

**ORDINANCE NO. [XXX]**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL AMENDING THE ZONING DESIGNATION OF AN APPROXIMATE 4.37-ACRE SITE FROM CL-R TO R3 (PD) AND ADOPT A PRECISE DEVELOPMENT PLAN FOR A 58-UNIT RESIDENTIAL DEVELOPMENT ON A 4.37-ACRE SITE LOCATED ON THE EAST SIDE OF MONTEREY ROAD NORTH OF WRIGHT AVENUE (APN 726-25-004)**

**THE CITY COUNCIL OF THE CITY OF MORGAN HILL DOES HEREBY ORDAINS AS FOLLOWS:**

- SECTION 1.** Establishing an R-3 Residential Planned Development designation on approximately 4.37 acres located on the east side of Monterey Road north of Wright Avenue (APN 726-25-004).
- SECTION 2. INCORPORATING THE MAPS BY REFERENCE.** There hereby is attached hereto and made a part of this ordinance, a zoning map entitled "Gippetti/Monterey Parque" being a part of Ordinance No. \_\_\_\_\_, New Series, which gives the boundaries of the described parcel(s) of land (Exhibit A).
- SECTION 3. DESCRIPTION OF LAND IN REZONING.** There hereby is attached hereto and made a part of this ordinance a legal description which gives the boundaries of the described parcel of land (Exhibit B).
- SECTION 4. FINDING OF CONSISTENCY WITH THE GENERAL PLAN.** The City Council hereby finds that the amendment established by this ordinance as herein described is compatible with the goals, objectives, policies and amended land use designation of the General Plan of the City of Morgan Hill. The Council further finds that the proposed amendment is required in order to serve the public health, convenience and general welfare as provided by Section 18.62.070 of the Morgan Hill 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 Addendum to 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 Mitigated Negative Declaration adopted by the Planning Commission on October 14, 2014 reflects the Planning Commission's independent judgment and analysis, and that the Addendum to the Mitigated Negative Declaration prepared for the project did not identify any new project specific impacts. The Mitigated Negative Declaration was adopted prior to action taken to adopt the Ordinance. 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 Planned Development PD Overlay District is consistent with the criteria specified in Chapter 18.30 of the Morgan Hill Municipal Code provided adjustments are made to the Precise Development Plan to minimize the variations from the base development standards.

**SECTION 7.** The City Council hereby approves the Precise Development Plan which allows exceptions to the base development standards of the R3 zoning district as shown on the Precise Development Plan (Exhibit C). Any development not shown on the Precise Development Plan shall be consistent with the underlying zoning standards.

**SECTION 8.** 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 9.** 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 2<sup>nd</sup> 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:**

**APPROVED:**

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**IRMA TORREZ, City Clerk**

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**STEVE TATE, Mayor**

**❧ CERTIFICATION ❧**

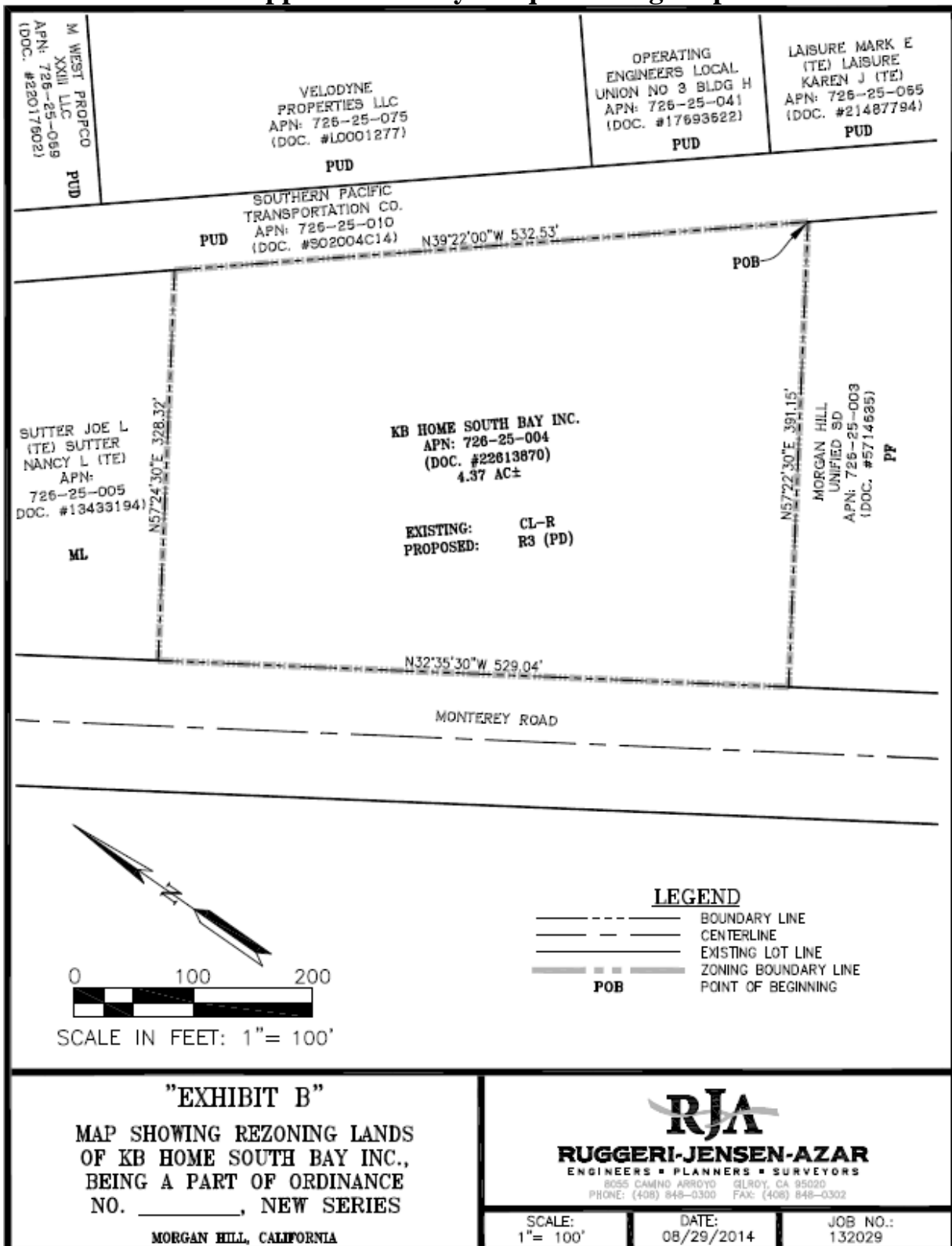
**I, IRMA TORREZ, CITY CLERK OF THE CITY OF MORGAN HILL, CALIFORNIA,** do hereby certify that the foregoing is a true and correct copy of Ordinance No. \_\_\_\_\_, New Series, adopted by the City Council of the City of Morgan Hill, California at its regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

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

DATE: \_\_\_\_\_

\_\_\_\_\_  
IRMA TORREZ, City Clerk

EXHIBIT A  
Gippetti/Monterey Parque Zoning Map



## **EXHIBIT B**

### **Description of Land**

#### **LEGAL DESCRIPTION OF LOT ON WHICH PROJECT IS TO BE LOCATED**

Real property in the City of Morgan Hill, County of Santa Clara, State of California, described as follows:

Beginning at a 1 inch iron pipe set on the northeasterly line of Monterey Road (State Highway) as said line was established by Parcel Map No. 3 in the deed from the Second National Bank of Hamilton, Ohio, a Corporation, to the State of California, dated December 10, 1937 and recorded August 31, 1938 in book 893 of official records, page 167, distant thereon north 32° 48' west 233.00 feet from a pipe set at the point of intersection of said line of Monterey Road with the line dividing the Ojo de Agua de la Coche and Laguna Seca Ranchos, said point of beginning also being the most westerly corner of that certain 1.553 acre tract of land conveyed by Frank Sutter, et ux, to Roy D. Berlier, et ux, by deed dated July 19, 1955 and recorded July 25, 1955 in book 3234 of official records, page 98; thence along said line of Monterey Road, north 32° 48' west 896.91 feet to a pipe; thence leaving said line of Monterey Road and running at right angles thereto, north 57° 14' east 329.63 feet to a pipe set on the southwesterly line of that certain 5.30 acre tract of land described in the deed from Henry Ballard to Southern Pacific Railroad Company, dated September 11, 1868 and recorded September 12, 1868 in book 9 of deed, at page 626; thence along the southwesterly line of said 5.30 acre tract, south 39° 34' 30" east 903.28 feet to a 2"x3" stake set at the most northerly corner of said 1.553 acre tract; thence leaving said southwesterly line and running along the northwesterly line of said 1.553 acre tract, south 57° 12' west 434.87 feet to the point of beginning and being a portion of the Laguna Seca Rancho.

Excepting there from that portion thereof conveyed to Morgan Hill Unified School District by deed recorded July 11, 1977 in book c983, page 90, official records, described as follows:

Beginning at a 1 inch iron pipe set on the northeasterly line of Monterey Road (State Highway) as said line was established by Parcel No. 3 in the deed from the Second National Bank of Hamilton, Ohio, a Corporation, to the State of California, dated December 10, 1937 and recorded August 31, 1938 in book 893 of official records, page 167, distant thereon north 32° 48' west, 233.00 feet from a pipe set at the point of intersection of said line of Monterey Road with the line dividing the Ojo de Agua de la Coche and Laguna Seca Ranchos, said point of beginning also being the most westerly corner of that certain 1.533 acre tract of land conveyed by Frank Sutter, et ux, to Roy D. Berlier, et ux, by deed dated July 19, 1955 and recorded July 25, 1955 in book 3234 of official records, page 98; thence from said point of beginning, north 32° 46' west, 367.61 feet; thence north 57° 12' east, 392.80 feet to a point in the southwesterly line of lands and right of Southern Pacific Railroad Company; thence along last mentioned line south 39° 34' 30" east, 370.20 feet; thence south 57° 12' west, 436.68 feet to the point of beginning.

Assessor Parcel Number: 726-25-004