

## **RESOLUTION NO. 23-005**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING THE MITIGATED NEGATIVE DECLARATION AND THE MITIGATION MONITORING AND REPORTING PROGRAM THAT WERE PREPARED IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, FOR THE MONTEREY – CITY VENTURES (THE GATES) PROJECT (APN 764-10-013 AND 764-10-015).**

**WHEREAS**, prior to the adoption of this Resolution, the Planning Division of the City of Morgan Hill prepared an Initial Study and a Mitigated Negative Declaration for the Monterey – City Ventures (The Gates) Project (Planning File No's. GPA2021-0005, ZA2021-0006, EA2021-0016) in accordance with the requirements of the California Environmental Quality Act of 1970, as amended (“CEQA”), and state and local guidelines implementing CEQA; and

**WHEREAS**, the Monterey – City Ventures (The Gates) Project (“Project”) analyzed under the Initial Study/Mitigated Negative Declaration consists of the request to amend the General Plan land use designation and Zoning Amendment for property located on the southwest corner of Cochrane Road and Monterey Road (APN: 764-10-013 and 764-10-015); and

**WHEREAS**, in connection with the approval of a project involving the preparation of an Initial Study/Mitigated Negative Declaration that identifies one or more significant environmental effects, CEQA requires the decision-making body of the lead agency to incorporate feasible mitigation measures that would reduce those significant environment effects to a less-than-significant level; and

**WHEREAS**, whenever a lead agency approves a project requiring the implementation of measures to mitigate or avoid significant effects on the environment, CEQA also requires a lead agency to adopt a Mitigation Monitoring and Reporting Program to ensure compliance with the mitigation measures during project implementation; and

**WHEREAS**, the City of Morgan Hill is the lead agency on the Project, and the City Council is the decision-making body for the proposed Project; and

**WHEREAS**, the Planning Commission has reviewed, considered, and recommended approval of the Initial Study/Mitigated Negative Declaration and related Mitigation Monitoring and Reporting Program for the Project at their December 12, 2022; and

**WHEREAS**, the City Council has reviewed and considered the Initial Study/Mitigated Negative Declaration and related Mitigation Monitoring and Reporting Program for the project; and

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**WHEREAS**, the Initial Study/Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program for the Project are, by this reference, incorporated into this Resolution as if fully set forth herein; and

**WHEREAS**, the Project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 89.5 of the California Department of Fish and Game Code.

**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MORGAN HILL AS FOLLOWS:**

**SECTION 1. THAT THE CITY COUNCIL** does hereby make the following findings:

- (1) It has independently reviewed and analyzed the Initial Study/Mitigated Negative Declaration and other information in the record and has considered the information contained therein, prior to acting upon the Project;
- (2) The Initial Study/Mitigated Negative Declaration prepared for the Project has been completed in compliance with CEQA and consistent with state and local guidelines implementing CEQA; and
- (3) The Initial Study/Mitigated Negative Declaration represents the independent judgment and analysis of the City as lead agency for the Project. The Development Services Director of the Development Services Department at 17575 Peak Avenue, Morgan Hill, California 95037, is the custodian of documents and records of proceedings on which this decision is based.
- (4) On the basis of the whole record before it (including the initial study and any comments received), there is no substantial evidence that the project will have a significant effect on the environment with the application of mitigation measures.

**SECTION 2. THAT THE CITY COUNCIL** does hereby adopt the Mitigation Monitoring and Reporting Program prepared for the Project. The Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program are: (1) on file in the Development Services Department, Planning Division, located at 17575 Peak Avenue, Morgan Hill CA 95037 and (2) available for inspection by any interested person.

**PASSED AND ADOPTED** by the City Council of Morgan Hill at a Regular Meeting held on the 15<sup>th</sup> day of February 2023 by the following vote:

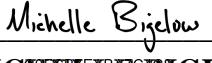
<b>AYES:</b>	<b>COUNCIL MEMBERS:</b>	<b>Gino Borgioli, Marilyn Librers, Yvonne Martinez Beltran, Mark Turner</b>
<b>NOES:</b>	<b>COUNCIL MEMBERS:</b>	<b>Rene Spring</b>
<b>ABSTAIN:</b>	<b>COUNCIL MEMBERS:</b>	<b>None</b>
<b>ABSENT:</b>	<b>COUNCIL MEMBERS:</b>	<b>None</b>

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**APPROVED:**

DocuSigned by:  
  
**MARK TURNER**, Mayor

**ATTEST:**

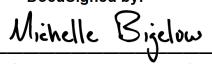
DocuSigned by:  
  
**MICHELE BIGELOW**, City Clerk

¤ **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.23-005 adopted by the City Council at the meeting held on February 15, 2023.

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

**DATE:** 2/21/2023

DocuSigned by:  
  
**MICHELE BIGELOW**, City Clerk