

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING A MEMORANDUM OF UNDERSTANDING WITH OAK MEADOW PLAZA FOR THE OAK MEADOW PLAZA DEVELOPMENT PROJECT AND AUTHORIZING THE CITY MANAGER TO EXECUTE AND ADMINISTER SAID MEMORANDUM OF UNDERSTANDING

WHEREAS, in order to set the framework to establish a legally binding agreement (typically a Development Agreement) guaranteeing commitments and public benefit in support of a request to expand the Urban Service Area Boundary of the City of Morgan Hill to include approximately twenty acres and to annex and prezone an approximately fifty-two acre property in order to allow the future development of single family dwellings on the twenty acre portion (collectively, the "Project"), Oak Meadow Plaza, LLC, a California Limited Liability Company and the City of Morgan Hill, a municipal corporation ("City") wish to enter into a Memorandum of Understanding (MOU) in the substantive form attached hereto as Exhibit "A" and incorporated herein by this reference; and

WHEREAS, a Mitigated Negative Declaration (MND) was adopted for the Project on February 4, 2015 in accordance with the provisions of the California Environmental Quality Act of 1970, together with regulatory guidelines promulgated thereunder (collectively, "CEQA"). Changes to the Project since that time have been evaluated under the provisions of CEQA. On the basis of substantial evidence in the light of the whole record, no new significant environmental impacts of the Project have been identified. As such, an Addendum to the previously adopted MND is warranted and has been completed; and

WHEREAS, testimony was received at a duly-noticed Planning Commission public hearing on July 28, 2015, along with exhibits, drawings and other materials which were considered by the Planning Commission in their review process, and the Planning Commission item resulted in a deadlocked vote of the Planning Commission such that no Commission recommendation that garnered a quorum vote of the Planning Commission has been forwarded to City Council; and

WHEREAS, such request for an MOU was considered by the City Council at its regular meeting of September 2, 2015, together with all other testimony, documents and other materials submitted to City Council for its consideration as a part of this request.

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

SECTION 1. A Mitigated Negative Declaration (MND) was adopted for the project on February 4, 2015 in accordance with the provisions of CEQA. Changes to the Project since that time have been evaluated under the provisions of CEQA. On the basis of substantial evidence in the light of the whole record before the City Council no new significant impacts have been identified. As such,

an Addendum to the previously adopted MND is warranted and has been completed, no subsequent MND is necessary; and the custodian of the documents or other materials which constitute the record shall be the Director or his designee of the Community Development Department.

SECTION 2. The City Council hereby approves the staff recommendation that the City Council approve the MOU between the City and Oak Meadow Plaza, LLC, Dr. Steven Spisak and Raelene Spisak and Dr. Bill Hukill and Dr. Julian Hukill in the substantive form attached hereto as Exhibit A, and the City Council further authorizes the City Manager to execute and administer the MOU in accordance with its terms.

PASSED AND ADOPTED THIS 2nd DAY OF SEPTEMBER 2015, AT A REGULAR MEETING OF THE CITY COUNCIL BY THE FOLLOWING VOTE:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSTAIN: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

ATTEST:

IRMA TORREZ, City Clerk

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 Resolution No. _____, adopted by the City Council at the meeting held on September 2, 2015.

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

DATE: _____

Irma Torrez, CITY CLERK