

## **RESOLUTION NO. 23-040**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING SIX DEVELOPMENT STANDARD WAIVERS FOR THE 21-UNIT EDES-ALCINI PROJECT CONTAINING FIFTEEN PERCENT AFFORDABLE UNITS LOCATED WEST OF THE INTERSECTION OF EDES COURT AND MONTEREY ROAD (APN 767-18-046).**

**WHEREAS**, TTLC Morgan Hill – Edes, LLC submitted an application for the Edes – TTLC Morgan Hill (Project) a 21-unit residential development project consisting of attached townhome-style condominiums.

**WHEREAS**, TTLC Morgan Hill – Edes, LLC has requested six waivers for the housing development.

**WHEREAS**, the Project is a market rate housing development that includes 15 percent of the units to be restricted for-sale to qualified buyers with moderate incomes (3 moderate income).

**WHEREAS**, pursuant to Government Code Section 65915(d)(2)(A), at least 10 percent of the total units will be available to persons and families of moderate income in a common interest development and therefore, is allowed one concession and unlimited waivers.

**WHEREAS**, pursuant to the findings required by Government Code Section 65915(e)(1), the city shall grant the waiver requested by the applicant unless the city, county, or city and county makes a written finding, based upon substantial evidence, of any of the following:

This subdivision shall not be interpreted to require a local government to waive or reduce development standards if the waiver or reduction would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon health or safety, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. This subdivision shall not be interpreted to require a local government to waive or reduce development standards that would have an adverse impact on any real property that is listed in the California Register of Historical Resources, or to grant any waiver or reduction that would be contrary to state or federal law.

**WHEREAS**, the proposed project will provide a public benefit of a minimum of fifteen percent of affordable units, for persons and families of moderate income, incorporated within the Edes-Alcini project located at west of the intersection of Edes Court and Monterey Road and identified by Assessor's Parcel No. 767-18-046.

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**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF MORGAN HILL  
DOES HEREBY FIND, DETERMINE, RESOLVE AND ORDER AS FOLLOWS:**

**Section 1.** The City Council does hereby find that the foregoing recitals are true and correct.

**Section 2.** The project is consistent with the Zoning Ordinance and General Plan.

**Section 3.** The project is eligible for the proposed waivers per the Municipal Code Section 18.48.030 and 18.48.050 within the Municipal Code.

**Section 4.** The City Council of the City of Morgan Hill hereby approves the waiver request for the Edes – TTLC Morgan Hill project.

**Section 5.** This resolution shall take effect immediately upon adoption.

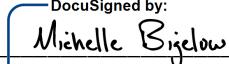
**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Morgan Hill at a regular meeting held on the 6<sup>th</sup> day of September 2023 by the following vote:

<b>AYES:</b>	<b>COUNCIL MEMBERS:</b>	Gino Borgioli, Marilyn Librers, Mark Turner, Rene Spring, Yvonne Martinez Beltran
<b>NOES:</b>	<b>COUNCIL MEMBERS:</b>	None
<b>ABSTAIN:</b>	<b>COUNCIL MEMBERS:</b>	None
<b>ABSENT:</b>	<b>COUNCIL MEMBERS:</b>	None

**APPROVED:**

DocuSigned by:  
  
Mark Turner  
MARK TURNER, Mayor  
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**ATTEST:**

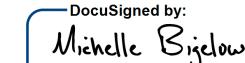
DocuSigned by:  
  
Michelle Bigelow  
MICHELLE BIGELOW, City Clerk  
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**CERTIFICATION**

I, Michelle Bigelow, City Clerk of the City of Morgan Hill, California, do hereby certify that the foregoing is a true and correct copy of Resolution No. 23-040, adopted by the City Council at a regular meeting held on September 6, 2023.

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

**DATE:** 9/8/2023

DocuSigned by:  
  
Michelle Bigelow  
MICHELLE BIGELOW, City Clerk  
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