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17575 Peak Avenue Morgan Hill CA 95037

## APPROVAL CERTIFICATE NO. 22-019

**APPLICATION NUMBER:** Design Permit SR2022-0017/ Minor Exception VAR2022 -0005

**LOCATION:** Northwest corner of Barrett Avenue and Butterfield Blvd. (APN 817-30-080)

**SITE AREA:** .57-acres

**GENERAL PLAN:** Commercial

**ZONING:** Commercial Neighborhood

**DESCRIPTION:** Request for a Design Permit to construct a new 8,420 square foot childcare facility that includes eight classrooms with supporting office, storage space, and outdoor playground areas. The proposal also includes a Minor Exception to reduce the setback standards by three feet along Butterfield Boulevard.

### RECITALS

1. On September 1, 2022, the Community Development Department received an application for a Design Permit and Minor Exception to allow for the construction of a new childcare facility. The subject property is .57-acres in size, located on the northwest corner of Barrett Avenue and Butterfield Blvd (APN 817-30-080) and within the Commercial Neighborhood (zoning district).
2. Said application was deemed complete for processing and was considered by the Development Review Committee (DRC) at its regular meeting of September 7, 2022, at which time the Committee recommended conditional approval of applications SR2022-0017 and VAR2022-0005;
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 October 11, 2022 the Development Services Department considered said application at the close of a duly-noticed 10-day public comment period;
5. Pursuant to the authority set forth under Section 18.108.040 (Design Permit) 18.108.070 (Minor Exception) of the Morgan Hill Municipal Code, the Community Development

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:

- a) 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 development of the site for a childcare center is consistent with the General Plan Policies, development standards and design guidelines.

- b) The proposed project complies with all applicable provisions of the zoning code and municipal code.

The proposal is consistent with all provisions in the Zoning Code and Municipal Code.

- c) 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 the adopted Development Agreement for the project.

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

The proposed project was determined to be exempt from the California Environmental Quality Act (CEQA), consistent with CEQA Guidelines Section 15332, In-Fill Development Projects. None of the exceptions to categorical exemptions identified by CEQA Guidelines Section 15300.2 are applicable to the proposed project. A Categorical Exemption Memorandum was prepared.

- e) The proposed development will not be detrimental to the public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity.

The project CEQA Memorandum determined that the proposed development would not have a detrimental impact on public health, safety, or welfare or be material injurious to the properties or improvements in the vicinity as the project is in compliance with the buildout assumptions in the 2035 General Plan EIR.

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

The project has been designed to be compatible with the neighborhood and supports a walkable/pedestrian environment. The massing and scale of the buildings complement the neighboring structures.

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

**SECTION 3.** Projects approved pursuant hereto are exempt from the California Environmental Quality Act (CEQA) under Section 15332 of Guidelines for CEQA.

**SECTION 4.** The approved project shall be subject to all conditions contained within the attached Exhibit A, incorporated herein by reference.

APPROVED THIS 12 DAY OF October, 2022.

  
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**Jennifer Carman**  
**Development Services Director**

A F F I D A V I T

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

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
Date