CITY OF MORGAN HILL

Regular Meeting Agenda
Planning Commission

JOSEPH MUELLER	-	*CHAIR*
WAYNE TANDA	-	*VICE-CHAIR*
LIAM DOWNEY	-	*PLANNING COMMISSIONER*
MOHAMMAD HABIB	-	*PLANNING COMMISSIONER*
PAUL LAKE	-	*PLANNING COMMISSIONER*
MALISHA KUMAR	-	*PLANNING COMMISSIONER*
JAMES WILSON		*PLANNING COMMISSIONER*

Tuesday, August 8, 2023 7:00 PM

Council Chamber Building
17555 Peak Avenue, Morgan Hill, CA 95037

Morgan Hill Planning Commission meetings are held in person with the option for the public to attend by teleconference/video conference. Information on how the public may observe and participate in the meeting is located below.

MEETING GUIDELINES AND PUBLIC COMMENT

Planning Commission meetings will be live-streamed on Channel 17, on the City's website, and on the City's Facebook page.

Those members of the community that would like to participate in the meetings remotely may do so by joining the virtual meeting at: https://bit.ly/PlanningCommissionMtg or by calling: (669) 900-9128, then enter the webinar ID#: 862 0324 6251#. Public comment may be provided in the following ways:

- Provide public comment in-person
- Join the Planning Commission meeting virtually via the link above. When public comment is opened, raise your virtual hand and be called upon to speak for up to 3 minutes (YOU MUST BE RUNNING THE MOST CURRENT VERSION OF ZOOM TO BE UNMUTED)
- Join virtually by calling the number above, dial *9 to raise your hand, and be called upon to speak for up to 3 minutes
- Send public comments in writing to the Minutes Clerk at

pcpubliccomment@morganhill.ca.gov

* Please note that comments made on Facebook are not considered public comment.

CALL TO ORDER

ROLL CALL ATTENDANCE

DECLARATION Of POSTING
Pursuant to Government Code Section 54954.2

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT
Members of the public are entitled to address the Planning Commission concerning any item within the Morgan Hill Planning Commission's subject matter jurisdiction. Public comments are limited to no more than three minutes. Except for certain specific exceptions, the Commission is prohibited from discussing or taking action on any item not appearing on the posted agenda. (See additional noticing at the end of this agenda)

ORDERS OF THE DAY

PUBLIC HEARINGS
None

OTHER BUSINESS

1. VEHICLE SALES DESIGN GUIDELINES WORKSHOP

Recommendation:
Receive presentation and provide feedback on design guidelines for vehicle sales

2. SELECTION OF PLANNING COMMISSION CHAIRPERSON AND VICE CHAIR

Recommendation:

1. Planning Commission to select a Chairperson and Vice Chair

DIRECTOR'S REPORT/ANNOUNCEMENTS

ADJOURNMENT

NOTICE

Any documents produced by the City and distributed to the majority of the Planning Commission less than 72 hours prior to an open meeting, will be made available for public inspection at the front counter at City Hall located at 17575 Peak Avenue, Morgan Hill, CA, 95037 and at the Morgan Hill Public Library located at 660 West Main Avenue, Morgan Hill, California, 95037 during normal business hours. (Pursuant to Government Code 54957.5)

PUBLIC COMMENT

Members of the Public are entitled to directly address the Planning Commission concerning any item that is described in the notice of this meeting, before or during consideration of that item. If you wish to address the Planning Commission on any issue that is on this agenda, please complete a speaker request card located in the foyer of the Council Chambers and deliver it to the Minutes Clerk prior to discussion of the item. You are not required to give your name on the speaker card in order to speak to the Planning Commission, but it is very helpful. When you are called, proceed to the podium and the Chair will recognize you. If you wish to address the Planning Commission on any other item of interest to the public, you may do so during the public comment portion of the meeting following the same procedure described above. Please limit your comments to three (3) minutes or less.

Please submit written correspondence to the Minutes Clerk, who will distribute correspondence to the Planning Commission.

Persons interested in proposing an item for the Planning Commission agenda should contact a member of the Commission who may plan an item on the agenda for a future Commission meeting. Should your comments require Planning's action, your request may be placed on the next appropriate agenda. Planning Commission discussion or action may not be taken until your item appears on an agenda. This procedure is in compliance with the California Public Meeting Law (Brown Act) Government Code §54950.

City Council Policies and Procedures (CP 03-01) outlines the procedure for the conduct of public hearings. Notice is given, pursuant to Government Code Section 65009, that any challenge of Public Hearing Agenda items in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the Commission at, or prior to the Public Hearing on these matters.

The time within which judicial review must be sought of the action by the Commission, which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.

For a copy of Commission Policies and Procedures CP 97-01, please contact the City Clerk's office (408) 779-7259, (408) 779-3117 (fax) or by email cityclerk@morganhill.ca.gov.

AMERICANS WITH DISABILITIES ACT (ADA)

In compliance with the Americans with Disabilities Act, if you are a disabled person and you need a disability-related modification or accommodation to participate in this meeting, please contact the City Clerk's Office at (408)779-7259, (408)779-3117 (fax) or by email cityclerk@morganhill.ca.gov. Requests must be made as early as possible and at least two-full business days before the start of the meeting.

CITY OF MORGAN HILL

PLANNING COMMISSION STAFF REPORT
MEETING DATE: August 8, 2023

PREPARED BY:
Matthew Mahood, Economic Development Director
APPROVED BY: Jennifer Carman

VEHICLE SALES DESIGN GUIDELINES WORKSHOP

RECOMMENDATION(S)
Receive presentation and provide feedback on design guidelines for vehicle sales

BACKGROUND:
On May 9, 2023, the Planning Commission recommended approval of the Zoning Code Text Amendment described below on a vote of 4-1 with two members absent.

On June 21, 2023, City staff introduced an ordinance amending section 18.24.020 (Land Use Regulations) of 18.24 (Commercial Zoning Districts) of Title 18 (Zoning) of the Municipal Code of the City of Morgan Hill proposed minor amendments to the Administrative Office (CO) Zoning District to allow vehicle-related uses and other compatible uses on minimum one-acre lots. After significant discussion and hearing community comments, the City Council approved the first reading of the proposed ordinance on a 3-2 vote. As part of the City Council adoption of the proposed ordinance, the City Council directed staff to return to the City Council with specific design guidelines for vehicle sales. City staff intends to return to the City Council on August 23, 2023 for the second reading of the ordinance and recommended design guidelines.

To assist with the development of the guidelines, the City has engaged the services of Frank Fuller of Urban Design Studio to review best practices across the architectural design community and help create design guidelines as well as visual depictions that articulate good design elements.

PROJECT DESCRIPTION:
With the addition of Vehicle Sales uses to the Administrative Office (CO) zoning district, there is potential for new auto dealerships or other vehicle sales uses to establish in Morgan Hill. The City has the opportunity to guide how the site design and general appearance of these uses will look and feel to surrounding properties and the public. While individual businesses often have OEM (Original Equipment Manufacturer) standards for building design, the unification of individual site design standards can help bring different uses together in a cohesive pattern that complements one another. Through Design Guidelines, the City also has the ability to prohibit undesirable features of typical dealerships seen throughout the Bay Area. The design guidelines for vehicle sales will be developed for review and approval by the City Council.

CONCLUSION:
The purpose of this meeting is to review and provide feedback on design guidelines for vehicle sales that will be presented to the City Council on August 23, 2023.

CEQA (California Environmental Quality Act):
There are no new significant environmental impacts or previously identified significant impacts associated with the Project. The City determined that an Addendum to the Morgan Hill 2035 General Plan Final Environmental Impact Report (EIR) is the appropriate California Environmental Quality

Act (CEQA) document to address project modifications in accordance with CEQA Guidelines Section 15164. CEQA Guidelines Section 15164(c) provides that an addendum need not be circulated for public review.

COMMUNITY ENGAGEMENT:

On Monday, July 31, City staff held a meeting with community stakeholders who had previously expressed an interest in the CO Zoning Text Amendment and the location of auto/vehicle dealers on the Trammell Crow North 30 property to hear their concerns and gather feedback to be included in the design guidelines.

The City's Economic Development team presented the proposed Zoning Code Text Amendment to the Morgan Hill Chamber of Commerce's Economic Development Committee on May 11, 2023 and conducted a Neighborhood meeting on June 15, 2023. The Neighborhood meeting was promoted in the City's 411.

ATTACHMENTS:

1. June 21, 2023 City Council Meeting - CO Text Amendment Staff Report

CITY OF MORGAN HILL

CITY COUNCIL STAFF REPORT
MEETING DATE: June 21, 2023

PREPARED BY:
Matthew Mahood, Economic Development Director
APPROVED BY: City Manager

INTRODUCE ORDINANCE AMENDING SECTION 18.24.020 (LAND USE REGULATIONS) OF 18.24 (COMMERCIAL ZONING DISTRICTS) OF TITLE 18 (ZONING) OF THE MUNICIPAL CODE OF THE CITY OF MORGAN HILL IMPLEMENTING MINOR AMENDMENTS TO THE ADMINISTRATIVE OFFICE (CO) ZONING DISTRICT TO ALLOW VEHICLE-RELATED USES AND OTHER COMPATIBLE USES ON MINIMUM ONE-ACRE LOTS

RECOMMENDATION(S)

1. Open/close public hearing;
2. Waive first and second reading of the Ordinance Amendment; and
3. Introduce Ordinance Amendment

COUNCIL PRIORITIES, GOALS & STRATEGIES

2022-2023 Strategic Priorities
Fiscal Sustainability
Economic Development

Guiding Documents
Economic Blueprint
Morgan Hill 2035 General Plan

REPORT NARRATIVE:

An ordinance is being proposed that would amend Section 18.24.020 (Land Use Regulations) of Chapter 18.24 (Commercial Zoning Districts) of the Zoning Code to allow vehicle-related uses as well as other compatible uses within the Administrative Commercial (CO) zoning district on lots that are one (1) acre in size or larger.

The Planning Commission held a public hearing regarding the proposed draft Ordinance on May 9, 2023 and recommended the following amendments to Table 18.24-1 (Permitted Land Uses in the Commercial Zoning Districts) within Section 18.24.020 (Land Use Regulations) of Chapter 18.24 (Commercial Zoning Districts) of the Municipal Code are proposed for the Administrative Office (CO) zoning district:

a. Allow “Restaurants, Fast Food” as a permitted use.
b. Allow “Restaurants, Sit-Down” as a permitted use.
c. Allow “Tasting Rooms” as a permitted use.
d. Allow “Convenience Market with Fuel and Service Station” as a conditional use.
e. Allow “General Retail” as a permitted use.
f. Allow “Fuel and Service Stations” as a conditional use.
g. Allow “Vehicle Rentals” as a permitted use.
h. Allow “Vehicle Repair and Maintenance, Minor” as a permitted use when associated with an on-site or off-site automotive manufacturer.
i. Allow “Vehicle Sales and Leasing” as a permitted use.
j. Allow “Vehicle Washing” as a conditional use.
k. Allow all of the above uses only on a lot sized one-acre or greater.

Complete details of the proposed amendments are provided in the draft Ordinance (Attachment 1) and in the Planning Commission staff report. If the proposed Ordinance is approved, the Code Amendment becomes effective 30 days following the adoption of the Ordinance by the City Council.

Pursuant to Section 18.114.060 (Findings for Approval), the City Council may approve a zoning code amendment only if all of the following findings are made:

1. The proposed amendment is consistent with the General Plan and any applicable specific plan as provided by Government Code Section 65860.
2. The proposed amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the City.
3. The proposed amendment is internally consistent with other applicable provisions of the zoning code.

The proposed amendments are consistent with the above findings as the amendments implement the General Plan and the 2017 Morgan Hill Economic Blueprint, do not propose any new uses that were not analyzed in the Morgan Hill 2035 Environmental Impact Report, and are internally consistent with other applicable provisions of the zoning code.

PLANNING COMMISSION ACTION:
The Planning Commission reviewed the proposed amendments on May 9, 2023. Following discussion, the Planning Commission approved Resolution No. 23-03 on a 4-1 vote recommending the City Council approve the proposed Amendments as presented by Staff with the exception of allowing “Vehicle Repair and Maintenance, Minor” as a permitted use when associated with an on-site or off-site automotive manufacturer. The one dissenting vote on the Planning Commission was due to the desire to require all of the proposed uses to be a Conditional Use instead of allowing some of the uses to be a Permitted Use.

BACKGROUND:
In February 2002, the City Council authorized an Auto Dealer Assistance Program as a part of an Auto Dealer Economic Development Strategy. Since that time, the City Council has successfully utilized the strategy and incentives to help attract and expand three auto dealers in the City.

In April 2017, the City Council unanimously adopted the 2017 Morgan Hill Economic Blueprint that identified Retail as a key strategy for long-term economic sustainability. The retail market provides many assets for the community. When done well, retail can create great places, serve the residents and business needs, and be a catalyst for additional new investment. Retail is also an important source of General Fund revenue for the City through sales tax collection. Fostering successful retail nodes and increasing the City's sales tax revenue requires careful planning and land use flexibility. The City's Economic Development team invests significant time, energy, and resources working with local property owners, potential developers, and potential users to identify opportunities for new commercial and retail investment that will support the continued growth and sustainability of the General Fund.

The two largest contributors to the General Fund are Property Tax and Sales Tax. Property Tax collections make up approximately 35% of the General Fund while Sales Tax collections make up approximately 25% of the General Fund. Within the Sales Tax number, the Autos and Transportation tax group accounts for approximately 25% of the Sales Tax collected. To support continued growth in this sales tax group, the City has previously adopted and implemented the Auto Dealer Incentive program and made the recruitment and expansion of new auto dealers a priority in the Economic Development work plan. A successful auto dealership can generate enough sales tax on an annual basis to support the salaries of two and one-half police officers. The only other use that would generate more tax revenue to the City per acre is an upper midscale hotel.

As the City's Economic Development team and Planning Division work in partnership to implement the City's Auto Dealer strategy, City staff identified a potential opportunity to increase the amount of available land for future auto dealer users. Auto dealers, and similar businesses, locate in high visibility locations, typically either freeway facing or immediately adjacent to the freeway. And while some of this freeway facing land in the City of Morgan Hill is designated for commercial use in the General Plan, the specific uses related to an auto dealership are currently not permitted on commercial land zoned Administrative Office (CO).

Although the Administrative Office (CO) zoning district supports the future development of professional and general commercial office, the existing CO zoning district provides very limited flexibility and very little opportunity to generate significant sales tax revenue. Given the freeway proximity of some of the undeveloped CO-zoned land, especially parcels over one (1) acre in size, the Economic Development team sees an opportunity to increase the City's land-use flexibility that could potentially attract new investment into the CO-zoned properties, especially with auto dealer and related uses, while still protecting professional office, general office, and medical office uses.

Following the adoption of the 2035 General Plan on July 27, 2016, the City Council adopted Ordinance No. 2277 N.S., a comprehensive update of Title 18 – Zoning of the City of Morgan Hill Municipal Code, and an Addendum to the Morgan Hill 2035 Environmental Impact Report for the Zoning Code Update. The update included an amendment to the City's official zoning map consistent with the Morgan Hill 2035 General Plan.

It is important to note, that as part of the 2035 General Plan and the 2018 Comprehensive Zoning Code Update, it was envisioned to remove the Administrative Office (CO) zoning district and designate all properties zoned Administrative Office (CO) with alternate commercial zoning. However, as part of the public hearing process for the 2018 Comprehensive Zoning Code Update, the Planning Commission recommended, and the City Council adopted, to retain the Administrative Office (CO) zoning district in the hope of drawing an office use to Morgan Hill. Several properties that were proposed to be rezoned to another commercial zoning district remained zoned Administrative Office (CO).

During the 2018 Comprehensive Zoning Code Update public hearings, the Planning Commission also recommended, and the City Council adopted, that Assessor's Parcel Number 817-05-041 (275 Tennant Avenue), which included an existing multi-tenant professional office building, to change the proposed zoning district from General Commercial (CG) to Administrative Office (CO).

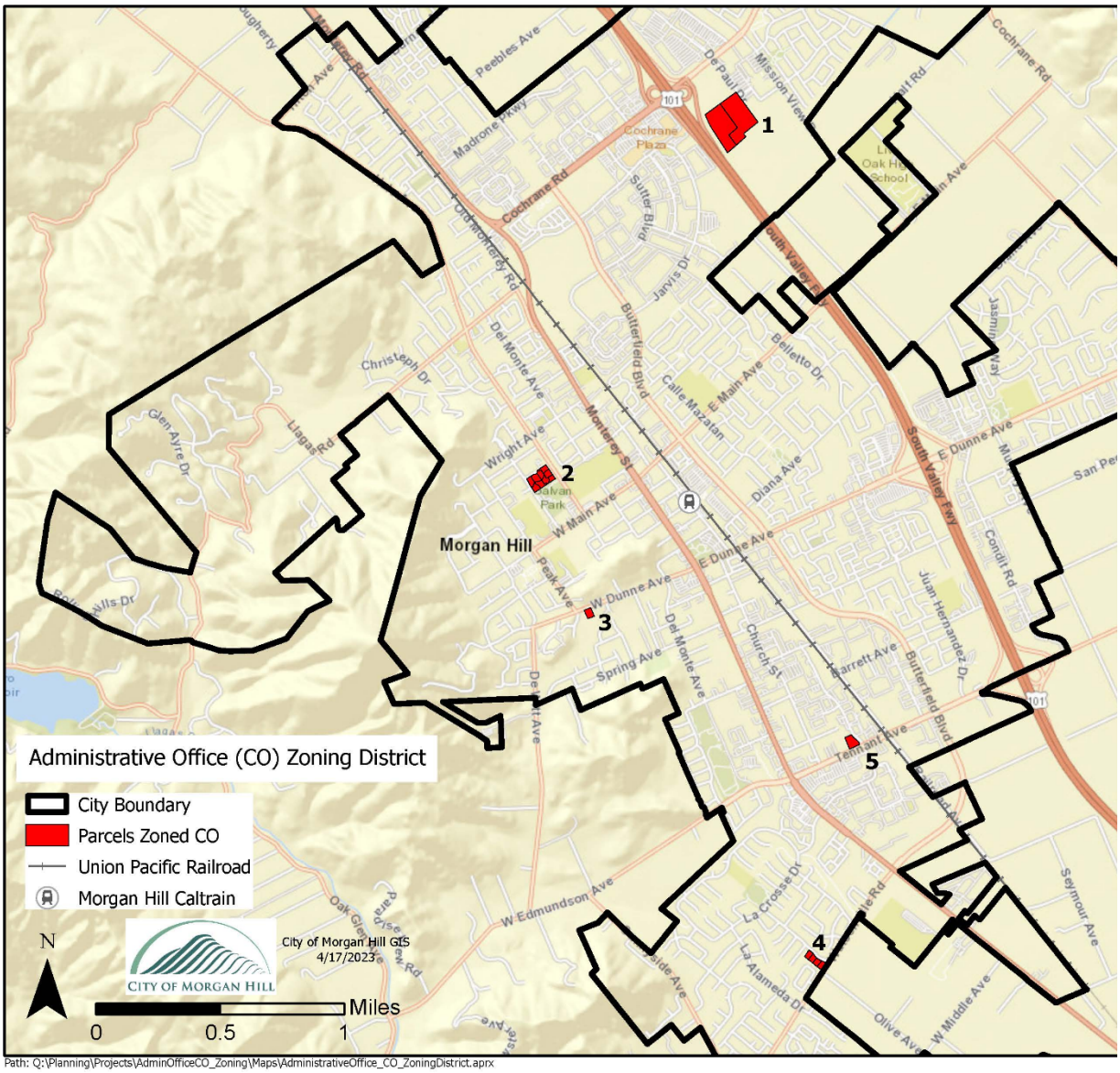
The following properties listed below are currently zoned Administrative Office (CO).

Administrative Office (CO) Zoning Districts

Map ID	APN	Address	Zoning	Size in Acres
1	728-310-17	Cochrane Rd	CO	9.30
1	728-310-19	1040 Cochrane Rd	CO	8.00
2	764-190-16	17705 I Hale Ave	CO	0.50
2	764-190-17	17705 H Hale Ave	CO	0.47
2	764-190-18	17705 F Hale Ave	CO	0.25
2	764-190-19	17705 G Hale Ave	CO	0.25
2	764-190-20	17705 D Hale Ave	CO	0.40
2	764-190-21	17705 E Hale Ave	CO	0.50
2	764-190-22	17705 A Hale Ave	CO	0.30
2	764-190-23	17705 B Hale Ave	CO	0.25
2	764-190-24	17705 C Hale Ave	CO	0.25
3	767-120-22	370 W Dunne Ave	CO	0.68
4	767-240-18	15345 Calle Enrique	CO	0.42
4	767-240-25	15335 Calle Enrique	CO	0.42
4	767-240-26	15325 Calle Enrique	CO	0.40
4	767-240-27	15305 Watsonville Rd	CO	0.40
5	817-050-41	275 Tennant Ave	CO	1.24

Although this is a city-wide change to the CO Zoning District, as indicated in the above table, only three existing parcels (APN's 728-310-17, 728-310-19, and 817-050-41) would be affected by the proposed amendments to the CO zoning district, due to the three parcels being one-acre in size or larger. However, only two parcels (APN's 728-310-17 and 728-310-19) are currently vacant. As mentioned above, APN 817-050-41 (275 Tennant Ave), is developed as a multi-tenant professional office building. In addition, all of the other parcels smaller than one-acre in size (except for APN 764-190-20) are also developed. However, in the future, nothing would prohibit a developer from assembling smaller commercial properties and seeking a rezone to Administrative Office (CO).

Administrative Office (CO) Zoning District Map



PROJECT ANALYSIS AND FINDINGS:
The proposed Zoning Amendment has been analyzed with respect to consistency with the: 1) General Plan, and 2) Zoning Ordinance.

1. General Plan Consistency
The proposed amendments are consistent with the General Plan as the amendments implement the General Plan and the 2017 Morgan Hill Economic Blueprint.

2. Zoning Ordinance Consistency
The purpose of the Zoning Code is to implement the General Plan and to protect public health, safety, and welfare. The City may approve a Zoning Amendment only if the following findings are made:

a. The proposed amendment is consistent with the General Plan and any applicable specific plan as provided by Government Code Section 65860.

Consistent
The proposed text amendments are consistent with the General Plan as the amendments implement the General Plan and the 2017 Morgan Hill Economic Blueprint.

b. The proposed amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the city.

Consistent
The proposed text amendment consists of implementing the General Plan and the 2017 Morgan Hill Economic Blueprint and does not propose any new uses that were not analyzed in the Morgan Hill 2035 Environmental Impact Report, and, therefore, will not be detrimental to the City.

c. The proposed amendment is internally consistent with other applicable provisions of the zoning code.

Consistent
The proposed revisions will implement the General Plan and the 2017 Morgan Hill Economic Blueprint, and, therefore, are internally consistent with the overall zoning code.

CONCLUSION:
The proposed Zoning Code amendments will further support Morgan Hill's 2017 Economic Blueprint in the area of Retail development and provide additional land use flexibility that is critical to the City's future economic vitality and sustainability. The Zoning Code amendment only removes a potential barrier to entry. Any actual project would be required to go through the City's entitlement process. Therefore, staff recommends the City Council adopt the Resolution approving the Zoning Amendment.

COMMUNITY ENGAGEMENT:

Inform/Engage

A 10-Day public hearing notice was published in the Friday, June 9, 2023 edition of the Morgan Hill Times pursuant to Government Code Sections 65090-65096. Notices were also provided on the City's 411, City's website, and via social media. On May 9, 2023, the Planning Commission held a public hearing regarding the proposed ordinance amendments in which a 10-day public hearing notice was published in the Friday, April 21, 2023 edition of the Morgan Hill Times.

In addition, the City's Economic Development team presented the proposed Zoning Code Text Amendment to the Morgan Hill Chamber of Commerce's Economic Development Committee on May 11, 2023 and conducted a Neighborhood meeting on June 15, 2023. The Neighborhood meeting was promoted in the City's 411.

ALTERNATIVE ACTIONS:

If the City Council does not take action on the proposed ordinance amendments, the Municipal Code will remain as-is. The Council may also make modifications to the proposed amendments, or not approve certain sections that the Council deems appropriate.

PRIOR CITY COUNCIL AND COMMISSION ACTIONS:

On May 9, 2023, the Planning Commission recommended approval of the Zoning Code Text Amendment on a vote of 4-1 with two members absent.

In January 2023, the City Council reaffirmed the Economic Development department's strategic priorities to include the attraction and recruitment of hotels and auto dealers.

On December 18, 2019, the City Council adopted Ordinance No. 2310 N.S., amending various sections of Title 18- Zoning of the City of Morgan Hill Municipal Code. The update included amendments to provide distinct definitions and standards for standalone convenience markets, convenience markets with fueling stations, and liquor stores.

On June 6, 2018, the City Council adopted Ordinance No. 2277 N.S., a comprehensive update of Title 18 – Zoning of the City of Morgan Hill Municipal Code. The update included an amendment to the City's official zoning map consistent with the Morgan Hill 2035 General Plan.

In April 2017, the City Council unanimously adopted the 2017 Morgan Hill Economic Blueprint that identified Retail as a key strategy for long-term economic sustainability.

In 2002, 2003, 2013, 2014, and 2017, the City created and utilized the Auto Incentive program to attract and expand new auto dealers to the City of Morgan Hill.

FISCAL AND RESOURCE IMPACT:

Staff regularly brings forward bundles of minor amendments as necessary to enhance and/or refine the Code; and therefore, the cost is borne, and work is accommodated, within the respective division's annual workplan and budget.

CEQA (California Environmental Quality Act):

There are no new significant environmental impacts or previously identified significant impacts associated with the Project. Therefore, the City determined that an Addendum to the Morgan Hill 2035 General Plan Final Environmental Impact Report (EIR) is the appropriate California Environmental Quality Act (CEQA) document to address project modifications in accordance with CEQA Guidelines Section 15164. CEQA Guidelines Section 15164(c) provides that an addendum need not be circulated for public review.

ORDINANCE NO. , NEW SERIES

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL AMENDING SECTION 18.24.020 (LAND USE REGULATIONS) OF CHAPTER 18.24 (COMMERCIAL ZONING DISTRICTS) OF TITLE 18 (ZONING) OF THE MUNICIPAL CODE OF THE CITY OF MORGAN HILL IMPLEMENTING MINOR AMENDMENTS TO THE ADMINISTRATIVE OFFICE (CO) ZONING DISTRICT TO ALLOW VEHICLE-RELATED USES AND OTHER COMPATIBLE USES ON MINIMUM ONE-ACRE LOTS

THE CITY COUNCIL OF THE CITY OF MORGAN HILL DOES ORDAIN AS FOLLOWS:

Section 1. Table 18.24-1 (Permitted Land Uses in the Commercial Zoning Districts) within Section 18.24.020 (Land Use Regulations) of Chapter 18.24 (Commercial Zoning Districts) of Title 18 (Zoning) is hereby amended to read as follows:

Table 18.24-1 Permitted Land Uses in the Commercial Zoning Districts

Key P Permitted Use A Administrative Use Permit required C Conditional Use Permit required — Use not allowed	Zoning District					Additional Regulations
	CO	CN	CG	CH	CS	
Residential Uses						
Caretaker Quarters	—	—	C	—	C	
Nursing Homes and Long-Term Care	C	C	C	—	—	
Residential Care Facilities	—	C	—	—	—	
Public and Quasi-Public Uses						

Colleges and Trade Schools	—	C	C	—	—	
Community Assembly	C	C	C	—	—	
Cultural Institutions	C	C	C	—	C	
Day Care Centers	—	C	A	—	C	
Government Offices	—	P	P	—	C	
Instructional Services	P	A	A	A	A	
Medical Offices and Clinics	P	P	P	A	C	
Schools, Public and Private	C	C	C	—	—	
Social Services	C	C	C	—	C	
Commercial Uses						
Animal-Related Uses	—					
Animal Boarding	—	C	C	—	C	
Veterinarian Clinics and Hospitals	P	A	A	A	P	
Banks and Financial Institutions	P	P	P	P	P	
Business Support Services	—	P	P	P	P	
Cinemas and Theatres	—	A	A	A	A	
Commercial Recreation, Indoor						
≤ 15,000 sq. ft.	C	P	P	P	P	
> 15,000 sq. ft.	—	C	C	C	C	
Drive-Through and Drive-In Facilities	C	C	C	C	C	18.92.040
Eating and Drinking Uses						
Bars and Nightclubs	—	C	C	—	—	

Restaurants, Fast Food	P[4]	C	P	P	C	
Restaurants, Sit-Down	P[4]	C	P	P	C	
Tasting Rooms	P[4]	C	A	P	C	
Funeral Parlors and Mortuaries	—	—	C	—	C	
Lodging Facilities						
Hotels and Motels	—	C	A	P	A	
Mini-Storage	—	—	C	—	C	
Personal Services	P	P	P	—	C	
Plant Nurseries	—	—	C	—	P	
Professional Offices	P	P	P	P	P	
Retail Uses						
Convenience Markets	—	C	C	C	C	
Convenience Market with Fuel and Service Station	C[4]	C	C	C	C	
General Retail	P[4]	P	P	P	C	
Home Improvement Centers	—	—	P	—	P	
Liquor Store	—	C	C	C	C	
Large Commodity Retail	—	—	C	—	C	
Vehicle-Related Uses						
Convenience Market with Fuel and Service Station	C[4]	C	C	C	C	
Fuel and Service Stations	C[4]	C	C	C	C	
Towing and Impound	—	—	—	—	C	
Vehicle Rentals	P[4]	C [2]	C [2]	P	P	

Vehicle Repair and Maintenance, Minor	P[4][5]	—	C	—	P	
Vehicle Sales and Leasing	P[4]	C [1]	C [1]	P	P	
Vehicle Washing	C[4]	C	C	C	C	
Wholesaling	—	—	C	—	P	
Industrial Uses						
Construction and Material Yards	—	—	—	—	C	
Food and Beverage Production						
< 5,000 sq. ft. [3]	—	A	A	A	A	
5,000 sq. ft. to 10,000 sq. ft. [3]	—	A	A	C	A	
> 10,000 sq. ft.	—	—	—	—	C	
Research and Development	—	—	—	—	C	
Warehousing and Distribution, Large and Small	—	—	—	—	C	
Transportation, Communication, and Utility Uses						
Freight Terminals and Transfer	—	—	—	C	—	
Light Fleet-Based Services	—	C	C	—	C	
Parking Lots and Structures	—	—	C	—	C	
Recycling Facilities						
Reverse Vending Machine	—	C	C	C	C	
Recycling Collection Facility	—	—	—	—	C	

Transportation Terminals		—	—	—	C	
Utilities, Major	—	—	C	—	C	
Wireless Communications Facilities	See Chapter 18.96					
Other Uses						
Accessory Uses	See Chapter 18.44					
Temporary Uses	See Section 18.92.150					

Notes:

[1] Allowed only when conducted entirely within an enclosed building without outdoor storage and display of vehicles.

[2] Vehicles stored outdoors must be fully screened from public view.

[3] On-site wholesale or retail sales required.

[4] Allowed only on a lot sized one-acre or greater.

[5] Allowed only when associated with an on-site or off-site automotive manufacturer.

Section 2. Severability. Should any provision of this ordinance be deemed unconstitutional or unenforceable by a court of competent jurisdiction, such provision shall be severed from the ordinance, and such severance shall not affect the remainder of the ordinance.

Section 3. Effective Date; Posting. This Ordinance shall take effect on ____ _____, 20__. The City Clerk is hereby directed to publish this Ordinance or a summary thereof pursuant to Government Code Section 36933.

THE FOREGOING ORDINANCE WAS INTRODUCED AT A MEETING OF THE CITY COUNCIL HELD ON THE _____ DAY OF _____, 20__, AND WAS FINALLY ADOPTED AT A MEETING OF THE CITY COUNCIL HELD ON THE _____ DAY OF _____, 20__, AND SAID ORDINANCE WAS DULY PASSES AND ADOPTED IN ACCORDANCE WITH LAW BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

APPROVED: **ATTEST:**

_____ _____

MARK TURNER, Mayor MICHELLE BIGELOW, City Clerk

CERTIFICATE OF THE CITY CLERK

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 Ordinance No. , New Series, adopted by the City Council of the City of Morgan Hill, California at their regular meeting held on the ____ day of _____, 2023.

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

DATE: _____ _____

MICHELLE BIGELOW, City Clerk

CITY OF MORGAN HILL

Memorandum

Date: August 8, 2023

To: Chair and Planning Commission

From: Jennifer Carman, Development Services Director

Subject: Selection of Planning Commission Chairperson and Vice Chair

Pursuant to City Council Policy CP-96-02, the Planning Commission must select a Chairperson and Vice Chair to serve one-year terms. City Council Policy CP-18-04 allows for the term of the Chairperson and Vice Chair to be extended for one year if there is a need to extend the term due to special circumstances. The term of service for these offices shall be one year, beginning at the first meeting in July of each year. No Planning Commissioner shall serve more than two consecutive full terms as Chairperson.

City Council Policy CP-96-02 provides that the member serving the longest on the Commission without having previously served as Chairperson within the prior 4 years will serve as the Chairperson. The member second in seniority who has not yet served during the previous four years as Chairperson will serve as Vice Chair. The policy further states that if the member serving as Vice Chair is on the Commission at the time the next Chairperson is selected, he or she will become Chairperson the following year. Prior to serving as Chairperson, a member must have been on the Commission at least one year.

Commission Member	Date of Appointment
Joseph Mueller	January 28, 1989
Wayne Tanda	April 25, 2007
Liam Downey	August 5, 2015
Mohammad Habib	May 3, 2017
Malisha Kumar	April 17, 2019
Paul Lake	March 2, 2022
James Wilson	August 3, 2022

Planning Commission Chair (prior 4 years)	
2018/19	Liam Downey
2019/20	Juan Miguel Munoz-Morris
2020/21	Mohammad Habib

2021/22	Malisha Kumar
2022/23	Joseph Mueller

Commissioner will be eligible to serve another term as Chairperson and Vice Chair provided at least four years have transpired since having previously served as Chairperson or Vice Chair. The period may be reduced by one-year increments if no other Commissioner is eligible or declines the position.

Based on City Council policy, unless the Commission chooses to extend the term of Commissioner Mueller, Commissioner Tanda should be selected to serve as Chairperson being the most senior member of the Commission not having served in the prior years. Commissioner Downey would serve as Vice Chair. The Chairperson and Vice Chair terms are for one-year, until July 1, 2024.

CITY OF MORGAN HILL
CITY COUNCIL POLICIES AND PROCEDURES

CP 96-02

SUBJECT: **POLICY REGARDING TERM AND SELECTION OF CHAIR AND VICE CHAIR OF CITY BOARDS AND COMMISSIONS**

DATE: **APRIL 17, 1996**

REVISION DATE: **DECEMBER 15, 1999, REVIEWED JUNE 27, 2007; AMENDED APRIL 16, 2008**

ORIGINATING DEPT: **CITY CLERK**

In order to provide an efficient method for the selection of Chair and Vice-Chair from the members of the Boards and Commissions, it shall be the policy of the City Council of Morgan Hill to have these officers serve a one (1) year term beginning the first regular meeting date when the Boards and Commissions reorganize; following City Council appointments. A rotation system shall be followed in the selection of the Chair and Vice-Chair. The member who has served the longest on the Board or Commission without serving as Chair during the previous four (4) years shall be selected for the position of Chair. The member second in seniority who has not yet served during the previous four (4) years as Chair shall become Vice-Chair. If the member selected as Vice-Chair is on the Board or Commission at the time the next Chair is selected he/she shall become Chair.

Prior to selection as Chair, a Board or Commission member must serve a minimum of twelve (12) months on the Board or Commission. Each member's seniority shall begin upon the effective date of that member=s appointment to the Board or Commission. If two (2) or more members have equal seniority, the Board or Commission shall make the selection. In the event a member otherwise eligible for selection declines the position, the member next in seniority shall be selected. A Board or Commission member will be eligible to serve another term as Chair and Vice Chair provided at least four (4) years have transpired since having previously served as Chair or Vice Chair respectively. Such period may be reduced by one year increments if no other Board or Commission member is eligible to serve due to a recent appointment or because a member otherwise eligible for selection declines the position. If two or more members are eligible to serve another term as Chair, the member who has served the longest on the Board or Commission since having previously served as Chair shall be first in seniority to serve another term as Chair and Vice Chair.

This policy shall remain in effect until modified by the City Council.

APPROVED: _____
STEVE TATE, MAYOR

CITY OF MORGAN HILL
CITY COUNCIL POLICIES AND PROCEDURES

CP-18-04

SUBJECT:	**Rules for the Conduct of Planning Commission Meetings**
EFFECTIVE DATE:	**July 18, 2018**
ORIGINATING DEPARTMENT:	**Community Development Department**

SECTION 1. SCOPE

1.1 These rules shall establish the procedures for the conduct of all meetings of the Planning Commission of the City of Morgan Hill. The purpose of these rules is to provide procedures consistent with the Ralph M. Brown Act, establish procedures which will be convenient for the public, be fair to all Commissioners and contribute to the orderly conduct of City business.

SECTION 2. MEETINGS

2.1 Open to Public. All meetings of the Planning Commission, whether regular or special, shall be open to the public, unless a closed session is scheduled as authorized by law.

2.2 Regular Meetings. The Planning Commission shall conduct its regular meetings at the time and place established by ordinance or resolution if specified in the ordinance. Regular meetings shall not continue beyond 11:00 p.m. unless extended by a majority vote of the Planning Commission pursuant to Section 5.2 of this policy.

2.3 Special Meetings. A special meeting may be called at any time by the Community Development Director or by four Commissioners. Written notice of any such meeting must specify the purpose of the meeting. Notice of the meeting must be made in accordance with the law.

2.4 Quorum. Four (4) Commissioners shall constitute a quorum and shall be sufficient to transact business. If less than four Commissioners appear at a regular meeting, the Chair, Vice Chair in the absence of the Chair, any Commissioner, or in the absence of all Commissioners, the Minutes Clerk, shall adjourn the meeting to a stated day and hour.

2.5 Adjourned Meetings. The Planning Commission may adjourn any regular, adjourned regular, special, or adjourned special meeting to a time and place specified in the order of adjournment and permitted by law.

2.6 Attendance. Any commissioner who will be absent from a meeting shall communicate to the Chair and to the Community Development Director in advance of the meeting the date(s) of the meeting(s) that will be missed.

SECTION 3. POSTING NOTICE AND AGENDA

3.1 Posting of Notice and Agenda. For every regular or special meeting, the Minutes Clerk or other authorized person, shall post a notice of the meeting, specifying the time and place at which the meeting will be held, and an agenda containing a brief description of all items of business to be discussed at the meeting. This notice and agenda may be combined in a single document.

3.2 Location of Posting. The notice and agenda shall be posted on the City's website and in a place to which the public has unrestricted access during at least normal business hours and where the notice and agenda are not likely to be removed or obscured by other posted materials.

3.3 Posting for Regular Meetings. For any regular meeting of the Planning Commission, the notice and agenda shall be posted no later than seventy-two (72) hours prior to the time set for the meeting.

3.4 Posting for Special Meetings. For any special meeting of the Planning Commission, the notice and agenda shall be posted no later than twenty-four (24) hours prior to the time set for the meeting.

SECTION 4. AGENDA CONTENTS

4.1 Description of Matters. All items of business to be discussed at a meeting of the Planning Commission shall be briefly described on the agenda. The description of the item and the proposed action to be considered should be set forth as clearly as practical so that members of the public will know the nature of the action under review and consideration.

4.2 Availability of the Agenda to the Public. The agenda for any regular or special meeting shall be made available to the general public as soon as is practical after delivery to the Commissioners.

4.3 Limitation to Act on Only Items on the Agenda. No action shall be taken by the Planning Commission on any item not on the posted agenda.

SECTION 5. ORDER OF BUSINESS

5.1 The order of business at meetings of the Planning Commission shall be as follows:

A. CALL TO ORDER

B. ROLL CALL ATTENDANCE

C. DECLARATION OF POSTING AGENDA

D. WORKSHOP (as deemed appropriate)

E. PLEDGE OF ALLEGIANCE

F. PUBLIC COMMENT

This item refers to those matters not scheduled on the agenda where a member of the public wants to address a matter of importance to the Planning Commission. Since the matter is not one on the agenda, no action by Commission can be taken. If a Commissioner so desires, the matter may be placed on the agenda of a future Commission meeting for review and consideration pursuant to Section 9.

G. CHANGE IN ORDER OF BUSINESS.

The Chair may entertain a motion by a majority request of Commissioners present to take matters listed on the agenda out of the prescribed order.

H. CONSENT CALENDAR

These are items of a routine or generally uncontested nature. Any Commissioner or member of the public may request to have an item pulled from the Consent Calendar and acted on individually by the Commission. Items pulled will be discussed after action is taken on the balance of the Consent Calendar· and before moving on to public hearings.

I. PUBLIC HEARINGS

These matters are ones that are duly noticed and published in a newspaper of general circulation and, where required by Law, written notice is given to the affected residents who have the opportunity to speak in favor or against a matter or ask questions about the matter. Public hearings shall be conducted pursuant to City Council Policy CP-03-01.

J. OTHER BUSINESS

These are other matters of City business which are not appropriately placed on the consent calendar and do not require published notices and require Commission action and direction.

K. DIRECTOR'S REPORT/ANNOUNCEMENTS

These are communication items from the Director, including future agenda items. Director will take input from Commissioners on items of interest. Examples of a Director's report or announcement include notice of cancellation of meetings, reminders of scheduled workshops, report back to the Commission, and pending agenda items.

L. ADJOURNMENT

5.2 Review Status of Agenda at 11:00 p.m. If, at 11:00 p.m., the Planning Commission has not concluded its business, it shall review the status of the agenda and determine by majority vote whether to extend the meeting beyond 11:00 p.m., continue any remaining items, or adjourn the meeting to another date and time.

SECTION 6. PUBLIC COMMENT

6.1 Public Comment. Persons present at meetings of the Planning Commission may comment on individual items on the agenda at the time the items are scheduled to be heard. In addition, comments may be offered on items not on the agenda under that portion of the agenda.

6.2 Limitations. The public comment period may be 3 minutes for items on the agenda or items not listed on the agenda. Speakers are called in the order the speaker cards are submitted. Project applicants or appellants will be allowed more than the designated 3 minutes in accordance with City Council Policy 03-01. Consistent with this policy, the Chair or Presiding Officer may recall an applicant or appellant to address questions after the public comment is heard. The Chair or Presiding Officer may allow more time and/or allow speakers to concede their time to a designated speaker of a group unless a majority of the Planning Commission objects. Speakers that wish to designate a group speaker shall notify the Minutes Clerk before discussion on the item begins.

6.3 Procedure. To address the Planning Commission, each speaker is requested to fill out a Speaker Card and turn it in to the Minutes Clerk before discussion on the agenda item begins. The speaker is requested to provide their name and contact information and the subject or subjects upon which the speaker wishes to address the Planning Commission. Speakers who do not wish to provide their name should provide an alternative designation so that they can be recognized by the Minutes Clerk.

SECTION 7. APPOINTMENT OF OFFICERS

7.1 In June of each year, the selection of chair and vice chair shall be pursuant to City Council Policy CP 96-02, except that if a majority of the Commissioners see the need to extend the term due to special circumstances, the term of the Chair and Vice Chair may be extended for one year. The term of service for these offices shall be one year, beginning at the first meeting in July of each year. No commissioner shall serve more than two consecutive full terms as chairperson. The Chair may resign at any time during his or her role as chair, at which time the Vice Chair may serve the remining term.

SECTION 8. PROCEDURES FOR THE CONDUCT OF MEETINGS

8.1 Role of the Chair/Presiding Officer

A. The Presiding Officer of the Planning Commission, who shall be the Chair or in the Chair's absence shall be the Vice Chair, or in their absence any other designated Commissioner, shall be responsible for maintaining the order and decorum of meetings. It shall be the duty and responsibility of the Presiding Officer to ensure that the rules of operation and decorum contained herein are observed. The Presiding Officer shall maintain control of communication between Commissioners and between the Commission, staff, and public.

B. Communication with Commissioners

1. Commissioners should request the floor from the Presiding Officer before speaking.

2. When one Commissioner has the floor and is speaking, other Commissioners shall not interrupt or otherwise disturb the speaker.

3. With the concurrence of the Chair, a Commissioner holding the floor may address a question to another Commissioner. The Commissioner being questioned may or may not respond while the floor is still held by the Commissioner asking the question. The reply shall be limited to the question asked.

C. The Chair/Presiding Officer may declare that an item within the meeting will be conducted in "workshop" format, which means that the procedures described in section 8.1B do not strictly apply. This is to allow for a more open discussion without strict formalities.

D. Communication with Members of the Public Addressing the Commission

1. The Chair shall open the floor for public testimony (typically referred to as public comment) as appropriate.

2. Commissioners may question a person addressing the Commission at the conclusion of the person's comments or upon expiration of the person's time to speak. Such questions should be directed to the person through the Presiding Officer unless the Presiding Officer grants the Commissioner permission to directly question the person.

3. Staff shall be a resource to the Planning Commission to answer questions arising during discussions between Commissioners and between Commissioners and members of the public. Communications in this regard shall be through the Presiding Officer.

4. Members of the public shall direct their questions and comments through the Presiding Officer.

8.2 Rules of Order. The Planning Commission adopts no specific rules of order except those listed herein. The Planning Commission shall refer to *The Standard Code of Parliamentary Procedure* by Alice Sturgis (McGraw Hill) as a guide for the conduct of meetings. The Sturgis guideline regarding not requiring seconds for governmental bodies' motions, resolutions or ordinances is not adopted as the rule in the City. The Chair has the discretion to impose reasonable rules at any particular meeting based upon facts and circumstances found at any particular meeting. These latter rules will be followed unless objected to by a majority of the Commissioners present.

8.3 Motions. The Chair or any Commissioner may bring a matter of business on the agenda before the Commission by making a motion. Before the matter can be considered or debated it must be seconded. Once the motion has been properly made and seconded, the Presiding Officer shall open the matter for full debate offering the first opportunity to debate to the moving party and, thereafter, to any Commissioner recognized by the Chair or Presiding Officer. Debate shall be closed upon consent of a majority of the Commission.

8.4 Reconsideration. Immediately after a vote on a matter, any Commissioner may request to have his/her vote changed on a matter before the Commission moves on to the next item. Such a request will be granted by the Chair unless a majority of the Commission objects.

A matter may be reconsidered by the Planning Commission if a Commissioner on the prevailing side of the vote requests reconsideration. Such a motion may be made at a meeting where such action is taken or at a subsequent meeting of the Commission, however, nothing in this policy precludes the majority of Commissioners from requesting reconsideration of any item.

8.5 Debate.

A. The discussions and deliberations at meetings of the Planning Commission are to secure the informed judgement of Commissioners on proposals submitted for decision. This purpose is best served by the exchange of thought through discussion and debate.

Debate is regulated by these rules in order to assure every Commissioner a reasonable and equal opportunity to be heard.

B. Obtaining the Floor for Debate.

As soon as a debatable motion has been stated to the Commission by the Chair, any Commissioner has a right to discuss it after obtaining the floor. The Commissioner obtains the floor by seeking recognition from the Chair. A Commissioner who has been recognized is entitled to be heard so long as he/she observes the rules of debate.

C. Speaking More Than Once.

To encourage the full participation of all of the Commissioners, no Commissioner or Commissioners shall be permitted to monopolize the discussion of the question. If a Commissioner has already spoken and other Commissioners wish to speak, the latter Commissioners should be recognized in preference to the Commissioner who has already spoken. However, if no other Commissioners seek recognition, the Chair may recognize the Commissioner who has already spoken.

D. Relevancy of Debate.

All discussion must be relevant to the motion before the Planning Commission. A Commissioner is given the floor only for the purpose of discussing the pending question; discussion which departs is out of order. The Chair should then direct the speaker to limit discussion to the question before the Planning Commission.

A motion-its nature or consequences-may be attacked vigorously. But, it is never permissible to attack the motives, character, or personality of a Commissioner, City staff, or any member of the public either directly or by innuendo or implication. It is the duty of the Chair instantly to stop any Commissioner who engages in personal attacks. It is the motion, not its proposer, that is the subject of debate. Meetings must

discuss measures and ideas, not people.

Arguments, for or against a measure, should be stated as concisely as possible.

Debate must be fundamentally impersonal. All discussion is addressed to the Chair and must never be directed to any individual.

E. Chair's Duties During Debate.

The Chair has the responsibility of controlling and expediting debate. A Commissioner who has been recognized to speak on a question has a right to the undivided attention of the Commission.

It is the duty of the Chair to keep the subject clearly before the Commissioners, to rule out irrelevant discussion, and to restate the question whenever necessary.

SECTION 9. ITEMS TO BE PLACED ON THE AGENDA

9.1 Any Commissioner may at any time request to have any matter that can be legally agendized to be placed on the agenda of the Planning Commission by submitting a memo to the Community Development Director. The memo should be succinct, describe the issue, and the proposed referral, and include any background materials or information relating to the matter. The Community Development Director will transmit all of the documentation to the Deputy City Clerk for distribution to the Planning Commission and public as part of the agenda packets for the meeting.

9.2 The Community Development Director will place the item on the next available Planning Commission meeting agenda.

9.3 At the meeting at which the referral is agendized, the Planning Commission will consider the proposal and vote on its disposition. A majority of those present are necessary to formally refer an item to the City Staff. Staff will indicate if the referral is inappropriate or otherwise unattainable which shall be considered by the Planning Commission during its deliberation.

SECTION 10. DECORUM

10.1 Commissioners. Commissioners value and recognize the importance of the trust invested to them by the public to accomplish the business of the City. Commissioners shall accord the utmost courtesy to each other, to City employees, and to the public appearing before the Planning Commission.

10.2 City Employees. City staff and consultants shall observe the same rules of order and decorum applicable to the Planning Commission. City staff shall act at all times in a business and professional manner towards Commissioners and members of the public.

10.3 Public. Members of the public attending Planning Commission meetings shall observe the same rules of order and decorum applicable to the Planning Commission.

10.4 Noise in the Chambers. Noise emanating from the audience within the Commission Chambers or lobby area, which disrupts Planning Commission meetings, shall not be permitted.

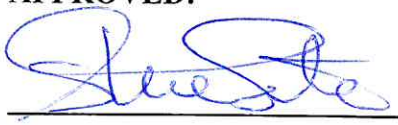
10.5 Sergeant-at-Arms. The Chief of Police, or his/her designated representative, shall be ex-officio Sergeant-at-Arms of the Planning Commission.

SECTION 11. VIOLATIONS OF PROCEDURES

11.1 Nothing in these policies and procedures shall invalidate a properly noticed and acted upon action of the Planning Commission in accordance with State Law.

This Policy Shall remain in effect until modified by the City Council.

APPROVED:



STEVE TATE, MAYOR