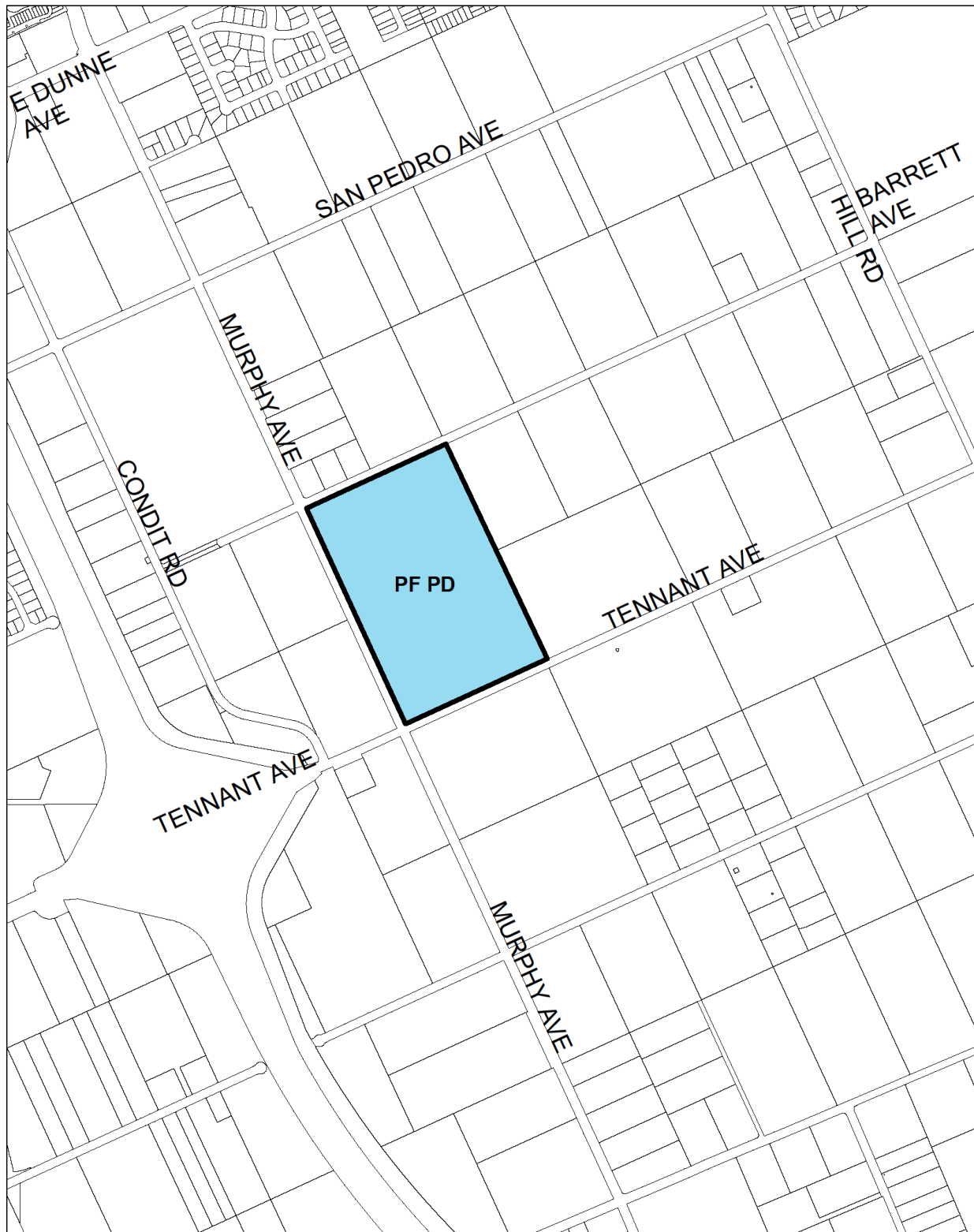


Exhibit A
ZA-08-01: Tennant-Roman Catholic Bishop SJ

