



# City of Morgan Hill

## City Council Staff Report

File #: 15-105, Agenda Date: 4/1/2015, Version: 1

### **CITY COUNCIL STAFF REPORT** **MEETING DATE: APRIL 1, 2015**

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

**ADOPT ORDINANCE 2131, NEW SERIES, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL AMENDING THE ZONING DESIGNATION OF A 3.39 ACRE SITE AT THE NORTHEAST QUADRANT OF THE INTERSECTION OF MADRONE PARKWAY AND LIGHTPOST WAY FROM THE ML - LIGHT INDUSTRIAL DISTRICT TO THE CG -GENERAL COMMERCIAL DISTRICT (APN 726-33-026)**

#### **RECOMMENDATION(S):**

**Waive** the Reading, and **Adopt** Ordinance No. 2131 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 SUPPORTED:**

##### **2015 Focus Areas**

Stimulate Economic Development

#### **NARRATIVE:**

On March 18, 2015, the City Council Introduced Ordinance No. 2131, New Series, by the Following Roll Call Vote: AYES: Carr, Constantine, Tate; NOES: Librers, Siebert; ABSTAIN: None; ABSENT: None.

#### **FISCAL AND RESOURCE IMPACT:**

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

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

A Mitigated Negative Declaration, which determined that any potential environmental impacts resulting from the proposed change in land use would be fully mitigated, was adopted by the City Council on November 19, 2014. As the proposed zoning change would conform to the recently adopted General Plan Amendment, the adopted Mitigated Negative Declaration provides the necessary CEQA analysis for the current project.

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**LINKS/ATTACHMENTS:**

Ordinance 2131

**ORDINANCE NO. 2131, NEW SERIES**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL AMENDING THE ZONING DESIGNATION OF A 3.39 ACRE SITE AT THE NORTHEAST QUADRANT OF THE INTERSECTION OF MADRONE PARKWAY AND LIGHTPOST WAY FROM THE ML – LIGHT INDUSTRIAL DISTRICT TO THE CG – GENERAL COMMERCIAL DISTRICT (APN 726-33-026)**

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

- SECTION 1. INCORPORATING THE MAP BY REFERENCE.** There hereby is attached hereto as “Exhibit A” and made a part of this ordinance, a map showing the boundaries of the subject property.
- SECTION 2. DESCRIPTION OF LAND IN REZONING.** The boundaries of the property as shown for “Parcel O,” a portion of the map filed for record with the Santa Clara County Recorder on October 13, 2000 in book 733 of Maps at pages 11 and 12.
- SECTION 3. 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 land use designation of the amended 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 4.** The City Council of the City of Morgan Hill hereby finds that, on the basis of the whole record before it (including the refined 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 reflects the City Council’s independent judgment and analysis, and that 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 5.** 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 6.** 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 18<sup>th</sup> DAY OF MARCH 2015, AND WAS FINALLY ADOPTED AT A MEETING OF THE CITY COUNCIL HELD ON THE 1<sup>st</sup> DAY OF APRIL 2015, AND SAID ORDINANCE WAS DULY PASSED AND ADOPTED IN ACCORDANCE WITH LAW BY THE FOLLOWING VOTE:**

**AYES: COUNCIL MEMBERS:**  
**NOES: COUNCIL MEMBERS:**  
**ABSTAIN: COUNCIL MEMBERS:**  
**ABSENT: COUNCIL MEMBERS:**

**ATTEST:**

**APPROVED:**

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**IRMA TORREZ, City Clerk**

\_\_\_\_\_  
**STEVE TATE, Mayor**

Effective: May 1, 2015

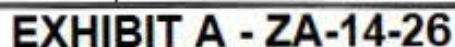
**⌘ CERTIFICATION ⌘**

**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. 2131, New Series, adopted by the City Council of the City of Morgan Hill, California at its regular meeting held on the 1<sup>st</sup> day of April 2015.**

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

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

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



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