

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF MORGAN HILL APPROVING A PRE-ZONING OF A 14.38-ACRE PARCEL (COMPRISING A PORTION OF APNS 767-19-028, 767-19-020 AND 767-19-024) TO OPEN SPACE, A 16.39-ACRE PARCEL (COMPRISING A PORTION OF APNS 767-19-020 AND 767-19-024) TO OPEN SPACE AND A 19.99-ACRE SITE (COMPRISING A PORTION OF APNS 767-19-028, 767-19-020 AND 767-19-024) TO R1(12,000), ALL OF WHICH PARCELS ARE LOCATED WEST OF SUNSET AVENUE (APNS 767-15-026, 767-19-028, -020, AND -024)

WHEREAS, such request was considered by the Planning Commission at its regular meeting of July 28, 2015, at which time the Planning Commission had a deadlocked vote of zoning amendment application, ZA-11-13: Edmundson-Oak Meadow Plaza; and

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

WHEREAS, such request was considered by the City Council at its regular meeting of September 2, 2015 for the Pre-Zone application, ZA-11-13: Edmundson-Oak Meadow Plaza; 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. FINDING OF CONSISTENCY WITH THE GENERAL PLAN. The proposed amendment is in general conformance with the General Plan because:

- a. The Oak Meadow Plaza project is consistent with Policy 3b, 3d and 3e of the Community Development Element because the portion of the project that is proposed for residential development is located within the UGB and ULL, and the proposed USA expansion is consistent with the established USA expansion policies and ordinances as discussed in detail in this report. As described in the project's Memorandum of Understanding (MOU 2015), the project area that is outside of the UGB and ULL will have development

restrictions that will limit the location and intensity of future development to be consistent with the surrounding development located in the County.

- b. The Oak Meadow Plaza project is consistent with Goal 4 and Policy 4a of the Community Development Element because allows for the expansion of the USA to be consistent with the UGB and ULL on the project site. As described in the project's MOU 2015, the project furthers Goal 4 and Policy 4a by granting an open space easement to the City of Morgan Hill that limits future development on the 32 acres adjacent to the UGB.
- c. The Oak Meadow Plaza project is consistent with Goal 5, Policy 5a and 5b of the Community Development Element since it proposes to maintain Rural County and/or Open Space designations for all of the project area that is outside of the UGB. In addition, the project includes a MOU 2015 that commits the project to provide open space easements over steeper portions of the project site (over 10% slope), create trailheads and trails, and limit future development areas.
- d. The Oak Meadow Plaza project is consistent with Policy 8d since it proposes access from the existing Denali Drive and Bryce Drive within the city of Morgan Hill.
- e. As described in the project's Memorandum of Understanding, the commitments make the proposed project consistent with Policy 2c and 2p and Actions 2.6, 2.17 and 2.18 of the Open Space and Conservation Element. These policies and actions all seek to promote the protection of hillsides and limit the development within the greenbelt and hillside areas in and around the City.

Zoning Ordinance Consistency

The proposed zoning amendment is consistent with the findings as described above for consistency with General Plan and the following additional findings:

- a. That the public necessity, convenience and general welfare require the adoption of the proposed amendment.

The City Council can make the finding in that the project provides amenities such as open space easements, protection of views of hillsides and the development of trails.

- b. The proposed amendment does not grant a change in land use from commercial or industrial to a residential land use for property incorporated into the urban service boundary after December 7, 1990 unless it can be determined pursuant to the terms of Section 18.78.070 of the municipal code that the amount of undeveloped, residentially developable land on the same

side of Monterey Road as the proposed amendment is insufficient to accommodate five years' worth of residential growth.

The City Council can make the finding in that the project does not include the conversion of commercial land.

SECTION 2. The public necessity, convenience and general welfare require the adoption of the proposed amendment:

The project provides amenities such as open space easements, protection of views hillsides and the development of trails.

SECTION 3. A Mitigated Negative Declaration (MND) was adopted for the project on February 4, 2015 in accordance with the California Environmental Quality Act (CEQA). Changes to the project since that time have been evaluated. On the basis of substantial evidence in the light of the whole record no new significant impacts have been identified. As such, an Addendum to the previously adopted MND is warranted and has been completed and no subsequent MND is necessary; and the custodian of the documents or other material, which constitute the record, shall be the Community Development Department.

SECTION 4. The proposed amendment does not grant a change in land use from commercial or industrial to a residential land use for property incorporated into the urban service boundary after December 7, 1990 unless it can be determined pursuant to the terms of Section 18.78.070 of the municipal code that the amount of undeveloped, residentially developable land on the same side of Monterey Road as the proposed amendment is insufficient to accommodate five years' worth of residential growth:

The project does not include the conversion of commercial land.

SECTION 5. ESTABLISHING OS OPEN SPACE DISTRICT for 14.38-acre parcel and a 16.39-acre parcel (Portions of APNS 767-15-026, 767-19-028, -020, AND -024), as more specifically shown upon EXHIBIT A attached hereto and incorporated herein by this reference.

SECTION 6. ESTABLISHING R1 (12,000) DISTRICT for a 19.99-acre parcel (Portions of APNS 767-15-026, 767-19-028, -020, AND -024), as more specifically shown upon EXHIBIT A attached hereto and incorporated herein by this reference.

SECTION 7. INCORPORATING THE MAP BY REFERENCE. There hereby is attached hereto as Exhibit "A" and made a part of this ordinance, a zoning map entitled "Exhibit A ZA-11-13 Edmundson-Oak Meadow Proposed Amendments" being a part of Ordinance No. _____, New Series, which gives the boundaries of the described parcels of land.

SECTION 8. ENVIRONMENTAL DETERMINATION. A Mitigated Negative Declaration (MND) was adopted for the project on February 4, 2015 in accordance with the California Environmental Quality Act (CEQA). Changes to the project since that time have been evaluated. On the basis of substantial evidence in the light of the whole record no new significant impacts have been identified. As such, an Addendum to the previously adopted MND is warranted and has been completed.

SECTION 9. 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 applicability of this Ordinance to other situations.

SECTION 10. 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 2nd DAY OF SEPTEMBER 2015, AND WAS FINALLY ADOPTED AT A MEETING OF THE CITY COUNCIL HELD ON THE ____ DAY OF _____, 2015, 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:

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 Ordinance No. _____, New Series adopted by the City Council at the meeting held on the ____ day of _____, 2015.

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

DATE: _____

Irma Torrez, CITY CLERK

EXHIBIT A

ZA-11-13 EDMUNDSON-OAK MEADOW PROPOSED AMENDMENTS

