



17575 Peak Avenue Morgan Hill CA 95037

APPROVAL CERTIFICATE NO. 21-04

APPLICATION NUMBER: UP 2021-0005: E. Third - Panesar

LOCATION: The property is located at 91 East Third Street, Morgan Hill, CA 95037 identified by Assessor Parcel Number 726-54-032.

GENERAL PLAN: Mixed Use

ZONING: PD Overlay with underlying CBD and Ground Floor Overlay

DESCRIPTION: Approval of an Administrative Use Permit for a beauty salon with retail. The property, identified by Assessor Parcel Number 726-54-032, is located at 91 East Third Street.

RECITALS

1. On March 18, 2021, the Community Development Department received an application for an Administrative Use Permit for a 558 square foot beauty salon with retail. The beauty salon will be located at 91 East Third Street.
2. Said application was deemed complete for processing on March 23, 2021.
3. Comments received from the public and from the applicant, along with exhibits, drawings, statement of operations and other materials have been considered in the review process.
4. On April 27, 2021, 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, and Chapter 2: Land Uses and Development Standards of the Morgan Hill Downtown Specific Plan the Community Development Director hereby approves the project application subject to the conditions contained within this certificate.

FINDINGS

- SECTION 1.** The proposed beauty salon with retail, together with its provisions for its design and improvements, is consistent with the Zoning Ordinance and the General Plan.
- SECTION 2.** The proposed beauty salon with retail will not result in a violation of the requirements established by the Regional Water Quality Control Board.
- SECTION 3.** The project approved pursuant hereto is exempt from the California Environmental Quality Act (CEQA) under Section 15301 (Existing facilities) of Guidelines for CEQA.
- SECTION 4.** The beauty salon with retail has been found consistent with the criteria for Administrative Use Permit approval contained in Chapter 2: Land Uses and Development Standards of the Morgan Hill Downtown Specific Plan.

- Advertised for lease for at least 90 days:
Based upon information provided by CoStar dated March 4, 2021, the subject space in the building has been advertised for lease to retail tenants for at least 90 days. The owner has been unable to locate a suitable retail tenant at market rate.
- The vacancy rate for ground floor downtown commercial space exceeds 5 percent:
Based upon the Downtown Ground Floor Overlay Analysis Accessed from CoStar dated March 4, 2021, the Vacancy Rate is 6.9% therefore the vacancy rate for commercial space exceeds the five percent requirement for the ground floor combining district for the quarter.

SECTION 5. The approved project shall be subject to the following conditions:

1. **Time Limitations.** Approval of this Administrative Use Permit shall be valid for a period of three years from the date of approval. The approval may be extended one or more times by the Community Development Director for up to three years for each extension, upon the applicant requesting in writing such extension and paying the established fee. An application for an extension may be submitted no sooner than nine months before the expiration date of the previously approved Administrative Use Permit.
2. Submit two (2) signed copies of **Approval Certificate No. 21-04** to the Planning Division prior to issuance of building permits.
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 27th DAY OF APRIL 2021.



Jennifer Carman
Development Services Director

A F F I D A V I T

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



Mandeep Panesar – Applicant

Date 4/28/2021