



CITY OF MORGAN HILL

Development Services Center – Planning Division

17575 Peak Avenue Morgan Hill CA 95037

APPROVAL CERTIFICATE NO. 22-002

APPLICATION NUMBER: Design Permit SR2021-0017: Sutter – Cochrane Business Ranch

LOCATION: The project is located within the landscaped median north of Cochrane Road and Sutter Boulevard intersection

SITE AREA: 300 square feet

GENERAL PLAN: Commercial

ZONING: General Commercial (CG)

DESCRIPTION: A request for a design permit to remove the existing water fountain within the median on Sutter Boulevard and replace it with water efficient landscaping.

RECITALS

1. On November 12, 2021, the Development Services Department received an application for a Design Permit approval for the removal of a water fountain and replace it with landscaping. Pursuant to Municipal Code Section 18.108.040.C.7 (Design Permit), relocation of existing buildings, structures, or other physical site improvements.
2. The project was reviewed by the Design Review Committee on November 17, 2021 where comments were received from the various departments and agencies. The Design Review Committee deemed the project complete for processing and okayed the project for approval on December 7, 2021.
3. Comments received from the public and from the applicant, along with exhibits and drawings and other materials have been considered in the review process.
4. On January 25, 2022 the Development Services Department considered said application after a duly noticed 10-day public comment period;
5. Pursuant to the authority set forth pursuant to Section 18.108.040 (Design Permit) of the Morgan Hill Municipal Code, the Development Services Director hereby approves the project application subject to the conditions contained within this approval certificate.

FINDINGS

SECTION 1. Design Permit Findings

The following findings have been made in approving the Design Permit in accordance with Section 18.108.040 (J.) of the Morgan Hill Municipal Code:

1. The proposed project is consistent with the General Plan and any applicable specific plan, area plan, or other design policies and regulations adopted by the City Council.

The replacement of the water fountain is consistent with the Water Conservation Ordinance, the General Plan, and any applicable specific plan.

2. The proposed project complies with all applicable provisions of the zoning code and municipal code.

The proposal is consistent with our Water Conservation Ordinance and all provisions in the Zoning Code and Municipal Code.

3. The proposed project substantially complies with all applicable design standards and guidelines contained in the design review handbook.

The project is consistent with the Design Review Handbook and the design criteria specified in for Commercial.

4. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA).

Categorically Exempt pursuant to Section 15304(b) for Minor Alterations to Land.

5. The proposed project complies with all applicable Design Review Criteria in 18.108.040 (H.).

The new landscaping is compatible with the adjacent landscaping in the median along Sutter Boulevard.

SECTION 2. The proposed project will not result in a violation of the requirements established by the Regional Water Quality Control Board.

SECTION 3. The approved project shall be subject to all conditions contained within Exhibit A, incorporated herein by reference.

APPROVED THIS 25 DAY OF JANUARY, 2022.


Jennifer Carman
Development Services Director

AFFIDAVIT

I, Erin Toeniskoetter hereby agree to accept and abide by the terms and conditions specified in this approval certificate.

Erin Toeniskoetter
Erin Toeniskoetter (Feb 2, 2022 17:28 PST)

Feb 2, 2022

Date

EXHIBIT "A"
STANDARD CONDITIONS

APPLICATION NO: SR2021-0017
THE FOLLOWING APPROVAL REQUIREMENTS AND ANY SPECIAL CONDITIONS
SHALL BE APPLIED THROUGH THE DEVELOPMENT APPROVAL PROCESS.

Legend

MHMC= Morgan Hill Municipal Code
MHARH= Morgan Hill Architectural Review Handbook
CMH= City of Morgan Hill
CFC= California Fire Code

I. PROJECT DESCRIPTION

SR2021-0017: SUTTER – COCHRANE BUSINESS RANCH: a request for a design permit to remove the existing water fountain within the median on Sutter Boulevard and replace it with water efficient landscaping. The project is located within the landscaped median north of Cochrane Road and Sutter Boulevard intersection. CEQA: Categorically Exempt pursuant to Section 15304(b) for Minor Alterations to Land.

II. PROJECT CONDITIONS OF APPROVAL

This Design Permit approval is limited to the plan set with approval date stamped on January 25, 2022 file (File Number SR2021-0017) with the Development Services Department. The approved plans must be in substantial conformance with the approved plans as determined by the Development Services Director.

It shall be the responsibility of the owner and/or designee to ensure that any changes or modifications to the Project are in compliance with the original City Conditions of Approval of the Project, which are hereby incorporated herein as set forth in full.

PLANNING DIVISION

DEFENSE AND INDEMNITY

- A. As part of, and in connection, with this application to the City of Morgan Hill, Applicant agrees to defend, indemnify, and hold harmless the City of Morgan Hill, its officers, agents, employees, officials and representatives (Indemnitees) from and against any and all claims, actions, or proceedings arising from any suit for damages or for equitable or injunctive relief which is filed against City to attack, set aside, void or annul its approval of this application or any related decision, or the adoption of any environmental documents which relates to said approval. The City shall promptly notify the Applicant of any such claim, action or proceeding and the City shall cooperate fully in the defense thereof. In the event that Applicant is required to defend Indemnitees in connection with the proceeding, Indemnitees

shall retain the right to approve (a) the counsel to so defend Indemnitees; (b) all significant decisions concerning the manner in which the defense is conducted; and (c) any and all settlements, which approval shall not be unreasonably withheld. This indemnification shall include, but is not limited to, (a) all pre-tender litigation costs incurred on behalf of the City, including City's attorney's fees and all other litigation costs and expenses, including expert witnesses, required to defend against any lawsuit brought as a result of City's approval or approvals; (b) reasonable internal City administrative costs, including but not limited to staff time and expense spent on the litigation, after tender is accepted; and (c) all damages, costs, expenses, attorney fees or expert witness fees that may be awarded to the prevailing party arising out of or in connection with the approval of the application or related decision. City may, in its sole discretion, participate in the defense of such action; but such participation shall not relieve Applicant of its obligations under this condition. The undersigned hereby represents that they are the Applicant or are fully empowered by the Applicant as their agent to agree to provide the indemnification, defense and hold harmless obligations, and the signature below represents the unconditional agreement by Applicant to be bound by such conditions.

TIME LIMITS

- A. **Term:** The SR2021-0017 approval granted pursuant to this Resolution shall remain in effect for two years from approval date. Failure to obtain building permits within this term shall result in termination of approval unless an extension of time is granted with a showing of just cause prior to expiration date. **(MHMC 18.108.040)**

SITE DEVELOPMENT

- A. **Final Site Development Plans:** Final site development plans shall be reviewed for conformance with (SR2021-0017) and in accordance with Morgan Hill Municipal Code Section 18.108.040 (Design Permit) and approved by the Development Services Department prior to issuance of a building permit.

LANDSCAPING

- A. **Landscape maintenance agreement:** The applicant shall enter into a two-year landscape maintenance agreement effective upon acceptance of landscaping improvements and provide an appropriate bond as required by Section 18.64.070 (Landscaping maintenance and enforcement) of the Municipal Code. Bond amount shall be equal to 100 percent of the value of the landscaping and irrigation improvements for the development project.
- B. **Planting and irrigation working drawings:** Detailed landscape planting and irrigation working drawings shall be submitted to the Engineering Department with the request for an encroachment permit. Refer to Engineering Division Conditions for landscape plans for streets and landscape easements.

NOISE

- A. **Construction Hours:** The project shall comply with Chapter 8.28 of the Morgan Hill Municipal Code which prohibits construction activities between 8:00 PM and 7:00 AM, Monday through Friday, and between 6:00 PM and 9:00 AM on Saturdays. Construction activities may not occur on Sundays or federal holidays.

GENERAL

- A. **Mitigation Fee Act:** Notice is hereby given that, pursuant to the Mitigation Fee Act, the City of Morgan Hill charges certain fees (as such term is defined in Government Code Section 66000) in connection with approval of this development project for the purpose of defraying all or a portion of the cost of public facilities related to this development project (Mitigation Fee Act Fees). These fees do not include fees for processing applications for governmental regulatory actions or approvals, fees collected as part of development agreements, or as a part of the application for the City's Residential Development Control System. The Mitigation Fee Act Fees applying to this project are listed in the schedule of fees to be provided at building permit stage. Notice is also hereby given that the Developer has an opportunity to protest the imposition of the Mitigation Fee Act Fees within 90 days of the approval or conditional approval of this development project and that the 90-day protest period has begun.
- C. **Signed copies of Approval Certificate:** Submit two (2) signed copies of the Approval Certificate to the Planning Division prior to issuance of a building permit.

ENGINEERING DIVISION

- A. Obtain encroachment permit for all work located within the City's Right of way. Plans submitted as part of the encroachment permit shall incorporate the approved SR2021-0017 plans.
- B. Landscaping and irrigation systems serving common areas that are required to be installed in the public right-of-way shall be continuously maintained by the adjacent property owners.






Design Review Approval Certificate No. 22-002

Final Audit Report

2022-02-03

Created:	2022-02-03
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