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17575 Peak Avenue Morgan Hill CA 95037

**APPROVAL CERTIFICATE NO. 20-008**

**APPLICATION NUMBER: UP 2020-0001: Cochrane-Petco**

**LOCATION:** The property is located at 1019 Cochrane Road, Morgan Hill, CA 95037 on the north side of Cochrane Road east of the Highway 101 interchange, identified by Assessor Parcel Number 728-37-075.

**GENERAL PLAN: Commercial**

**ZONING: PUD- Planned Unit Development**

**DESCRIPTION:** Approval of an Administrative Use Permit to allow a full service veterinary clinic service to include exams, vaccination, x-ray and minor same-day surgery (no overnight stays) within an existing Petco store which is located at 1019 Cochrane Road, Morgan Hill CA 95037 within an existing commercial plaza known as Cochrane Commons Shopping Center. The property is located on the north side of Cochrane Road east of the Highway 101 interchange, identified by Assessor Parcel Number 728-37-075.

**RECITALS**

1. On April 23, 2020, the Community Development Department received an application for an Administrative Use Permit to allow a full service veterinary clinic service to include exams, vaccination, x-ray and minor same-day surgery (no overnight stays) within an existing Petco store which is located at 1019 Cochrane Road within an existing commercial plaza known as Cochrane Commons Shopping Center. The subject property is 3 acres in size and is located on the north side of Cochrane Road east of the Highway 101 interchange.
2. Said application was deemed complete for processing and was considered by the Development Review Committee (DRC) at its regular meeting of Wednesday May 6, 2020 at which time the Committee recommended conditional approval of application UP 2020-0001: Cochrane-Petco;
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 June 10, 2020, the Community Development 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 18.108.020 of the Morgan Hill Municipal Code, the Community Development Director hereby approves the project application subject to the conditions contained within this certificate.

**FINDINGS**

- SECTION 1.** The proposed project, together with its provisions for its design and improvements, is consistent with the Zoning Ordinance and the General Plan.
- 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 15301 (Existing facilities) of Guidelines for CEQA because of the proposed alterations to the existing building and site.
- SECTION 4.** The proposed administrative use has been found consistent with the criteria for Administrative Use Permit approval contained in Section 18.108.020 of the Zoning Code.
- SECTION 5.** The approved project shall be subject to the following conditions:
1. Submit two (2) signed copies of Approval Certificate No. 20-008 to the Planning Division prior to issuance of building permits.
  2. **Engineering Conditions**  
The following conditions shall apply to the project/application.
    - A. The City of Morgan Hill, pursuant to City Code Chapter 3.56, has established impact fees to finance the cost of improvements required by new development. City Code Chapter 3.56.050 provides for automatic annual (July 1st) adjustment of those fees in existence utilizing the Engineering News Record Index for the preceding twelve months. **(MHMC 3.56.010; 3.56.030; 3.56.050)**
      1. The project's impact fees, if any, will be determined at building permit stage and the fees will be due prior to issuance of the building permit.
    - B. If any work is proposed in the City right-of-way, obtain an encroachment permit from the City of Morgan Hill and provide guarantee covering off-site improvements. **(MHMC 12.08.040 A; 12.08.090)**
  3. **Defense and indemnity.** Applicant agrees to defend and indemnify and hold City, its officers, agents, employees, officials and representatives free and harmless from and against any and all claims, losses, damages, injuries, costs and liabilities arising from any suit for damages or for equitable or injunctive relief which is filed against City by reason of its approval of applicant's project. In addition, applicant shall pay all pre-tender litigation costs incurred on behalf of the City including City's attorneys' 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, but shall not be required to pay any litigation from the City. However, applicant shall continue to pay reasonable internal City administrative costs, including but not limited to staff time and expense spent on the litigation, after tender is accepted.

**APPROVED THIS 10TH DAY OF JUNE 2020.**

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

A F F I D A V I T

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

  
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6/16/2020  
Date