



**Regular Meeting Agenda
Planning Commission**

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

Tuesday, February 13, 2024 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 in-person or view by teleconference/video conference. Information on how the public may observe and participate in the meeting is located below.

MEETING PARTICIPATION 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 who would like to view 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#. Or on our website at <https://www.morganhill.ca.gov/2101/Agendas-Minutes>. Public comment may be provided in the following ways:

- In-person at the Planning Commission Meeting
- In writing
 - Via email to pcpubliccomment@morganhill.ca.gov
 - Hard Copy hand delivered or by mail to the Planning Division at 17575 Peak Avenue, Morgan Hill, CA 95037.

Please email your comments to the Planning Division no later than 3:00 p.m. on Monday (the day before the Planning Commission meeting) for your comments to be submitted

to the members of the Planning Commission with sufficient time to review the comments. You may continue to provide written comments up to noon on Tuesday (the day of the meeting) although Planning Commission Members may not have sufficient time to review them before the meeting. Public comments submitted to the Planning Division after 12:00 p.m. the day of the meeting will be provided to the Planning Commission as time allows.

Written comments WILL NOT be read aloud during the Planning Commission Meeting. Please note that written comments are posted on the City's website, so do not include any personal information you do not want to be posted on the web.

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

1. **MUNICIPAL CODE TEXT AMENDMENT (ZA2023-0001) AMENDING VARIOUS CODE PROVISIONS WITHIN TITLE 18 (ZONING) OF THE MUNICIPAL CODE OF THE CITY OF MORGAN HILL IMPLEMENTING THE CITY OF MORGAN HILL 2023-2031 HOUSING ELEMENT; UPDATES TO ELECTRIC VEHICLE CHARGING PROVISIONS TO PROVIDE CONSISTENCY WITH CHAPTER 15.62 (ELECTRIC VEHICLE CHARGING INFRASTRUCTURE); UPDATES TO PARKING PROVISIONS TO COMPLY WITH ASSEMBLY BILL 894; AND IMPLEMENTING MINOR AMENDMENTS DUE TO CLERICAL ERRORS AND INCONSISTENCIES**

Recommendation:

1. Open/close the public hearing; and,
2. Adopt Resolution recommending City Council approval of the Zoning Amendment.

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.

PLANNING COMMISSION STAFF REPORT

MEETING DATE: February 13, 2024

PREPARED BY:

Adam Paszkowski, Principal Planner

APPROVED BY: Jennifer Carman

MUNICIPAL CODE TEXT AMENDMENT (ZA2023-0001) AMENDING VARIOUS CODE PROVISIONS WITHIN TITLE 18 (ZONING) OF THE MUNICIPAL CODE OF THE CITY OF MORGAN HILL IMPLEMENTING THE CITY OF MORGAN HILL 2023-2031 HOUSING ELEMENT; UPDATES TO ELECTRIC VEHICLE CHARGING PROVISIONS TO PROVIDE CONSISTENCY WITH CHAPTER 15.62 (ELECTRIC VEHICLE CHARGING INFRASTRUCTURE); UPDATES TO PARKING PROVISIONS TO COMPLY WITH ASSEMBLY BILL 894; AND IMPLEMENTING MINOR AMENDMENTS DUE TO CLERICAL ERRORS AND INCONSISTENCIES

RECOMMENDATION(S)

1. Open/close the public hearing; and,
2. Adopt Resolution recommending City Council approval of the Zoning Amendment.

LOCATION MAP/PROJECT INFORMATION:

N/A

BACKGROUND:

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.

On December 7, 2022, the City Council adopted Ordinance No. 2340 N.S., adding Chapter 15.62 (Electric Vehicle Charging Infrastructure) to Title 15 – Buildings and Construction of the City of Morgan Hill Municipal Code. The update included provisions for electric vehicle infrastructure for parking that serves newly constructed and existing buildings.

On January 25, 2023, the City Council adopted Resolution No. 23-004, adopting the City of Morgan Hill 2023-2031 Housing Element. The Housing Element outlines implementation programs/actions that the City is committed to implementing over the eight-year planning period.

PROJECT DESCRIPTION:

As part of the adoption of the 6th cycle (2023-2031) Housing Element, certain implementation programs/actions were outlined within *Chapter 5: Implementation* of the Housing Element in which the City committed to implementing in calendar years 2023 and 2024. Of those actions, several of them pertained to amending the Zoning Code to be consistent with State Law and other provisions. In addition, outside of the Housing Element, Staff found an inconsistency between Chapters regarding requirements for electric vehicle charging stations, and therefore, the need to update Section 18.72.040 (General Requirements) of Chapter 18.72 (Parking and Loading) of the Municipal Code; the need to amend Section 18.72.050 (On-Site Parking Alternatives) to comply with Assembly Bill 894 in regard to shared parking requirements; and the need to update other varying Sections within Title 18 (Zoning) due to identified miscellaneous corrections and clerical errors. The purpose of the proposed Ordinance is to implement and correct these issues. Staff regularly brings

forward bundles of minor amendments as necessary to enhance, correct and/or refine the Code.

The City proposes the following amendments to the Municipal Code with this update:

- Table 18.16-1 (Permitted Land Uses — Residential Detached Zoning Districts) within Section 18.16.020 (Land Use Regulations) of Chapter 18.16 (Residential Detached Zoning Districts), Table 18.18-1 (Permitted Land Uses — Residential Attached Zoning Districts) within Section 18.18.020 (Land Use Regulations) of Chapter 18.18 (Residential Attached Zoning Districts), and Table 18.22-1 (Permitted Land Uses — MU-N and MU-F Zoning Districts) within Section 18.22.020 (Land Use Regulations) of Chapter 18.22 (Mixed Use Zoning Districts) are proposed to be amended to allow “Group Housing” as a permitted use pursuant to the California Department of Housing and Community Development (HCD) Group Home Technical Advisory; allow “Residential Care Facilities” as a conditional use in the residential detached zoning districts; and permit Supportive Housing and Transitional Housing by-right. These changes implement Actions HE-5.G and HE-6.E of the Housing Element by uncoupling supportive housing and transitional housing from the Residential Care Facilities land use, and shared living quarters from Group Housing.

Action HE-5.G By-right Transitional and Supportive Housing

Amend the Zoning Code by 2024 to facilitate by-right transitional and supportive housing and residential care facilities where residential uses are permitted. In addition, amend zoning and processes to comply with Assembly Bill 2162 which requires that supportive housing be considered a use by-right in zones that allow multifamily and adhere to timing provisions.

Action HE-6.E Residential Care Facilities

Amend the Zoning Code by 2024 to permit Group Housing and Residential Care Facilities as a permitted use by-right in all residential zoning districts, consistent with State law and HCDs December 2022 “Group Home Technical Advisory”.

- Table 18.22-1 (Permitted Land Uses — MU-N and MU-F Zoning Districts) is also proposed to be amended to add “Low Barrier Navigation Centers” as a permitted use by-right in areas zoned for mixed-use and nonresidential zones permitting multifamily uses as required by AB 101/Government Code Section 65660; and to allow “Emergency Shelters” as a permitted use by-right within the MU-F zoning district instead of a conditional use. These changes implement Actions HE-5.A and HE-5.J of the Housing Element.

Action HE-5.A Low Barrier Navigation Centers

Amend the Zoning Code by 2024 to facilitate by-right processing procedures for Low Barrier Navigation Centers consistent with Assembly Bill 101.

Action HE-5.J Emergency Shelters

Amend the Zoning Code within one year of the adoption of the Housing Element to allow emergency shelters as a permitted use by-right within one or more zoning designations that are either zoned for residential use or allow residential development; amend the definition of emergency shelters to include other interim interventions, including, but not limited to, a navigation center, bridge housing, and respite or recuperative care; and identify sites where emergency shelters are allowed to accommodate a minimum of 60 unsheltered individuals consistent with the standards listed in AB 2339 and Government Code Section 65583(a)(4).

As part of Action HE-5.J, the City must identify a zoning district(s) that allows residential uses, including mixed uses, where emergency shelters will be allowed as a permitted use by-right to accommodate the need for the homeless identified in the most recent point-in-time count conducted before the start of the planning period (a minimum of 60 unsheltered individuals for Morgan Hill) consistent with the standards listed in AB 2339. The identified zone must have

sufficient capacity to accommodate the shelter need, and at a minimum provide capacity for at least one year-round shelter. The MU-F zoning district has been identified as the most appropriate zoning district to accommodate this need. The MU-F zoning district currently allows emergency shelters as a conditional use. The only other zoning district that allows emergency shelters is the PF (Public Facilities) zoning district. However, the PF zoning district does not meet the requirements of Government Code Section 65583(a)(4) because other residential uses are not allowed within the PF zoning district as identified in the Housing Element.

There are currently three vacant properties within the MU-F zoning district that are not associated with an approved land development entitlement as identified in the table below. These three vacant properties have sufficient capacity to accommodate more than 60 unsheltered individuals and provide capacity for at least one year-round shelter. Thereby, allowing emergency shelters by-right within the MU-F zoning district would meet the requirements of Government Code Section 65583(a)(4) and Action HE-5.J.

Assessor's Parcel Number	Acre(s)	Location	General Plan	Use	Zoning
726-02-012	4.84	E Dunne Ave (Adjacent to Walgreens)	Mixed Flex	Use	MU-F
779-04-003	0.34	Monterey Rd (Near Watsonville Rd)	Mixed Flex	Use	MU-F
779-04-004	0.34	Monterey Rd (Near Watsonville Rd)	Mixed Flex	Use	MU-F

- Table 18.28-1 (Permitted Land Uses in the Open Space and Public Facilities Zoning Districts) within Section 18.28.020 (Land Use Regulations) of Chapter 18.28 (Open Space, Public, And Recreation Zoning Districts) is proposed to be amended to allow "Agricultural Labor Accommodations" as a permitted use as required by the Health and Safety Code Section 17021.6. This change implements Action HE-2.F of the Housing Element.

Action HE-2.F Agricultural Labor Accommodations

Amend the Zoning Code by 2024 to facilitate by-right Agricultural Labor Accommodations within the OS (Open Space) zoning district consistent with Section 17021.6 of the California Health and Safety Code.

- Table 18.44-2 (Minimum Accessory Structure Setbacks) within Section 18.44.030 (Accessory Structures in Residential Zoning Districts) of Chapter 18.44 (Accessory Structures and Uses) and Table 18.56-2 (Allowed Projections Into Required Setbacks) within Section 18.56.030 (Setback Exceptions) of Chapter 18.56 (Height, Setback And Lot Coverage Exceptions) are proposed to be amended to establish consistency for setbacks/projections between attached decks, upper story porches, and balconies. In addition, Section 18.128.020 (Definitions) of Chapter 18.128 (General Terms) is proposed to be amended to expand and clarify the definitions for balcony, deck, and porch; wherein a deck is an unroofed/uncovered platform, and a porch is a roofed/covered platform.
- Table 18.72-2 (Required On-Site Parking, Other Zoning Districts) within Section 18.72.030 (Required Parking Spaces) of Chapter 18.72 (Parking and Loading) and Subsection C of Section 18.92.050 (Emergency Shelters) of Chapter 18.92 (Supplemental Standards) are proposed to be amended by revising the parking requirements for Emergency Shelters such that the requirements are consistent in both sections and that the parking requirements for Emergency Shelters are consistent with other uses that require one parking space per 250 square feet of office area. This change implements Action HE-5.I of the Housing Element. In

addition, amendments are proposed within Table 18.72-2 to establish required on-site parking standards for Shared Living Residences, Supportive Housing, Transitional Housing, Low Barrier Navigation Centers, and Outdoor Vehicle Storage.

Action HE-5.I Emergency Shelters Parking

Amend the Zoning Code by 2024 to clarify and modify parking standards for emergency shelters consistent with Government Code Section 65583(a)(4)(B)(ii).

- In addition, Table 18.72-2 (Required On-Site Parking, Other Zoning Districts) and Table 18.72-3 (Required Guest Parking Spaces) within Section 18.72.030 (Required Parking Spaces) of Chapter 18.72 (Parking and Loading) are proposed to be amended by revising the required amount of parking for studio and one-bedroom units for multifamily dwellings to one covered parking space; and amend the guest parking requirements for multifamily dwellings from one per three units to one per four units, consistent with single-family dwellings. This change implements Action HE-1.K of the Housing Element.

Action HE-1.K Parking for Smaller Bedroom Units

Amend the Zoning Code by 2024 to modify parking standards for studio and one-bedroom units for multi-family dwellings to require one covered parking space per unit plus one parking space for every four units for guest parking (a total of one to 1.25 parking spaces per unit).

- Section 18.72.040 (General Requirements) of Chapter 18.72 (Parking and Loading) is proposed to be amended to correct a clerical error by referencing Section 18.72.050.D (Off-Site Parking) which allows on-site parking alternatives; this section is also proposed to be amended to remove requirements for electric vehicle charging stations from the Zoning Code and instead refer to Chapter 15.62 (Electric Vehicle Charging Infrastructure) for electric vehicle charging requirements. On December 7, 2022, the City Council adopted an ordinance requiring installation of electric vehicle (EV) charging infrastructure as part of all new development projects and retrofit projects in the City. Section 18.72.040 (General Requirements) is proposed to be amended to correct the inconsistency between the two Chapters of the Code.
- Subsection D of Section 18.72.050 (On-Site Parking Alternatives) of Chapter 18.72 (Parking and Loading) is proposed to be amended to correct a minor clerical error to properly reference 'off-site' parking instead of 'on-site' parking.
- Subsection F of Section 18.72.050 (On-Site Parking Alternatives) of Chapter 18.72 (Parking and Loading) is proposed to be amended to be consistent with Assembly Bill 894 regarding Shared Parking and shared parking agreements to allow entities with underutilized parking to share their underutilized parking with the public, local agencies, or other entities. The bill requires a local agency to approve the shared parking agreement if it includes, among other things, a parking analysis using peer-reviewed methodologies developed by a professional planning association.
- Subsections B and C of Section 18.84.050 (Site and Design Standards) of Chapter 18.84 (Accessory Dwelling Units) are proposed to be amended to clarify that a single-family dwelling lot may have one detached accessory dwelling unit, one attached accessory dwelling unit, and one junior accessory dwelling unit; that a multifamily dwelling lot may have two detached accessory dwellings; and that a detached accessory dwelling unit may be combined with a junior accessory dwelling unit in certain circumstances, consistent with AB 881, Government Code Section 65852.2(e)(1)(D).
- Section 18.118.070 (Criteria for Decision) of Chapter 18.118 (Reasonable Accommodations) is proposed to be amended to remove the "potential impacts on surrounding uses" as a factor for approval, or denial, of a reasonable accommodation request. This change implements Action HE-6.C of the Housing Element.

Action HE-6.C Residential Accommodation Ordinance

Amend Section 18.118.070 (Criteria for Decision) of Chapter 18.118 (Reasonable Accommodations) of the Zoning Code by 2024 to remove the “potential impacts on surrounding uses” as a factor of approval or denial for a reasonable accommodation request.

- Section 18.124.020 (Residential Land Uses) of Chapter 18.124 (Land Use Definitions) is proposed to be amended to revise the definition of “Group Housing” using the definition provided in HCD’s Group Housing Technical Advisory. In addition, Section 18.124.020 also proposes to amend the definitions for “Residential Care Facilities” and “Residential Care Facilities, Small” to be a state licensed facility as defined in the California Health and Safety Code and to remove wording referencing the Residential Development Control System (RDCS). New land use definitions are also provided for “Supportive Housing” and “Transitional Housing” as they are defined in the California Health and Safety Code, as well as “Shared Living Residences”. These changes implement Actions HE-5.G and HE-6.E of the Housing Element by uncoupling supportive housing and transitional housing from the Residential Care Facilities land use, and shared living quarters from Group Housing.

Action HE-5.G By-right Transitional and Supportive Housing

Amend the Zoning Code by 2024 to facilitate by-right transitional and supportive housing and residential care facilities where residential uses are permitted. In addition, amend zoning and processes to comply with Assembly Bill 2162 which requires that supportive housing be considered a use by-right in zones that allow multifamily and adhere to timing provisions.

Action HE-6.E Residential Care Facilities

Amend the Zoning Code by 2024 to permit Group Housing and Residential Care Facilities as a permitted use by-right in all residential zoning districts, consistent with State law and HCDs December 2022 “Group Home Technical Advisory”.

- Section 18.124.030 (Public and Quasi-public Uses) of Chapter 18.124 (Land Use Definitions) is proposed to be amended to revise the definition of “Emergency Shelters” consistent with AB 2339 and Government Code Section 65583(a)(4). A definition is also provided for “Low Barrier Navigation Centers” using the definition provided in Government Code Section 65660. These changes implement Actions HE-5.A and HE-5.J of the Housing Element.

Action HE-5.A Low Barrier Navigation Centers

Amend the Zoning Code by 2024 to facilitate by-right processing procedures for Low Barrier Navigation Centers consistent with Assembly Bill 101.

Action HE-5.J Emergency Shelters

Amend the Zoning Code within one year of the adoption of the Housing Element to allow emergency shelters as a permitted use by-right within one or more zoning designations that are either zoned for residential use or allow residential development; amend the definition of emergency shelters to include other interim interventions, including, but not limited to, a navigation center, bridge housing, and respite or recuperative care; and identify sites where emergency shelters are allowed to accommodate a minimum of 60 unsheltered individuals consistent with the standards listed in AB 2339 and Government Code Section 65583(a)(4).

- Section 18.124.040 (Commercial Uses) of Chapter 18.124 (Land Use Definitions) is proposed to be amended to include a definition for “Vehicle Storage, Outdoor” to clarify what is considered an outdoor vehicle storage use and due to a definition not previously provided. Discussions during the November 10, 2020, Planning Commission and the December 16, 2020, City Council meetings were utilized in the development of the proposed Outdoor

Vehicle Storage land use definition.

PROJECT ANALYSIS AND FINDINGS:

ANALYSIS

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

1. General Plan Land Use Consistency

The proposed amendments are consistent with the General Plan as the amendments implement the City of Morgan Hill 2023-2031 Housing Element, updates to electric vehicle charging provisions to provide consistency with Chapter 15.62 (Electric Vehicle Charging Infrastructure) in the Municipal Code, updates to parking provisions to comply with Assembly Bill 894, and implementing minor amendments due to clerical errors and inconsistencies.

2. Zoning Ordinance Consistency

The purpose of the Zoning Code is to implement the General Plan and to protect the 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 in that it implements the City of Morgan Hill 2023-2031 Housing Element, provides updates to electric vehicle charging provisions consistent with Chapter 15.62 (Electric Vehicle Charging Infrastructure) in the Municipal Code, provides updates to parking provisions to comply with Assembly Bill 894, and implements minor amendments due to clerical errors and inconsistencies.

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

Consistent

The proposed text amendments consist of implementing the City of Morgan Hill 2023-2031 Housing Element, updates to electric vehicle charging provisions to provide consistency with Chapter 15.62 (Electric Vehicle Charging Infrastructure) in the Municipal Code, updates to parking provisions to comply with Assembly Bill 894, and implementing minor amendments due to clerical errors and inconsistencies, 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 City of Morgan Hill 2023-2031 Housing Element, updates to electric vehicle charging provisions to provide consistency with Chapter 15.62 (Electric Vehicle Charging Infrastructure) in the Municipal Code, updates to parking provisions to comply with Assembly Bill 894, and implement minor amendments due to clerical errors and inconsistencies, and, therefore, are internally consistent with the overall zoning code.

CONCLUSION:

Staff recommends the Planning Commission adopt the Resolution recommending City Council approval of the Zoning Amendment.

CEQA (California Environmental Quality Act):

This Ordinance is exempt from environmental review pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines. The proposed text amendments are covered by the common-sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The proposed amendments implement the City of Morgan Hill 2023-2031 Housing Element, provide updates to electric vehicle charging provisions consistent with Chapter 15.62 (Electric Vehicle Charging Infrastructure) in the Municipal Code, provide updates to parking provisions to comply with Assembly Bill 894, and implement minor amendments due to clerical errors and inconsistencies.

COMMUNITY ENGAGEMENT:

A 10-day public hearing notice was published in the Friday, February 2, 2024, edition of the Morgan Hill Times pursuant to Government Code Sections 65090-65096.

ATTACHMENTS:

1. Planning Commission Resolution
2. Draft Ordinance
3. Staff Presentation

RESOLUTION NO. 24-02

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORGAN HILL RECOMMENDING APPROVAL OF ZONING AMENDMENT ZA2023-0001: MUNICIPAL CODE AMENDMENT AMENDING VARIOUS CODE PROVISIONS WITHIN TITLE 18 (ZONING) OF THE MUNICIPAL CODE OF THE CITY OF MORGAN HILL IMPLEMENTING THE CITY OF MORGAN HILL 2023-2031 HOUSING ELEMENT; UPDATES TO ELECTRIC VEHICLE CHARGING PROVISIONS TO PROVIDE CONSISTENCY WITH CHAPTER 15.62 (ELECTRIC VEHICLE CHARGING INFRASTRUCTURE); UPDATES TO PARKING PROVISIONS TO COMPLY WITH ASSEMBLY BILL 894; AND IMPLEMENTING MINOR AMENDMENTS DUE TO CLERICAL ERRORS AND INCONSISTENCIES

WHEREAS, this proposed Ordinance (Zoning Amendment ZA2023-0001) was considered by the Planning Commission of the City of Morgan Hill at its regular meeting of February 13, 2024;

WHEREAS, the Planning Commission has reviewed recommendations contained in the February 13, 2024, staff report on this item;

WHEREAS, the amendments proposed by this Ordinance are necessary to implement the City of Morgan Hill 2023-2031 Housing Element, updates to electric vehicle charging provisions to provide consistency with Chapter 15.62 (Electric Vehicle Charging Infrastructure) in the Municipal Code, updates to parking provisions to comply with Assembly Bill 894, and implementing minor amendments due to clerical errors and inconsistencies;

WHEREAS, this ordinance is exempt from environmental review pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines, as the proposed text amendments to the Morgan Hill Zoning Code is not a project with potential for causing a significant effect on the environment requiring California Environmental Quality Act (CEQA) analysis; and

WHEREAS, testimony received at a duly noticed public hearing, along with exhibits and other materials have been considered in the review process.

NOW, THEREFORE, THE MORGAN HILL PLANNING COMMISSION DOES RESOLVE AS FOLLOWS:

SECTION 1. The proposed amendment is consistent with the General Plan and any applicable specific plan as provided by Government Code Section 65860.

The proposed text amendments are consistent with the General Plan in that it implements the City of Morgan Hill 2023-2031 Housing Element, provides updates to electric vehicle charging provisions consistent with Chapter 15.62 (Electric Vehicle Charging Infrastructure) in the Municipal Code, provides updates to parking provisions to comply with Assembly Bill 894, and implements minor amendments due to clerical errors and inconsistencies.

SECTION 2. The proposed amendments will not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

The proposed text amendments consist of implementing the City of Morgan Hill 2023-2031 Housing Element, updates to electric vehicle charging provisions to provide consistency with Chapter 15.62 (Electric Vehicle Charging Infrastructure) in the Municipal Code, updates to parking provisions to comply with Assembly Bill 894, and implementing minor amendments due to clerical errors and inconsistencies, and, therefore, will not be detrimental to the City.

SECTION 3. The proposed amendment is internally consistent with other applicable provisions of the zoning code.

The proposed revisions will implement the City of Morgan Hill 2023-2031 Housing Element, updates to electric vehicle charging provisions to provide consistency with Chapter 15.62 (Electric Vehicle Charging Infrastructure) in the Municipal Code, updates to parking provisions to comply with Assembly Bill 894, and implement minor amendments due to clerical errors and inconsistencies, and, therefore, are internally consistent with the overall zoning code.

SECTION 4. The Planning Commission hereby recommends approval of changes to the text of the Morgan Hill Municipal Code amending various Code provisions within the Municipal Code which are shown by strike-out text for deletions and underline text for additions. All text amendments recommended to be made as shown in the attached draft ordinance.

PASSED AND ADOPTED THIS 13th DAY OF FEBRUARY 2024, AT A REGULAR MEETING OF THE PLANNING COMMISSION BY THE FOLLOWING VOTE:

AYES: **COMMISSIONERS:**

NOES: **COMMISSIONERS:**

ABSTAIN: **COMMISSIONERS:**

ABSENT: **COMMISSIONERS:**

ATTEST:

APPROVED:

JENNA LUNA, Deputy City Clerk

WAYNE TANDA, Chair

ORDINANCE NO. , NEW SERIES

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL AMENDING VARIOUS CODE PROVISIONS WITHIN TITLE 18 (ZONING) OF THE MUNICIPAL CODE OF THE CITY OF MORGAN HILL IMPLEMENTING THE CITY OF MORGAN HILL 2023-2031 HOUSING ELEMENT; UPDATES TO ELECTRIC VEHICLE CHARGING PROVISIONS TO PROVIDE CONSISTENCY WITH CHAPTER 15.62 (ELECTRIC VEHICLE CHARGING INFRASTRUCTURE); UPDATES TO PARKING PROVISIONS TO COMPLY WITH ASSEMBLY BILL 894; AND IMPLEMENTING MINOR AMENDMENTS DUE TO CLERICAL ERRORS AND INCONSISTENCIES

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

Section 1. Table 18.16-1 (Permitted Land Uses — Residential Detached Zoning Districts) within Section 18.16.020 (Land Use Regulations) of Chapter 18.16 (Residential Detached Zoning Districts) of Title 18 (Zoning) is hereby amended to read as follows:

Table 18.16-1: Permitted Land Uses — Residential Detached Zoning Districts

Key P Permitted Use A Administrative Use Permit required C Conditional Use Permit required — Use not allowed	Zoning District				Additional Regulations
	RE	RDL	RDM	RDH	
Residential Uses					
Accessory Dwelling Units	P	P	P	P	Chapter 18.84
Duets	—	—	P [1,2]	P [2]	

<u>Group Housing</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Residential Care Facilities</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	
Residential Care Facilities, Small	P	P	P	P	
Single-Family Detached Dwellings	P	P	P	P	
<u>Supportive Housing</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Transitional Housing</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Public and Quasi-Public Uses					
Community Assembly	C	C	C	C	
Cultural Institutions	C	C	C	C	
Day Care Centers	C	C	C	C	
Home Day Care, Large and Small	P	P	P	P	
Parks and Recreational Facilities [5]	C	C	C	C	
Public Safety Facilities	C	C	C	C	
Schools, Public and Private	C	C	C	C	
Transportation, Communication, and Utility Uses					
Wireless Communications Facilities	See Chapter 18.96				
Agriculture and Natural Resource Uses					
Crop Cultivation	P	—	—	—	

	[3,4]				
Other Uses					
Accessory Uses	See Chapter 18.44				
Home Occupations	See Section 18.92.060				
Temporary Uses	See Section 18.92.150				
Urban Agriculture					
Home Gardens	P	P	P	P	
Community Gardens	A	A	A	A	
Urban Farms	C	C	C	C	

Notes:

[1] Permitted on corner lots only.

[2] Limited to no more than twenty-five percent of total dwelling units within a single project or subdivision, excluding two-lot subdivisions.

[3] Mushroom farms are prohibited.

[4] On-site sale of products is prohibited.

[5] Park and recreational facilities accessory to a residential use (e.g., a clubhouse serving a residential subdivision) are permitted by right.

Section 2. Table 18.18-1 (Permitted Land Uses — Residential Attached Zoning Districts) within Section 18.18.020 (Land Use Regulations) of Chapter 18.18 (Residential Attached Zoning Districts) of Title 18 (Zoning) is hereby amended to read as follows:

Table 18.18-1: Permitted Land Uses — Residential Attached Zoning Districts

Key P Permitted Use A Administrative Use Permit required C Conditional Use Permit required — Use not allowed	Zoning District			Additional Regulations
	RAL	RAM	RAH	
Residential Uses				

Accessory Dwelling Units	P	P	P	Chapter 18.84
Duets and Duplexes	P	P	P	
Group Housing	C [1] <u>P</u>	C <u>P</u>	C <u>P</u>	
Multifamily Dwellings	P	P	P	
Nursing Homes and Long-Term Care	C	C	C	
Residential Care Facilities	C	C	C	
Residential Care Facilities, Small	P	P	P	
<u>Shared Living Residences</u>	<u>C</u>	<u>C</u>	<u>C</u>	
Single-Family Attached Dwellings	P	P	P	
Single-Family Detached Dwellings	P [2, 3]	P [3]	P [3]	
<u>Supportive Housing</u>	<u>P</u> [1]	<u>P</u> [1]	<u>P</u> [1]	
<u>Transitional Housing</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Public and Quasi-Public Uses				
Community Assembly	C	C	C	
Cultural Institutions	C	C	C	
Day Care Centers	C	C	C	
Home Day Care, Large and Small	P	P	P	
Parks and Recreational Facilities [4]	C	C	C	
Public Safety Facilities	C	C	C	

Schools, Public and Private	C	C	C	
Transportation, Communication, and Utility Uses				
Wireless Communication Facilities	See Chapter 18.96			
Other Uses				
Accessory Uses and Structures	See Chapter 18.44			
Home Occupations	See Section 18.92.060			
Temporary Uses and Structures	See Section 18.92.150			
Urban Agriculture				
Home Gardens	P	P	P	
Community Gardens	A	A	A	
Urban Farms	C	C	C	

Notes:

[1] ~~Limited to no more than eight residents.~~ Supportive Housing consistent with Government Code Sections 65650-65656 shall adhere to entitlement application timing provisions.

[2] Up to twenty-five percent of homes within a development project may be small-lot single family homes with a maximum lot area of three thousand five hundred square feet.

[3] Permitted only on a lot of record existing prior to July 7, 2018.

[4] Park and recreational facilities accessory to a residential use (e.g., a clubhouse serving a residential subdivision) are permitted by right.

Section 3. Table 18.22-1 (Permitted Land Uses — MU-N and MU-F Zoning Districts) within Section 18.22.020 (Land Use Regulations) of Chapter 18.22 (Mixed Use Zoning Districts) of Title 18 (Zoning) is hereby amended to read as follows:

Table 18.22-1: Permitted Land Uses — MU-N and MU-F Zoning Districts

Key P Permitted Use	Zoning District	Additional Regulations
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A Administrative Use Permit required C Conditional Use Permit required — Use not allowed			
	MU-N	MU-F	
Residential Uses			Section 18.22.030
Accessory Dwelling Units	P	P	Chapter 18.84
Duets and Duplexes	P	C	
Group Housing	C <u>P</u>	C <u>P</u>	
Live/Work Unit	A	A	
Mixed Use Residential	P	P	
Multifamily Dwellings	P	C	
Nursing Homes and Long-Term Care	C	C	
Residential Care Facilities	C	C	
Residential Care Facilities, Small	P	P	
Senior Housing, Independent Living	P	C	
<u>Shared Living Residences</u>	<u>C</u>	<u>C</u>	
Single-Family Attached Dwellings	P	C	
Single-Family Detached Dwellings	P [1]	C	
<u>Supportive Housing</u>	<u>P [4]</u>	<u>P [4]</u>	
<u>Transitional Housing</u>	<u>P</u>	<u>P</u>	

Public and Quasi-Public Uses			
College and Trade Schools	P	P	
Community Assembly	C	C	
Cultural Institutions	A	A	
Day Care Centers	C	C	
Emergency Shelters	—	C <u>P</u>	Section 18.92.050
Government Offices	A	A	
Home Day Care, Large and Small	P	P	
Hospitals	C	C	
Instructional Services	P	P	
<u>Low Barrier Navigation Centers</u>	<u>P</u>	<u>P</u>	
Medical Offices and Clinics	P	P	
Parks and Recreational Facilities	P	P	
Public Safety Facilities	C	C	
Schools, Public and Private	C	C	
Social Services	—	C	
Commercial Uses			
Animal-Related Users			
Veterinarian Clinics and Hospitals	C	C	
Banks and Financial Institutions	P	P	
Business Support Services	P	P	

Cinemas and Theaters	A	A	
Commercial Recreation, Indoor			
≤ 15,000 sq. ft.	P	P	
> 15,000 sq. ft.	C	C	
Drive-Through Facilities	C	C	18.92.040
Eating and Drinking Uses			
Bars and Nightclubs	C	C	
Restaurant, Fast Food	P	P	
Restaurants, Sit Down	P	P	
Tasting Rooms	P	P	
Farmers Markets	A	A	
Lodging Facilities			
Bed and Breakfast	A	A	
Hotels and Motels	C	C	
Personal Services	P	P	
Professional Offices	P	P	
Retail			
Convenience Market	A	A	18.92.030
General Retail	P	P	
Vehicle-Related Uses			
Fuel and Service Stations	—	C	
Vehicle Rentals	—	C	
Vehicle Washing	—	C	

Industrial Uses			
Food and Beverage Production			
< 5,000 sq. ft. [3]	P	P	
5,000 sq. ft. to 10,000 sq. ft. [3]	C	C	
Transportation, Communication, and Utility Uses			
Parking Lots or Structures [2]	C	C	
Recycling Facilities			
Reverse Vending Machines	—	C	
Transportation Terminals	—	—	
Wireless Communications Facilities	See Chapter 18.96		
Other Uses			
Accessory Uses	See Chapter 18.44		
Home Occupations	See Section 18.92.060		
Temporary Uses	See Section 18.92.150		

Notes:

[1] Permitted only on a lot of record existing prior to July 7, 2018.

[2] When proposed as a primary use.

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

[4] Supportive Housing consistent with Government Code Sections 65650-65656 shall adhere to entitlement application timing provisions.

Section 4. Table 18.28-1 (Permitted Land Uses in the Open Space and Public Facilities Zoning Districts) within Section 18.28.020 (Land Use Regulations) of Chapter

18.28 (Open Space, Public, And Recreation Zoning Districts) of Title 18 (Zoning) is hereby amended to read as follows:

Table 18.28-1: Permitted Land Uses in the Open Space and Public Facilities Zoning Districts

Key P Permitted Use A Administrative Use Permit required C Conditional Use Permit required — Use not allowed	Zoning District		Additional Regulations
	OS	PF	
Residential Uses			
Accessory Dwelling Units	P	—	Chapter 18.84
Agricultural Labor Accommodations	C <u>P</u>	—	
Single-Family Detached Dwellings	P	—	
Public and Quasi-Public Uses		—	
Cemeteries	C	C	
Colleges and Trade Schools	—	C	
Community Assembly	—	C	
Cultural Institutions	—	P [1]	
Day Care Centers	—	C	
Emergency Shelters	—	P	
Government Offices	—	P	
Home Day Care, Small	P	—	
Hospitals	—	P	

Instructional Services	—	P [1]	
Parks and Recreational Facilities	P	P [1]	
Public Safety Facilities	C	P	
Schools, Public	—	P	
Schools, Private	—	C	
Commercial Uses			
Animal-Related Commercial Uses			
Animal Boarding	C	—	
Equestrian Centers	C	—	
Farmer's Markets	C	C	
Plant Nurseries	C [2]	—	
Transportation, Communication, and Utility Uses		—	
Parking Structures and Facilities	—	P [1]	
Utilities, Major	—	C	
Wireless Communications Facilities	See Chapter 18.96		
Agriculture and Natural Resource Uses			
Crop Cultivation	P	—	
Animal Raising and Production, Intensive	C	—	
Animal Raising and Production,	P	—	

Limited			
Wildlife Refuges	P	—	
Other Uses			
Accessory Uses	See Chapter 18.44		
Home Occupations	See Section 18.92.060		
Temporary Uses	See Section 18.92.150		

Notes:

[1] A Conditional Use Permit is required if not owned or operated by a governmental agency.

[2] Sales are limited to horticultural products grown on site.

Section 5. Table 18.44-2 (Minimum Accessory Structure Setbacks) within Section 18.44.030 (Accessory Structures in Residential Zoning Districts) of Chapter 18.44 (Accessory Structures and Uses) of Title 18 (Zoning) is hereby amended to read as follows:

Table 18.44-2: Minimum Accessory Structure Setbacks

Accessory Structure	Minimum Setbacks from Property Lines	
	Front	Side and Rear
Roofed structures such as detached garages and sheds and other structures such as trellises		
Height 8 ft. or less	Same as minimum primary structure setback	3 ft.
Height greater than 8 ft. to 12 ft.		5 ft.
Height greater than 12 ft.		Same as minimum primary structure setback
Mechanical equipment and mechanical equipment enclosures	<u>Same as minimum primary structure setback</u>	50 percent of minimum primary structure setback
Decks, attached and detached, roofed or		

unroofed [2]		
Height 18 in. or less (unroofed-only)	5 ft.	1 ft.
Height 6 ft. or less	<u>Same as minimum primary structure setback</u> 15 ft.	5 ft.
Height greater than 6 ft.	20 ft. or same <u>Same</u> as minimum primary structure setback, whichever is less	12.5 ft. or same as minimum primary structure setback, whichever is less
In ground pools, spas and hot tubs	Same as minimum primary structure setback	4 ft.
Above ground pools, spas, hot tubs and related equipment, accessories, and improvements	Same as minimum primary structure setback	5 ft.
Ponds less than 18 in. in depth	10 ft.	1 ft.
Fireplaces, barbeque structures, statuary and fountains [1]		
Height 8 ft. or less	3 ft.	3 ft.
Height greater than 8 ft. to 12 ft.	5 ft.	5 ft.

Notes:

[1] All openings for freestanding fireplaces and built-in barbeques shall meet all Uniform Building Code and Uniform Fire Code requirements.

[2] Height measured from ground to walking surface.

Section 6. Table 18.56-2 (Allowed Projections Into Required Setbacks) within Section 18.56.030 (Setback Exceptions) of Chapter 18.56 (Height, Setback And Lot Coverage Exceptions) of Title 18 (Zoning) is hereby amended to read as follows:

Table 18.56-2: Allowed Projections Into Required Setbacks

Projecting Features	Maximum Projection into Required Setback	Minimum Distances from Property Lines
---------------------	--	---------------------------------------

Cornices, awnings, eaves, and other similar roof projections	3 ft.	1.5 ft.
Canopies and similar features within any non-residential zoning district	Two-thirds of required setback	5 ft.
Ground floor porches	7 ft.	5 ft.
Upper story porches, <u>attached decks, and balconies</u>	5 ft.	5 ft.
Uncovered stairs, ramps, stoops, or landings that service upper stories	5 ft.	5 ft.
Bay windows and chimneys	3 ft. [1]	1.5 ft.

Notes:

[1] Features may not occupy, in the aggregate, more than one-third of the length of the building wall on which they are located.

Section 7. Table 18.72-2 (Required On-Site Parking, Other Zoning Districts) within Section 18.72.030 (Required Parking Spaces) of Chapter 18.72 (Parking and Loading) of Title 18 (Zoning) is hereby amended to read as follows:

Table 18.72-2: Required On-Site Parking, Other Zoning Districts

Land Use	Number of Required Parking Spaces
Residential Uses	
Agricultural Labor Accommodations	1 per 2 beds
Caretaker Quarters	1 per unit
Duplexes and Duets	2 covered per unit
Group Housing	1 per bedroom
Live/Work Unit	2 per unit
Mixed Use Residential	As required for each individual use, except that parking serving residential uses may

	be uncovered
Multifamily Dwellings	
Studio or One-Bedroom	1 covered and 0.5 uncovered per unit
Two Bedroom	1 covered and 1 uncovered per unit
Three Bedroom	1 covered and 1.5 uncovered per units
Nursing Homes and Long Term Care	1 per two beds
Recreational Vehicle (RV) Park	1 per 250 sq. ft. of office floor area
Residential Care Facilities, Large and Small	0.6 per bedroom
Accessory Dwelling Units	See Chapter 18.84 (Accessory Dwelling Units)
Senior Housing, Multifamily Dwellings	1 covered per unit
Senior Housing, Single-Family Dwellings	50% of units with 2 covered spaces, 50% with 1 covered space
<u>Shared Living Residences</u>	<u>1 per bedroom</u>
Single-Family Dwellings, Attached and Detached	2 covered per unit
<u>Supportive Housing</u>	<u>1 per bedroom [1]</u>
<u>Transitional Housing</u>	<u>1 per bedroom</u>
Public and Quasi-Public Uses	
Cemeteries	1 per 4 seats in a chapel or other assembly area
Colleges and Trade Schools	1 per 40 sq. ft. of classroom area
Community Assembly	1 per 5 fixed seats, or 1 per 35 sq. ft. of assembly space, whichever is more, plus 1 per 250 sq. ft. of office area

Cultural Institutions	1 per 4 fixed seats, or 1 per 60 sq. ft. of assembly area for uses without fixed seats
Day Care Centers	1 per 300 sq. ft. used for daycare
Emergency Shelters	1 per 8 beds plus 1 per 300-250 sq. ft. of office or other non-residential floor area
Government Offices	1 per 250 sq. ft.
Home Day Care, Large	1 per 400 sq. ft. of floor area used for daycare and 1 per employee in addition to what is required for the residential use.
Home Day Care, Small	None in addition to what is required for the residential use.
Hospitals	1 per each two beds
Instructional Services	1 per 2 employees plus 1 per 4 students at maximum enrollment
<u>Low Barrier Navigation Centers</u>	<u>1 per 8 beds plus 1 per 250 sq. ft. of office</u>
Medical Offices and Clinics	1 per 200 sq. ft., or 5 per doctor/dentist, whichever is greater
Parks and Recreational Facilities	As determined by a parking demand study
Public Safety Facilities	1 per 1,000 sq. ft. and 2 additional parking spaces for station vehicles
Schools, Public and Private	Elementary and middle schools: 1 per classroom, plus 1 per 250 sq. ft. of office area. High schools: 7 per classroom.
Social Services	1 per 200 sq. ft.
Commercial Uses	
Adult Businesses	1 per 250 sq. ft.
Animal-Related Commercial Uses	

Animal Boarding	1 per employee plus an area for loading and unloading animals on site.
Veterinarian Clinics and Hospitals	1 per 500 sq. ft.
Banks and Financial Institutions	1 per 250 sq. ft.
Business Support Services	1 per 250 sq. ft.
Cinemas and Theaters	1 per 3.5 seats or one per 32 square feet of seating area, whichever is greater
Commercial Parking	1 per employee
Commercial Recreation, Indoor	Establishments with seating: 1 for each 4 fixed seats, or 1 for every 30 sq. ft. of seating area where temporary or moveable seats are provided. Athletic clubs: 1 per 150 sq. ft. of floor area. Bowling alleys: 2 per lane. Game courts (e.g., tennis): 2 per court. Swimming pools: 1 per 200 sq. ft. of pool area plus 1 per 500 sq. ft. of area related to the pool. Other commercial entertainment and recreation uses: as determined by the Director.
Commercial Recreation, Outdoor	As determined by a parking demand study
Drive-Through Facilities	As required by use served.
Eating and Drinking Uses	
Bars and Nightclubs	1 per 100 sq. ft.
Restaurants, Fast Food	1 per 100 sq. ft. for establishments with more than 12 seats. 1 per 250 sq. ft. for establishments with 12 seats or less
Restaurants, Sit Down	1 per 100 sq. ft.
Tasting Rooms	1 per 100 sq. ft. of tasting area

Equestrian Centers	As determined by a parking demand study
Funeral Parlors and Mortuaries	1 per 4 permanently located seats or 1 per 45 sq. ft. of assembly space
Lodging Facilities	
Bed and Breakfast Lodging	1 per guest room plus 1 for each 10 rooms
Hotels and Motels	1 per guest room plus 1 for each 10 rooms
Mini-Storage	2 spaces or 1 per 250 storage units, whichever is greater, plus 1 additional covered and 1 additional uncovered for an on-site manager residence
Personal Services	1 per 250 sq. ft.
Plant Nurseries	1 per 1,000 sq. ft. of site area for the first 10,000 sq. ft., then 1 per each additional 5,000 sq. ft., plus 1 per each 250 sq. ft. of floor area. Min. 7 spaces plus 1 space per vehicle to be parked on the site overnight
Professional Offices	1 per 250 sq. ft.
Retail	
Convenience Markets	1 per 250 sq. ft.
Farmers Market	As determined by a parking demand study
General Retail	1 per 250 sq. ft.
Home Improvement Centers	1 per 250 sq. ft.
Large Commodity Retail	1 per 350 sq. ft.
Open-Air Sales	1 per 1,000 sq. ft. of site area
Vehicle-Related Uses	
Gas-Fuel and Service Stations	1 per 200 sq. ft.
Towing and Impound	1 per 250 sq. ft. of office space in addition

	to space for storage of towing vehicles
Vehicle Rentals	1 per 250 sq. ft. of office space in addition to space for storage of rental vehicles
Vehicle Repair and Maintenance, Major and Minor	1 per 200 sq. ft.
Vehicle Sales and Leasing	5 per for the first 10,000 sq. ft. of lot area and 1 for each additional 3,000 sq. ft.
<u>Vehicle Storage, Outdoor</u>	<u>1.5 for each employee on the largest shift. Minimum of 2.</u>
Vehicle Washing	5 per for the first 10,000 sq. ft. of lot area and 1 for each additional 3,000 sq. ft.
Wholesaling	1 per 1,000 sq. ft. of floor area plus 1 per 300 sq. ft. of office area
Industrial Uses	
Construction and Material Yards	1 per 2,500 sq. ft.
Food and Beverage Production	1 per 500 sq. ft.
Warehousing and Distribution	1 per 1,000 sq. ft. plus 1 per 300 sq. ft. of office area
Manufacturing, Light and General	1 per 500 sq. ft.
Research and Development	1 per 350 sq. ft.
Salvage and Wrecking	1 per 500 sq. ft.
Warehousing and Distribution, Large	1 per 1,000 sq. ft. plus 1 per 300 sq. ft. of office area
Warehousing and Distribution, Small	As determined parking demand study, but no less than 1 per 1,000 sq. ft. of gross floor area
Warehousing and Distribution, Outdoor Storage	1 per 1,000 sq. ft. plus 1 per 300 sq. ft. of office area

Transportation, Communication, and Utility Uses	
Freight/Truck Terminals and Warehouses	1 per 1,000 sq. ft. plus 1 per 300 sq. ft. of office area
Parking Lot and Structures	1 per 300 sq. of office area
Recycling Facilities	
Reverse Vending Machine	1 per machine
Recycling Collection Facility	1 per 1,000 sq. ft.
Recycling Processing Facility	1 per 1,000 sq. ft.
Transportation Terminals	As determined by parking demand study
Utilities, Major	1 for each employee on the largest shift plus 1 for each vehicle used in connection with the use. Minimum of 2.

Notes:

[1] Minimum required on-site parking shall not apply if the development is located within one-half mile of a public transit stop.

Section 8. Table 18.72-3 (Required Guest Parking Spaces) within Section 18.72.030 (Required Parking Spaces) of Chapter 18.72 (Parking and Loading) of Title 18 (Zoning) is hereby amended to read as follows:

Table 18.72-3: Required Guest Parking Spaces

Land Use	Number of Guest Spaces
Single-Family Dwellings	1 per 4 units
Multifamily Dwellings	1 per 3 <u>4</u> units
Multifamily Dwellings for Senior Citizens	1 per 5 units

Section 9. Section 18.72.040 (General Requirements) of Chapter 18.72 (Parking and Loading) of Title 18 (Zoning) is hereby amended to read as follows:

A. Availability and Use of Spaces.

1. Required parking spaces for multifamily and non-residential uses shall be permanently available and maintained to provide parking for the use they are intended to serve.

2. Owners, lessees, tenants, or persons having control of the operation of a use for which parking spaces are required shall not prevent or restrict authorized persons from using these spaces.
3. Required parking spaces shall be used exclusively for the temporary parking of vehicles and shall not be used for the sale, lease, display, repair, advertising, or storage of vehicles, trailers, boats, campers, mobile homes, merchandise, or equipment, or for any other use not authorized by the zoning code.

B. Location of Parking.

1. Residential Uses. Required minimum on-site parking to serve all residential uses shall be located on the same parcel or site as the use which it serves except as allowed by Section 18.72.050.D (Off-Site Parking).
2. Non-Residential Uses. Required minimum on-site parking to serve all non-residential residential uses shall be located on the same parcel or site as the use which it serves except as allowed by Section 18.72.050.D (Off-Site Parking).
3. Parking on Landscape Violation. No person shall park or store any automobile or other vehicle, including but not limited to motorcycles, campers, boats, trailers, or other similar vehicles, in any front yard in any residential district. Parking shall be permitted for automobiles only in and upon an improved paved driveway in said front yard area if each vehicle is currently licensed and operative. Parking for camper, boat, trailer, and other similar vehicles shall comply with Section 18.72.040.F.

C. Electric Vehicle Charging. Refer to Chapter 15.62 (Electric Vehicle Charging Infrastructure) for electric vehicle charging requirements.

- ~~1. When Required. Electric vehicle charging stations shall be provided:~~
 - ~~a. For new structures or uses required to provide at least twenty-five parking spaces; and~~
 - ~~b. Additions or remodels that increase an existing parking lot of fifty or more spaces by ten percent or more.~~
- ~~2. Number of Charging Stations. The number of required charging stations shall be as follows:~~
 - ~~a. Twenty-five to forty-nine parking spaces: One charging station.~~
 - ~~b. Fifty to one hundred parking spaces: Two charging stations, plus one for each additional fifty parking spaces.~~
- ~~3. Location and Signage. Charging stations shall be installed adjacent to standard size parking spaces. Signage shall be installed designating spaces with charging stations for electric vehicles only.~~

- D. Garage and Carport Setbacks. Garages and carports in the detached residential zoning districts shall comply with setback requirements in Section 18.16.030 (Garage and Carport Setbacks).
- E. Parking for Persons with Disabilities.
 - 1. Parking spaces for persons with disabilities shall be provided in compliance with California Code of Regulations Title 24.
 - 2. Parking spaces required for the disabled shall count toward compliance with the number of parking spaces required by Table 18.72-1 and Table 18.72-2.
- F. Camper, Boat, and Trailer Parking. Camper, boat, and trailer parking spaces shall be located and screened so as not to be visible from the public street.

Section 10. Subsection D of Section 18.72.050 (On-Site Parking Alternatives) of Chapter 18.72 (Parking and Loading) of Title 18 (Zoning) is hereby amended to read as follows:

- D. Off-Site Parking.
 - 1. For multifamily housing and non-residential uses, the planning commission may allow off-site parking if the commission finds that practical difficulties prevent the parking from being located on the same lot it is intended to serve.
 - 2. ~~On~~Off-site parking shall be located within a reasonable distance of the use it is intended to serve, as determined by the planning commission.
 - 3. A covenant record, approved by the city attorney, shall be filed with the county recorder. The covenant record shall require the owner of the property where the on-site parking is located to continue to maintain the parking space so long as the building, structure, or improvement is maintained in Morgan Hill. This covenant shall stipulate that the title and right to use the parcels shall not be subject to multiple covenant or contract for use without prior written consent of the city.

Section 11. Subsection F of Section 18.72.050 (On-Site Parking Alternatives) of Chapter 18.72 (Parking and Loading) of Title 18 (Zoning) is hereby amended to read as follows:

- F. Shared Parking. ~~Multiple land uses on a single parcel or development site may use shared parking facilities when operations for the land uses are not normally conducted during the same hours, or when hours of peak use differ. The planning commission may allow shared parking if:~~ When an entity is not using the required on-site parking to meet parking requirements, the City shall allow the entity with underutilized parking to share their underutilized parking spaces with the public, local agencies, or other entities, if those entities submit a shared parking agreement to the City and information identifying the benefits of the proposed shared parking agreement. Within this subsection, underutilized parking shall mean parking where 20 percent or more of a development's parking spaces are not occupied during the period that the parking is proposed to be shared by another user, group, development, or the public.

1. ~~The parking will be shared by non-residential land uses only;~~In cases where an entity is entering into a shared parking agreement and proposes to use the shared parking spaces to meet the required on-site parking, all of the following shall apply:
 - a. The City shall approve a shared parking agreement if it:
 - i. Includes a parking analysis using peer-reviewed methodologies developed by a professional planning association, such as the methodology established by the Urban Land Institute, National Parking Association, and the International Council of Shopping Centers, sufficient to determine how many parking spaces can be reasonably shared between uses to fulfill parking requirements.
 - ii. Secures long-term provision of parking spaces or affords the opportunity for periodic review and approval by the City.
 - b. The City shall allow parking spaces identified in a shared parking agreement to count toward meeting any automobile parking requirement for a new or existing development or use, including, but not limited to, shared parking in underutilized spaces and in parking lots and garages that will be constructed as part of the development or developments under any of the following conditions:
 - i. The entities that will share the parking are located on the same, or contiguous, parcels.
 - ii. The sites of the entities that will share parking are separated by no more than 2,000 feet of travel by the shortest walking route.
 - iii. The sites of the entities that will share the parking are separated by more than 2,000 feet of travel by the shortest walking route, but there is a plan for shuttles or other accommodations to move between the parking and site, including a demonstrated commitment to sustain such transportation accommodations.
 - c. The shared parking agreement shall be recorded against the parcels that are part of the agreement.
2. If entities submit a shared parking agreement without the parking analysis described above, the Development Services Director shall decide whether to approve or deny the shared parking agreement, and determine the number of parking spaces that can be reasonably shared between uses to fulfill parking requirements.~~A parking demand study approved by the community development director demonstrates that there will be no substantial conflicts between the land uses' principal hours of operation and periods of peak parking demand;~~

3. For shared parking agreements for developments of 10 residential units or more, or 18,000 square feet or more, before making the determination, the Development Services Director shall:
 - a. Notify all property owners within 300 feet of the shared parking spaces of the proposed agreement, including that the property owner has 14 days to request a public meeting before the City decides whether to approve or deny the shared parking agreement. The total number of parking spaces required for the land uses does not exceed the number of parking spaces anticipated at periods of maximum use; and
 - b. If the Development Services Director receives a request to hold a public meeting within 14 days of notifying property owners, the Development Services Director shall hold a public meeting on the shared parking agreement to approve or deny the shared parking agreement and determine the number of parking spaces that can be reasonably shared between uses to fulfill parking requirements.
4. The proposed shared parking facility is located no further than four hundred feet from the primary entrance of the land use which it serves. The Development Services Director shall not require the curing of any preexisting deficit of the number of parking spaces as a condition for approval of the shared parking agreement.
5. The Development Services Director shall not withhold approval of a shared parking agreement between entities solely on the basis that it will temporarily reduce or eliminate the availability of parking spaces for the original proposed uses.
6. For a development project in which a designated historical resource on a federal, state, or local register of historic places is being converted or adapted, the Development Services Director shall allow the project applicant to meet minimum parking requirements through the use of off-site shared parking.
7. This section shall not reduce, eliminate, or preclude the enforcement of any requirement imposed on a residential or nonresidential development to provide parking spaces that are accessible to persons with disabilities that would have otherwise applied to the development.
8. This section shall not reduce the percentage of parking spaces that are designated for electric vehicles that would otherwise have applied.
9. The City, private landowner, or lessor shall examine the feasibility of shared parking agreements to replace new parking construction or limit the number

of new parking spaces that will be constructed, in either of the following circumstances:

- a. When state funds are being used on a proposed new development and the funding availability is announced after June 30, 2024.
- b. When public funds are being used to develop a parking structure or surface parking and the public funding has not been awarded as of June 30, 2024.

Section 12. Subsection B of Section 18.84.050 (Site and Design Standards) of Chapter 18.84 (Accessory Dwelling Units) of Title 18 (Zoning) is hereby amended to read as follows:

B. Number of Accessory Units.

1. Single-Family Dwelling. No more than one detached accessory dwelling unit, no more than one attached accessory dwelling unit, and no more than one junior accessory dwelling unit is permitted on a single lot with an existing or proposed single-family dwelling.
2. Proposed Multifamily Dwellings. Multifamily-Proposed multifamily dwelling structures may have no more than one accessory dwelling unit or up to twenty-five percent of the existing multifamily dwelling units, whichever is larger two detached accessory dwelling units on a lot.
3. Existing Multifamily Dwellings. Existing multifamily dwelling structures may have no more than two detached accessory dwelling units on a lot. In addition, existing multifamily dwelling structures may also have no more than one accessory dwelling unit or up to twenty-five percent of the existing multifamily dwelling units, whichever is larger, within portions of an existing multifamily dwelling structure that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings.

Section 13. Subsection C of Section 18.84.050 (Site and Design Standards) of Chapter 18.84 (Accessory Dwelling Units) of Title 18 (Zoning) is hereby amended to read as follows:

C. Relationship to Primary Dwelling.

1. An accessory dwelling unit may be within, attached to, or detached from the primary dwelling. Attachment to the primary dwelling shall be by sharing a common interior wall or common roof. No passageway (as defined in Government Code Section 65852.2) is required in conjunction with the construction of an accessory dwelling unit.

2. An accessory dwelling unit shall have its own kitchen, bathroom facilities, and entrance separate from the primary dwelling.
3. The city shall allow junior accessory dwelling units as defined in Government Code Section 65852.22 to be constructed within the walls of the proposed or existing single-family residence with a separate entrance from the main entrance to the primary dwelling, an efficiency kitchen (consisting of a cooking facility with appliances, a food preparation counter and storage cabinets) and shared or independent bathroom facilities
4. The accessory unit shall be clearly subordinate to the primary dwelling by size, appearance, and location on the parcel and shall comply with all applicable building and safety codes.
5. A detached accessory dwelling unit that does not exceed four-foot side and rear yard setbacks for a proposed or existing single-family dwelling may be combined with a junior accessory dwelling unit.

Section 14. Subsection C of Section 18.92.050 (Emergency Shelters) of Chapter 18.92 (Supplemental Standards) of Title 18 (Zoning) is hereby amended to read as follows:

C. Minimum Performance Standards.

1. The number of beds shall be limited to thirty.
- ~~2. Parking requirements shall be either one space per three hundred square feet of habitable floor area, or sufficient to serve the parking demand determined in a study prepared by the applicant and approved by the development services department.~~
- ~~32.~~ The size of outdoor waiting areas shall be sufficient to accommodate the expected number of clients without infringing upon the public right-of-way.
- ~~43.~~ On-site management shall be provided during the hours that the emergency shelter is in operation.
- ~~54.~~ An emergency shelter shall be located at least three hundred feet from other emergency shelters.
- ~~65.~~ The length of stay at any emergency shelter shall not exceed ninety days, unless the management plan provides for longer residency by those enrolled and regularly participating in a training or rehabilitation program.
- ~~76.~~ Exterior lighting of the property shall be designed to provide a minimum maintained horizontal illumination of at least one foot candle of light on parking surfaces and walkways that serve the facility.
- ~~87.~~ Security shall be provided during the hours that the emergency shelter is in operation.

Section 15. Subsection 11 of Subsection F of Section 18.108.040 (Design Permit) of

Chapter 18.108 (Specific Permit Requirements) of Title 18 (Zoning) is hereby amended to read as follows:

11. Murals with or without signage that comply with Chapter 18.~~76-88~~ (Signs) and any applicable specific plan or area plan.

Section 16. Section 18.118.070 (Criteria for Decision) of Chapter 18.118 (Reasonable Accommodations) of Title 18 (Zoning) is hereby amended to read as follows:

The community development director or the reviewing authority, as applicable, shall make a written determination and either approve, approve with modifications, or deny a request for reasonable accommodation based on consideration of all of the following factors:

- A. Whether the housing which is the subject of the request will be used by an individual with disabilities protected under fair housing law.
- B. Whether the request for reasonable accommodation is necessary to make housing available to an individual with disabilities protected under fair housing law.
- C. Whether the requested reasonable accommodation would impose an undue financial or administrative burden on the City.
- D. Whether the requested reasonable accommodation would require a fundamental alteration in the nature of a City program or law, including but not limited to land use and zoning.
- ~~E. Potential impacts on surrounding uses.~~
- ~~F~~E. Physical attributes of the property and structures.
- ~~G~~E. Availability of other reasonable accommodations that may provide an equivalent level of benefit.

Section 17. Section 18.124.020 (Residential Land Uses) of Chapter 18.124 (Land Use Definitions) of Title 18 (Zoning) is hereby amended to read as follows:

- A. Accessory Dwelling Units. A self-contained living unit, either attached to or detached from, and in addition to, the primary residential unit on the parcel, that includes permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling or multifamily dwelling is situated. This includes an efficiency unit as defined in Section 17958.1 of the Health and Safety Code and a manufactured home, as defined in Section 18007 of the Health and Safety Code. Further includes a junior accessory dwelling unit which is a unit that is no more than five hundred square feet in size and contained entirely within a single-family residence and includes separate or shared sanitation facilities with the existing structure.
- B. Agricultural Labor Accommodations. Housing for transient labor, such as labor cabins or camps, where incidental to a permitted agricultural use.

- C. Caretaker Quarters. A residence that is accessory to a nonresidential primary use of the site, where needed for security, or twenty-four-hour care or supervision.
- D. Duets. A residential structure that contains two independent dwelling units, each with its own entrance that are separated by a property line along a shared building wall with each unit located on a separate lot.
- E. Duplexes. A single residential structure on one lot that contains two independent dwelling units, each with its own entrance.
- F. Group Housing.
 - 1. ~~Shared living quarters without separate kitchen or bathroom facilities for each room or unit, offered for rent for permanent or semi-transient residents on a weekly or longer basis. Includes rooming and boarding houses, single-room occupancy housing, dormitories, and other types of organizational housing, and extended stay hotels intended for long-term occupancy (thirty days or more). Housing shared by unrelated persons with disabilities that provide peer and other supportive services for their residents' disability related needs but not services that require licenses under state law and in which residents share cooking, dining, and living areas.~~
 - 2. ~~Includes group homes that may provide some supportive services for their residents but not services that require licenses under state law (see "Residential Care Facilities"). Excludes "hotels and motels" and "residential care facilities."~~
- G. Live/Work Units. A building or space within a building that is used jointly for commercial and residential purposes.
- H. Mixed Use Residential. A development project with both residential and commercial/office uses which are either 1) located together in a single building; or 2) in separate buildings on a single site of one or more contiguous properties.
- I. Multifamily Dwellings. A building that contains three or more dwelling units, with each unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. Includes multifamily senior housing limited to occupancy by persons fifty-five years of age or older for residents who are independent and do not require assistance with everyday living ("independent living").
- J. Nursing Homes and Long-Term Care. Establishments that provide twenty-four-hour medical, convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves, and is licensed as a skilled nursing facility by the state of California. Excludes "residential care facilities" and "senior housing."
- K. Residential Care Facilities.
 - 1. A state licensed facility as a Residential Care Facility for the Elderly or a residential care facility as defined in the California Health and Safety Code, providing twenty-four-hour-a-day nonmedical residential living accommodations pursuant to the uniform building, housing and fire codes.

- ~~Care and supervision shall include, but not be limited to, any one or more of the following activities provided by a person or facility to meet the needs of the residents:~~
- ~~a. Assistance in dressing, grooming, bathing and other personal hygiene;~~
 - ~~b. Assistance with taking medication and central storing and distribution of medications;~~
 - ~~c. Arrangement of and assistance with medical and dental care;~~
 - ~~d. Maintenance of house rules for the protection of residents;~~
 - ~~e. Supervision of resident schedules and activities;~~
 - ~~f. Maintenance and supervision of resident monies or property;~~
 - ~~g. Monitoring food intake and special diets.~~
2. Includes group homes that provide services that require licenses under state law serving more than six residents. ~~Individual sleeping quarters with no more than half kitchens, a common dining facility which provides a sit-down dining service at two distinct times per day and recreational features such as a lounge or recreation room shall be provided. Safety features designed for the needs of the elderly, such as emergency call systems which are linked to on-site staff which are available twenty-four hours per day, grab bars and handrails, special door hardware, cabinets, appliances and doorways designed to accommodate wheel chairs, and social services for residents which must also include at least three of the following: transportation services provided by the facility, housekeeping, facility provided linen/laundry, and organized social and recreational activities. Such facilities may have up to two manager's units which contain full kitchen facilities. Residential care facility includes, but is not limited to, health facilities as defined in California Health and Safety Code (H&SC) Section 1250 et seq., Community Care Facilities (H&SC Section 1500 et seq.), Residential Care Facilities for the Elderly (H&SC Section 1569 et seq.), or Facilities for the Mentally Disordered or otherwise handicapped defined in California Welfare and Institutions Code (W&I Code Section 5000 et seq.), alcoholism or drug abuse recovery or treatment facilities (H&SC Section 11834.02), and other similar care facilities.~~
3. ~~Supportive or transitional housing that provides medical care or services patients whose need for care or supervision exceeds a certain threshold (Section 1505 of the Health and Safety Code) shall obtain a license to operate from the state or the facility will be considered an apartment requiring participation in the city's residential development control system (RDCS).~~
- L. **Residential Care Facilities, Small.** A state licensed facility as a Residential Care Facility for the Elderly or a residential care facility as defined in the California Health and Safety Code, or "Group Housing", serving six or fewer residents. ~~Any state-authorized, certified or licensed family-care home, foster home, or group home serving six or fewer mentally disordered or otherwise handicapped persons,~~

~~or dependent and neglected children or the elderly, when such homes provide care on a twenty-four-hour-a-day basis.~~

M. Shared Living Residences. Shared living quarters without separate kitchen or bathroom facilities for each room or unit, offered for rent for permanent or semi-transient residents on a weekly or longer basis. Includes rooming and boarding houses, single-room occupancy housing, dormitories, and other types of organizational housing, and extended stay hotels intended for long-term occupancy (thirty days or more). Excludes "hotels and motels", "group housing", and "residential care facilities."

MN. Single-Family Dwellings. A residential structure designed for occupancy by one household. A single-family dwelling provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. Includes all construction types, including prefabricated and manufactured homes.

NO. Single-Family Attached Dwellings. Three or more single-family dwelling units connected by common walls along the side property lines, sometimes called a townhouse or row house. Excludes "duplexes" and "duets."

OP. Single-Family Detached Dwellings. A detached building that contains one single-family dwelling.

Q. Supportive Housing. A residential structure with no limit on length of stay, that is occupied by the target population, and that is linked to an onsite or offsite service that assists the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. Target population shall mean persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people.

R. Transitional Housing. A residential structure configured as a rental housing development, but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of the assistance.

Section 18. Section 18.124.030 (Public and Quasi-public Uses) of Chapter 18.124 (Land Use Definitions) of Title 18 (Zoning) is hereby amended to read as follows:

A. Cemeteries. Establishments primarily engaged in operating sites or structures reserved for the interment of human or animal remains, including crematories, mausoleums, burial places, columbariums, and memorial gardens.

- B. Colleges and Trade Schools. Institutions of higher education providing curricula of a general, religious or professional nature, typically granting recognized degrees. Includes junior colleges, business and computer schools, management training, vocational education, and technical and trade schools.
- C. Community Assembly. Facilities that provides space for public or private meetings or gatherings. Includes places of worship, community centers, meeting space for clubs and other membership organizations, social halls, union halls, banquet centers, and other similar facilities.
- D. Cultural Institutions. Public or nonprofit institutions that engages in cultural, scientific, and/or educational enrichment. Includes libraries, museums, performing art centers, aquariums, environmental education centers, non-profit art centers and galleries, botanical gardens, and other similar uses.
- E. Day Care Centers. Facilities that provides non-medical care and supervision of minors or adults for periods of less than twenty-four hours. Includes nursery schools, day nurseries, child care centers, infant day care centers, cooperative day care centers, adult day programs, and similar uses.
- F. Emergency Shelters. Housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay. Includes other interim interventions, including, but not limited to, a navigation center, bridge housing, and respite or recuperative care.
- G. Government Offices. Places of employment occupied by governmental agencies and their employees. Includes offices for administrative, clerical, and public contact functions but excludes corporation yards, equipment service centers, and similar facilities that primarily provide maintenance and repair services and storage facilities for vehicles and equipment.
- H. Home Day Care. Facilities providing daytime supervision and care for children where the provider permanently resides.
 - 1. Home Day Care, Large. A home day care facility supervising nine to fourteen children.
 - 2. Home Day Care, Small. A home day care facility supervising eight children or less.
- I. Hospitals. Facilities providing medical, psychiatric, or surgical services for sick or injured persons primarily on an in-patient basis, and including ancillary facilities for outpatient and emergency treatment, diagnostic services, training, research, administration, and services to patients, employees, or visitors.
- J. Instructional Services. Establishments that offer specialized programs in personal growth and development. Includes music studios, drama schools, dance academies, art schools, tutoring schools, and instruction in other cultural and academic pursuits.
- K. Low Barrier Navigation Centers. A housing-first, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary

living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing. "Low barrier" means best practices to reduce barriers to entry, and may include, but is not limited to, the following:

1. The presence of partners if it is not a population-specific site, such as for survivors of domestic violence or sexual assault, women, or youth.
2. Pets.
3. The storage of possessions.
4. Privacy, such as partitions around beds in a dormitory setting or in larger rooms containing more than two beds, or private rooms.

KL. Medical Offices and Clinics. Facilities where medical, mental, dental, or other personal health services are provided on an outpatient basis using specialized equipment. Includes offices for physicians, dentists, and optometrists, diagnostic centers, blood banks and plasma centers, and emergency medical clinics offered exclusively on an out-patient basis. May include educational aspects such as medical instruction and/or training as well as house a laboratory, radiology/imaging, pharmacy, rehabilitation and other similar services as accessory uses. Excludes "hospitals."

LM. Parks and Recreational Facilities. Non-commercial facilities that provide open space and/or recreational opportunities to the public. Includes parks, community gardens, community centers, passive and active open space, wildlife preserves, playing fields, tennis courts, swimming pools, gymnasiums, and other similar facilities.

MN. Public Safety Facilities. Facilities operated by a governmental agency for the purpose of protecting public safety. Includes fire stations and other fire-fighting facilities, police stations, public ambulance dispatch facilities, and other similar uses.

NO. Schools. Educational institutions providing instruction to minors as required by the California Education Code. Includes elementary, junior high, and high schools.

1. School, Public. A school operated or under control of the Morgan Hill Unified School District or Santa Clara County Board of Education. Includes public charter schools.
2. School, Private. A school operated or under control of an entity other than the Morgan Hill Unified School District or Santa Clara County Board of Education.

OP. Social Services. Establishments providing assistance and aid to those persons requiring counseling and/or treatment for psychological problems, addictions, learning disabilities, and physical disabilities or to those persons in need of jobs, food, or clothing. Excludes residential care on an overnight, short-term, or long-term basis.

Section 19. Subsection Q of Section 18.124.040 (Commercial Uses) of Chapter 18.124 (Land Use Definitions) of Title 18 (Zoning) is hereby amended to read as

follows:

Q. Vehicle-Related Uses.

1. Fuel and Service Stations. A retail business establishment supplying fuels and oil and minor accessories for automobiles. Includes establishments supplying gasoline, hydrogen, and electric vehicle charging as a primary land use. Includes incidental food and beverage sales, car wash facilities, minor automotive repair and service, and towing service with up to two trucks. Excludes body and fender work, painting, and other major automotive repairs.
2. Towing and Impound. Establishments primarily engaged in towing light or heavy motor vehicles, both local and long distance. May provide incidental services, such as vehicle storage and emergency road repair services.
3. Vehicle Rentals. The rental of automobiles and other similar light vehicles.
4. Vehicle Repair and Maintenance, Major. An establishment providing not provided for under "vehicle repair and maintenance, minor," including, but not limited to, general repair, rebuilding or reconditioning of: major vehicle components, such as engines, transmissions and differentials; non-passenger vehicles, motor homes or trailers and trucks exceeding one and one-half ton capacity; or body, frame or fender components, including collisions service, upholstery or painting.
5. Vehicle Repair and Maintenance, Minor. An establishment providing general service and maintenance of passenger cars and trucks not exceeding one and one-half ton capacity. Service may include the repair or replacement of worn or defective parts and gaskets external to the basic engine block, such as intake and exhaust manifolds, carburetors and water pumps; engine replacement; the repair or replacement of worn or defective brake parts, clutch parts, mufflers, exhaust system parts, wheel bearings, shock absorbers, tires, batteries, spark plugs and other accessible minor parts; and maintenance work such as the changing or supplementing of vehicle fluids and the adjustment of mechanical components while on the vehicle.
6. Vehicle Sales and Leasing. The retail sales or rental of new or used vehicles. Includes the sale of vehicle parts and vehicle repair, provided that these activities are incidental to the sale of vehicles.
7. Vehicle Storage, Outdoor. Storage of operative or inoperative vehicles for long term storage in open lots. Includes, but is not limited to, storage of parking tow-aways, impound yards, and storage lots for automobiles, trucks, buses, recreation vehicles, and boats; including satellite storage of vehicles related to Vehicle Sales and Leasing. Does not include the storage of customer's goods and possessions (see Mini-Storage) or retail sales (see Vehicle Sales and Leasing).

8. Vehicle Washing. The washing, waxing, or cleaning of automobiles or similar light vehicles, including self-serve washing facilities.

Section 20. Subsection 1 of Subsection B of Section 18.128.020 (Definitions) of Chapter 18.128 (General Terms) of Title 18 (Zoning) is hereby amended to read as follows:

1. Balcony. An unroofed platform, without stairs, that projects from the wall of a building that is surrounded by a railing or balustrade and does not require separate understructure for support, with access from an upper-floor window or door.

Section 21. Subsection 1 of Subsection D of Section 18.128.020 (Definitions) of Chapter 18.128 (General Terms) of Title 18 (Zoning) is hereby amended to read as follows:

1. Deck. An unroofed platform, either freestanding or attached to a building accessible by a door, with or without stairs, that is supported by piers, pillars, or posts.

Section 22. Subsection 4 of Subsection P of Section 18.128.020 (Definitions) of Chapter 18.128 (General Terms) of Title 18 (Zoning) is hereby amended to read as follows:

4. Porch. A covered but unenclosed projecting platform providing access to a door, with or without stairs, which extends from the main wall of a building that may or may not use columns for other ground supports for structural purposes. A porch that is screened-in, without a heating or cooling system, is considered unenclosed.

Section 23. 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 24. 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 PASSED AND ADOPTED IN ACCORDANCE WITH LAW BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

APPROVED:

MARK TURNER, Mayor

ATTEST:

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 _____, 2024.

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

DATE: _____

MICHELLE BIGELOW, City Clerk



ZA2023-0001

Miscellaneous Code Amendments



Miscellaneous Code Amendments



Project:

Zoning Amendment Amending

- Various sections of Title 18 (Zoning)
 - **Implements 2023-2031 Housing Element**
 - **Updates to Electric Charging Provisions to provide consistency with Chapter 15.62 (Electric Vehicle Charging Infrastructure)**
 - **Updates to shared parking provisions (Section 18.72.050.F (On-Site Parking Alternatives)) to comply with Assembly Bill 894**
 - **Implements minor amendments due to clerical errors and inconsistencies**

Request:

Adopt Resolution recommending City Council approval of the Zoning Amendment

Miscellaneous Code Amendments (Permitted Land Uses)



Table 18.16-1 (Permitted Land Uses – Residential Detached Zoning Districts)

Key P Permitted Use A Administrative Use Permit required C Conditional Use Permit required — Use not allowed	Zoning District			
	RE	RDL	RDM	RDH
<u>Group Housing</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Residential Care Facilities</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Supportive Housing</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Transitional Housing</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

Implements:

- Action HE-5.G By-right Transitional and Supportive Housing
- Action HE-6.E Residential Care Facilities

Miscellaneous Code Amendments (Permitted Land Uses)



Table 18.18-1 (Permitted Land Uses – Residential Attached Zoning Districts)

Key P Permitted Use A Administrative Use Permit required C Conditional Use Permit required — Use not allowed	Zoning District		
	RAL	RAM	RAH
Group Housing	C [1]P	C P	C P
<u>Shared Living Residences</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Supportive Housing</u>	<u>P</u> [1]	<u>P</u> [1]	<u>P</u> [1]
<u>Transitional Housing</u>	<u>P</u>	<u>P</u>	<u>P</u>

Notes:

[1] ~~Limited to no more than eight residents.~~ Supportive Housing consistent with Government Code Sections 65650-65656 shall adhere to entitlement application timing provisions.

Implements:

- *Action HE-5.G By-right Transitional and Supportive Housing*
- *Action HE-6.E Residential Care Facilities*

Miscellaneous Code Amendments (Permitted Land Uses)



Table 18.22-1 (Permitted Land Uses – MU-N and MU-F
Zoning Districts)

	Zoning District	
	MU-N	MU-F
Group Housing	C <u>P</u>	C <u>P</u>
<u>Shared Living Residences</u>	<u>C</u>	<u>C</u>
<u>Supportive Housing</u>	<u>P</u> [4]	<u>P</u> [4]
<u>Transitional Housing</u>	<u>P</u>	<u>P</u>
Emergency Shelters	—	C <u>P</u>
<u>Low Barrier Navigation Centers</u>	<u>P</u>	<u>P</u>

Notes:

[4] Supportive Housing consistent with Government Code Sections 65650-65656 shall adhere to entitlement application timing provisions.

Implements:

- *Action HE-5.G By-right Transitional and Supportive Housing*
- *Action HE-6.E Residential Care Facilities*
- *Action HE-5.A Low Barrier Navigation Centers*
- *Action HE-5.J Emergency Shelters*

Miscellaneous Code Amendments (Emergency Shelter Sites)



Action HE-5.J Emergency Shelters:

- Identify sites where emergency shelters are allowed to accommodate a minimum of 60 unsheltered individuals consistent with the standards listed in AB 2339 and Government Code Section 65583(a)(4).

Assessor's Parcel Number	Acre(s)	Location	General Plan	Zoning
726-02-012	4.84	E Dunne Ave (Adjacent to Walgreens)	Mixed Use Flex	MU-F
779-04-003	0.34	Monterey Rd (Near Watsonville Rd)	Mixed Use Flex	MU-F
779-04-004	0.34	Monterey Rd (Near Watsonville Rd)	Mixed Use Flex	MU-F

Miscellaneous Code Amendments (Residential Land Use Definitions)



Chapter 18.124 (Land Use Definitions)

Group Housing.

1. Housing shared by unrelated persons with disabilities that provide peer and other supportive services for their residents' disability related needs but not services that require licenses under state law and in which residents share cooking, dining, and living areas.
2. Includes group homes that may provide some supportive services for their residents but not services that require licenses under state law (see "Residential Care Facilities").

Residential Care Facilities.

1. A state licensed facility as a Residential Care Facility for the Elderly or a residential care facility as defined in the California Health and Safety Code.
2. Includes group homes that provide services that require licenses under state law serving more than six residents.

Residential Care Facilities, Small. A state licensed facility as a Residential Care Facility for the Elderly or a residential care facility as defined in the California Health and Safety Code, or "Group Housing", serving six or fewer residents.

Miscellaneous Code Amendments (Residential Land Use Definitions)



Chapter 18.124 (Land Use Definitions)

Supportive Housing. A residential structure with no limit on length of stay, that is occupied by the target population, and that is linked to an onsite or offsite service that assists the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. Target population shall mean persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people.

Transitional Housing. A residential structure configured as a rental housing development, but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of the assistance.

Miscellaneous Code Amendments (Residential & Public Land Use Definitions)



Chapter 18.124 (Land Use Definitions)

Shared Living Residences. Shared living quarters without separate kitchen or bathroom facilities for each room or unit, offered for rent for permanent or semi-transient residents on a weekly or longer basis. Includes rooming and boarding houses, single-room occupancy housing, dormitories, and other types of organizational housing, and extended stay hotels intended for long-term occupancy (thirty days or more). Excludes "hotels and motels", "group housing", and "residential care facilities."

Emergency Shelters. Housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay. Includes other interim interventions, including, but not limited to, a navigation center, bridge housing, and respite or recuperative care.

Miscellaneous Code Amendments (Public/Quasi-Public Land Use Definitions)



Chapter 18.124 (Land Use Definitions)

Low Barrier Navigation Centers. A housing-first, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing. “Low barrier” means best practices to reduce barriers to entry, and may include, but is not limited to, the following:

1. The presence of partners if it is not a population-specific site, such as for survivors of domestic violence or sexual assault, women, or youth.
2. Pets.
3. The storage of possessions.
4. Privacy, such as partitions around beds in a dormitory setting or in larger rooms containing more than two beds, or private rooms.

Miscellaneous Code Amendments

(Permitted Land Uses)



Table 18.28-1 (Permitted Land Uses in the Open Space and Public Facilities Zoning Districts)

Key	Zoning District	
P Permitted Use		
A Administrative Use Permit required		
C Conditional Use Permit required		
— Use not allowed		
Agricultural Labor Accommodations	OS	PF
	C P	—

Implements:

- *Action HE-2.F Agricultural Labor Accommodations*

Miscellaneous Code Amendments (Balconies, Decks, & Porches)



Table 18.44-2 (Minimum Accessory Structure Setbacks)

Accessory Structure	Minimum Setbacks from Property Lines	
	Front	Side and Rear
Mechanical equipment and mechanical equipment enclosures	<u>Same as minimum primary structure setback</u>	50 percent of minimum primary structure setback
Decks, attached and detached, roofed or unroofed [2]		
Height 18 in. or less (unroofed only)	5 ft.	1 ft.
Height 6 ft. or less	<u>Same as minimum primary structure setback</u> 15 ft.	5 ft.
Height greater than 6 ft.	20 ft. or same as minimum primary structure setback, whichever is less <u>Same</u>	12.5 ft. or same as minimum primary structure setback, whichever is less

Notes:

[2] Height measured from ground to walking surface.

Miscellaneous Code Amendments

(Balconies, Decks, & Porches)



Table 18.56-2 (Allowed Projections into Required Setbacks)

Projecting Features	Maximum Projection into Required Setback	Minimum Distances from Property Lines
Upper story porches, <u>attached decks, and balconies</u>	5 ft.	5 ft.

Balcony. An unroofed platform, without stairs, that projects from the wall of a building that is surrounded by a railing or balustrade and does not require separate understructure for support, with access from an upper-floor window or door.

Deck. An unroofed platform, either freestanding or attached to a building accessible by a door, with or without stairs, that is supported by piers, pillars, or posts.

Porch. A covered but unenclosed projecting platform providing access to a door, with or without stairs, which extends from the main wall of a building that may or may not use columns or other ground supports for structural purposes. A porch that is screened-in, without a heating or cooling system, is considered unenclosed.

Miscellaneous Code Amendments (Parking Requirements)



Table 18.72-2 (Required On-Site Parking, Other Zoning Districts)

Land Use	Number of Required Parking Spaces
Studio or One-Bedroom	1 covered and 0.5 uncovered per unit
<u>Shared Living Residences</u>	<u>1 per bedroom</u>
<u>Supportive Housing</u>	<u>1 per bedroom [1]</u>
<u>Transitional Housing</u>	<u>1 per bedroom</u>
Emergency Shelters	1 per 8 beds plus 1 per 300 <u>250</u> sq. ft. of office or other non-residential floor area
<u>Low Barrier Navigation Centers</u>	<u>1 per 8 beds plus 1 per 250 sq. ft. of office</u>
<u>Vehicle Storage, Outdoor</u>	<u>1.5 for each employee on the largest shift.</u> <u>Minimum of 2.</u>

Notes:

[1] Minimum required on-site parking shall not apply if the development is located within one-half mile of a public transit stop.

Implements:

- *Action HE-1.K Parking for Smaller Bedroom Units*
- *Action HE-5.I Emergency Shelters Parking*

Miscellaneous Code Amendments (Parking Requirements)



Table 18.72-3 (Required Guest Parking Spaces)

Land Use	Number of Guest Spaces
Single-Family Dwellings	1 per 4 units
Multifamily Dwellings	1 per 3 <u>4</u> units
Multifamily Dwellings for Senior Citizens	1 per 5 units

Implements:

- *Action HE-1.K Parking for Smaller Bedroom Units*

Miscellaneous Code Amendments

(Parking Requirements)



Section 18.72.040 (General Requirements) of Chapter 18.72 (Parking and Loading)

- Clarify clerical error requiring minimum on-site parking to serve residential uses 'except as allowed by Section 18.72.050.D (Off-Site Parking)'
- Remove requirements to Electric Vehicle Charging Stations and instead refer to Chapter 15.62 (Electric Vehicle Charging Infrastructure)

Section 18.72.050.D (Off-Site Parking)

- Clarify clerical error to properly reference 'off-site' instead of 'on-site'

Section 18.72.050.F (Shared Parking)

- Amend subsection to be consistent with AB 894 to allow entities with underutilized parking to share their parking with the public, local agencies, or other entities.

Miscellaneous Code Amendments

(Accessory Dwelling Units)



Section 18.84.050.B (Number of Accessory Units) of Chapter 18.84 (Accessory Dwelling Units)

- Clarify Single-Family Dwellings are allowed 1 detached ADU, 1 attached ADU and 1 Junior ADU (3 total)
- Clarify Proposed Multifamily Dwellings are allowed 2 detached ADUs
- Clarify Existing Multifamily Dwellings are allowed 2 detached ADUs and an additional 1 or up to 25% of the existing multifamily dwelling units (whichever is larger) within an existing multifamily structure

Section 18.84.050.C (Number of Accessory Units)

- Clarify a detached ADU that does not exceed 4-ft side and rear setbacks may be combined with a Junior ADU on a single-family dwelling lot

Miscellaneous Code Amendments



Section 18.118.070 (Criteria for Decision) of Chapter 18.118 (Reasonable Accommodations)

- Remove the “potential impacts on surrounding uses” as a factor for approval, or denial, of a reasonable accommodation request

Implements:

- *Action HE-6.C Residential Accommodation Ordinance*

Chapter 18.124 (Land Use Definitions)

- **Vehicle Storage, Outdoor.** Storage of operative or inoperative vehicles for long term storage in open lots. Includes, but is not limited to, storage of parking tow-aways, impound yards, and storage lots for automobiles, trucks, buses, recreation vehicles, and boats; including satellite storage of vehicles related to Vehicle Sales and Leasing. Does not include the storage of customer’s goods and possessions (see Mini-Storage) or retail sales (see Vehicle Sales and Leasing).

Miscellaneous Code Amendments



Recommendation

1. Open/close public hearing
2. Adopt Resolution recommending City Council approval of the Zoning Amendment

Questions?

