



# City of Morgan Hill

## Legislation Details (With Text)

**File #:** 15-517      **Version:** 1      **Name:**  
**Type:** Staff Report      **Status:** Consent Calendar  
**File created:** 8/10/2015      **In control:** City Council  
**On agenda:** 9/2/2015      **Final action:** 4/1/2016  
**Title:** ADOPT ORDINANCE 2160, NEW SERIES AN ORDINANCE OF THE CITY OF MORGAN HILL AMENDING THE ZONING DESIGNATION OF A 18.2 ACRE PARCEL LOCATED EAST OF HIGHWAY 101 AND ON THE NORTH SIDE OF SAN PEDRO AVENUE BETWEEN MURPHY AVENUE AND CONDIT ROAD (ASSESSOR PARCEL NUMBERS 817-12-006 AND 817-12-009) FROM CG GENERAL COMMERCIAL TO R-3 MEDIUM DENSITY RESIDENTIAL DISTRICT

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 2160 Zoning Amendment ZA-14-16 Condit- Evergreen

Date	Ver.	Action By	Action	Result
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## CITY COUNCIL STAFF REPORT MEETING DATE: SEPTEMBER 2, 2015

PREPARED BY: Angie Garcia, City Council Services Assistant/Administrative Services  
APPROVED BY: City Manager

**ADOPT ORDINANCE 2160, NEW SERIES AN ORDINANCE OF THE CITY OF MORGAN HILL AMENDING THE ZONING DESIGNATION OF A 18.2 ACRE PARCEL LOCATED EAST OF HIGHWAY 101 AND ON THE NORTH SIDE OF SAN PEDRO AVENUE BETWEEN MURPHY AVENUE AND CONDIT ROAD (ASSESSOR PARCEL NUMBERS 817-12-006 AND 817-12-009) FROM CG GENERAL COMMERCIAL TO R-3 MEDIUM DENSITY RESIDENTIAL DISTRICT**

### RECOMMENDATION

Waive the reading, Adopt Ordinance No. 2160 New Series, and Declare that said title, which appears on the Agenda, shall be determined to have been read by Title and further reading waived.

### COUNCIL PRIORITIES, GOALS & STRATEGIES:

#### Ongoing Priorities

Maintaining Fiscal Responsibility

#### 2015 Focus Areas

Stimulate Economic Development

## **REPORT NARRATIVE:**

On August 5, 2015, the City Council Introduced Ordinance No. 2160 New Series, by the Following Roll Call Vote: AYES: Carr, Constantine, Librers, Siebert, Tate; NOES: None; ABSTAIN: None; ABSENT: None.

## **COMMUNITY ENGAGEMENT: Inform**

A 10 day public hearing notice was published in the Friday, July 24, 2015 edition of the Morgan Hill Times and notices were mailed to property owners within three hundred feet of the project pursuant to Government Code Sections 65090-65096.

## **PRIOR CITY COUNCIL AND COMMISSION ACTIONS:**

On July 14, 2015 the Planning Commission considered and recommended that the City Council approve the proposed Zoning Amendment. The applicant spoke in support of the application at the Planning Commission hearing. No one else appeared to speak on the item. After a brief discussion of how the R-3 District could align with the Multi-family Low General Plan land use designation, the Planning Commission voted 5-1 to recommend approval of the request. Commissioner Mueller opposed the request, expressing concern that the R-3 zoning designation for the eastern portion of the site could imply future development that would be inconsistent with the General Plan land use designation.

## **FISCAL AND RESOURCE IMPACT:**

No budget adjustment required. This project is part of the Community Development Department work plan and the City has collected application fees to cover costs associated with the project.

## **CEQA (California Environmental Quality Act):**

Project, Description of CEQA requirements

An Environmental Impact Report (EIR) was previously prepared for the project and certified by the City Council, along with a Statement of Overriding Considerations on February 4, 2015. An EIR was warranted because not all potential significant impacts on the environment for the project could be mitigated to less than significant levels. Transportation impacts to US 101 would remain significant and unavoidable because there is no feasible mitigation to reduce the impact to less than significant. Mitigation measures to be implemented by the project address potential aesthetics, cultural resources, hazards and hazardous materials, hydrology, geological, noise, biological (burrowing owls, nesting birds & trees), and air quality (construction and operational) impacts. These are included in the project's Mitigation Monitoring and Reporting Program (MMRP).

## **LINKS/ATTACHMENTS:**

Ordinance 2160