



Workshop Agenda
Planning Commission

John McKay - Chairman
Liam Downey - Vice Chairman
Joseph Mueller - Planning Commissioner
Wayne Tanda - Planning Commissioner
Yvonne Martinez Beltran - Planning Commissioner
Mohammad Habib - Planning Commissioner
Juan Miguel Munoz Morris - Planning Commissioner

Tuesday, September 19, 2017 5:00 PM

Council Chamber
17555 Peak Avenue, Morgan Hill, CA 95037

WORKSHOP

A special meeting of the Planning Commission is called Tuesday, September 19, 2017 at 5:00 p.m. for the purpose of conducting a workshop.

CALL TO ORDER

DECLARATION OF POSTING

Pursuant to Government Code Section 54954.2

OPEN 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 Planning 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

WORKSHOP

1. **ZONING CODE UPDATE WORKSHOP**

Recommendation:

Review, discuss, and provide feedback on the Public Review Draft Zoning Code.

ANNOUNCEMENTS

ADJOURNMENT

NOTICE

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act that are distributed to a majority of the legislative body less than 72 hours prior to an open session, will be made available for public inspection at the Office of the City Clerk at Morgan Hill City Hall located at 17575 Peak Avenue, Morgan Hill, CA, 95037 at the same time that the public records are distributed or made available to the legislative body. (Pursuant to Government Code 54957.5)

PUBLIC COMMENT

Members of the Public are entitled to directly address the 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 Commission on any issue that is on this agenda, please complete a speaker request card located in the foyer of the Commission 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 Commission, but it is very helpful. When you are called, proceed to the podium and the Mayor will recognize you. If you wish to address the Commission on any other item of interest to the public, you may do so by 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 Commission.

Persons interested in proposing an item for the 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 Commission action, your request may be placed on the next appropriate agenda. 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 michelle.wilson@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 michelle.wilson@morganhill.ca.gov. Requests must be made as early as possible and at least two-full business days before the start of the meeting.



Sustainable Morgan Hill Vision

Morgan Hill is a socially responsible, environmentally conscious, and economically sound community that embraces inclusiveness with participation by all.

CITY COUNCIL ONGOING PRIORITIES

Enhancing Public Safety · Protecting the Environment · Maintaining Fiscal Responsibility ·
Supporting Our Youth, Seniors, and Entire Community · Fostering a Positive Organizational Culture ·
Preserving and Cultivating Public Trust · Preserving Our Cultural Heritage

2017 STRATEGIC PRIORITIES

High Speed Rail

Inclusiveness

Infrastructure

Regional Initiatives

Telecommunications

2017 STRATEGIC PRIORITIES:



High Speed Rail

The City of Morgan Hill will directly advocate for our community's needs through our communications, discussions, and decisions. We will continue to engage the community, the High Speed Rail Authority, our state and federal legislators, and other regional agencies to mitigate negative impacts and convey our position that the High Speed Rail Authority should only use the existing Highway 101 right-of-way to avoid all impacts to residents, schools, and businesses. Should the Authority decide the 101 right-of-way is not feasible, we will strongly advocate for the route with the least impact on Morgan Hill.



Inclusiveness

We will celebrate the diversity, history, and culture of our community. Through City Council workshops, community meetings, and researching successes in other communities, the City will listen to and collaborate with the community to define how inclusiveness will be further woven into our community's fabric and to increase public participation. The City's communications, services, public spaces, and projects will embrace all community members as partners, advancing our vision of being a socially responsible community.



Infrastructure

The City will review its streets, parks, and public facilities infrastructure needs initially by updating its 2014 infrastructure study to quantify the funding gap. We will identify potential funding options as ongoing revenue is insufficient to fund our vital community assets at a sustainable level without significantly impacting existing service levels that our community has come to expect. Morgan Hill will actively work with the Valley Transportation Agency, the County, and the State to secure funding for the Santa Teresa extension and road maintenance. We will continue to work closely with our community to inform them of the needs and engage them to find an affordable and sustainable solution.



Regional Initiatives

City Council and staff will focus on influencing regional decisions that benefit Morgan Hill. This regional involvement will include, but not be limited to, partnering with the League of California Cities, Valley Transportation Authority, Santa Clara Valley Water District, Cities Association of Santa Clara County, the City of Gilroy, Santa Clara County, Morgan Hill Unified School District, the Local Agency Formation Commission, the Open Space Authority, and Silicon Valley Clean Energy to advance projects that further Sustainable Morgan Hill.



Telecommunications

The City will collaborate with the private sector to explore ways to provide fast, reliable access and wireless connectivity for residents and businesses. The 2016 Telecommunications Infrastructure and Economic Development Blueprint reports will be the foundation for continuing discussions with broadband providers, public utilities, and other infrastructure service providers in developing an implementation plan for growing our telecommunications infrastructure. The plan will be used to signal Morgan Hill's support for business expansion.



PLANNING COMMISSION STAFF REPORT

MEETING DATE: September 19, 2017

PREPARED BY: John Baty, Principal Planner/Development Services
APPROVED BY: Jennifer Carman, Community Development Director

ZONING CODE UPDATE WORKSHOP

RECOMMENDATION(S)

Review, discuss, and provide feedback on the Public Review Draft Zoning Code.

PURPOSE:

This is the second of three workshops with the Planning Commission to review and discuss the Public Review Draft Zoning Code (weblink).

The second workshop will include a follow-up discussion on topics identified at the first workshop and on comments received at and after the first workshop (see attachments).

BACKGROUND:

For background on the Zoning Code Update process, see the attached staff report from the August 29, 2017 Planning Commission Workshop.

The existing Zoning Code (Title 18 of the Morgan Hill Municipal Code) is available via the weblink below.

ANALYSIS:

At the August 29, 2017 workshop, the Planning Commission completed an overview of the Public Review Draft Zoning Code and identified several topics for further discussion at the second workshop. The attached Planning Commission Workshop No. 2 Discussion Topics document provides background information and comments on each of the following:

1. Calculation of Floor Area Ratio (18.12.050.A);
2. Applicability of Alternative Standards for RAL and RAM Zoning Districts (18.40.020);
3. Allowed Land Uses and Permit Requirements in Non-Residential Zoning Districts (Tables 18.22-1, 18.24-1, 18.26-1, and 18.28-1);
4. Changes to Development Standards (see separate handout);
5. Parking: Required Parking Spaces, On-Site Parking Alternatives, Bicycle Parking (18.72.030, 18.72.050, and 18.72.080);

6. Expiration of Permits After Use is Discontinued (18.104.210.A.2); and,
7. City of Morgan Hill Economic Blueprint.

Each comment/question staff has received on the Draft Zoning Code has been assigned a unique ID and is listed in the attached Comment Table with the relevant page number, section (or table) number, source of the comment/question, topic, and staff response. Following Planning Commission Workshop No. 2 (September 19, 2017), the table will be updated to reflect Planning Commission input on the above discussion items, comments, and include any new comments or questions.

CEQA (California Environmental Quality Act):

An Environmental Impact Report (EIR) for the Morgan Hill 2035 Project, which includes the Zoning Code Update, was prepared in accordance with the California Environmental Quality Act (CEQA) and certified by the Morgan Hill City Council on July 27, 2016. (SCH#2015022074).

LINKS/ATTACHMENTS:

1. Public Review Draft Zoning Code (weblink)
2. PC Workshop No. 1 Staff Report, August 29, 2017
3. Existing Title 18 Zoning (weblink)
4. Workshop No. 2 Discussion Topics
5. Development Standards Proposed Changes
6. Zoning Code Comment Tracking Table



PLANNING COMMISSION STAFF REPORT

MEETING DATE: August 29, 2017

PREPARED BY: John Baty, Principal Planner/Development Services
APPROVED BY: Jennifer Carman, Community Development Director

ZONING CODE UPDATE WORKSHOP

RECOMMENDATION(S)

Review, discuss, and provide feedback on the Public Review Draft Zoning Code.

PURPOSE:

This is the first of three workshops with the Planning Commission to review and discuss the Public Review Draft Zoning Code (weblink), which is the first comprehensive update of the City's Zoning Code since 1981.

The first workshop will include:

- Overview of the Zoning Code Update process
- Review of the organization of the Zoning Code
- Highlight of key substantive changes to the Zoning Code
- Identification of key policy considerations the Planning Commission would like to discuss at the second workshop to be held on September 19, 2017

BACKGROUND:

The Zoning Code Update portion of the Morgan Hill 2035 project began with a series of stakeholder, staff, Planning Commission, and City Council meetings in late 2015 to assess the strengths and weaknesses of the City's existing Zoning Code and in 2016 and 2017 to discuss the general approach for the Update process.

Feedback on Existing Zoning Code (weblink)

1. Problems with organization, consistency, and flow;
2. Difficult for readers to find what they're looking for and understand what they find;
3. Related content is not kept together or clearly cross-referenced;
4. Does not address all important land use and development issues;
5. Some regulations outdated, unnecessary, or inconsistent with current needs/practices; and,
6. Internal and external consistency issues.

Goals for Zoning Code Update

The Planning Commission and City Council supported an efficient process with sufficient opportunity to provide input on important aspects of the Zoning Code while avoiding a line-by-line review. The Commission and Council also identified the following goals for the updated Zoning Code.

- A. Implement and achieve consistency with the Morgan Hill 2035 General Plan;
- B. Create a user-friendly code for applicants, staff, and City officials;
- C. Modernize terminology and requirements to reflect current practices; and,
- D. Improve regulations to effectively address land use and development issues.

ANALYSIS:

Although the Zoning Code Update has resulted in significant changes to the City's existing Zoning Code, the majority of these changes are organizational and stylistic to address Goal B with the Zoning Code reorganized so that readers can more easily find content and be aware of applicable requirements. Where possible, standards are presented in tables, graphics are used to illustrate important concepts and requirements, and the Zoning Code is written in plain English with short and simple sentences.

Substantive changes to the Zoning Code to implement the recently adopted Morgan Hill 2035 General Plan and to address recent changes to state and federal law, addressing Goals A, C, and D, are identified in the Public Review Draft with notes written in *italicized text*. A summary of key substantive changes is listed in the Zoning Code User's Guide portion of the Public Review Draft (starting on PDF pg. 17 or pg. Guide-3).

Planning Commission Review of Draft Zoning Code

In addition to evaluating how well the Draft Zoning Code achieves the four stated goals for the Zoning Code Update, the Planning Commission should review specific chapters and sections of the Zoning Code that are particularly relevant to the Commission's designated responsibilities, including the following:

- Section 18.30.050 – Planned Development Combining District (new requirements and findings)
- Chapter 18.60 – Historic Resources
- Section 18.72.050 – On-Site Parking Alternatives (mostly new)
- Section 18.88.070 – Adjustments to Sign Standards
- Section 18.92.040 – Drive-Through Facilities
- Section 18.92.070 – Interim Uses in the MU-D and MU-F Zoning Districts (requires PC approval)
- Section 18.92.120 – Outdoor Sales and Displays
- Chapter 18.96 – Wireless Communication Facilities (new)
- Chapter 18.100 – Administrative Responsibility
- Chapter 18.104 – Common Permit Requirements
 - Section 18.104.140A – Decision and Notice/Date of Action (new)
 - Section 18.104.210 – Time Limits and Extensions (some procedural changes)
- Chapter 18.108 – Specific Permit Requirements
 - Section 18.108.030 – Conditional Use Permits
 - Section 18.108.040 – Design Permit
 - Section 18.108.070 – Minor Exceptions
 - Section 18.108.100 – Variances
- Chapter 18.112 – Appeals

- Chapter 18.114 – Zoning Code Amendments
- Chapter 18.116 – Development Agreements

Unless specifically identified, most of the above listed chapters/sections are substantively the same as the respective chapters/sections in the existing Zoning Code.

The Planning Commission should review and identify specific aspects of these chapters/sections (or others) that would benefit from a follow-up discussion at the September 19, 2017 workshop.

CEQA (California Environmental Quality Act):

An Environmental Impact Report (EIR) for the Morgan Hill 2035 Project, which includes the Zoning Code Update, was prepared in accordance with the California Environmental Quality Act (CEQA) and certified by the Morgan Hill City Council on July 27, 2016. (SCH#2015022074).

LINKS/ATTACHMENTS:

1. Public Review Draft Zoning Code (weblink)
2. Existing Title 18 Zoning (weblink)

Public Review Draft Zoning Code – Planning Commission Workshop #2 Discussion Topics

1. Calculation of Floor Area (18.12.050.A)

Section 18.12.050 (Floor Area and Floor Area Ratio) defines floor area and identifies specific building and site features included and excluded from the floor area calculation. At Workshop 1 the Planning Commission requested discussion of whether the floor area calculation should include: 1) attic area with a height of more than 7 feet; and 2) areas with a solid roof even if open on the sides. The Planning Commission also requested discussion of whether the floor area calculation should exclude basement areas.

Staff Comments

The Draft Zoning Code establishes a maximum floor area ratio (FAR) for the mixed use and industrial districts, and retains the existing FAR standard for the RDH-4,500 (formerly R-1 4,500) zoning district. An FAR standard is also established for accessory dwelling units (ADUs). There is no maximum FAR in the other residential zoning districts or commercial zoning districts. For certain commercial uses, on-site parking requirements are based on the floor area of the use.

The purpose of FARs is to limit the perceived bulk and mass of a structure and the intensity of non-residential uses. FAR establishes a maximum permitted building mass and intensity that is considered appropriate in the zoning district given the scale and character of surrounding development.

Attic areas with a height of 7 feet or more were added to the floor area calculation because the volume of this space would contribute to the perceived bulk and mass of a structure. This area could also be converted to habitable space, creating an enforcement issue for the City. Areas with a solid roof were added for the same reason.

The Draft Zoning Code defines a basement as a story of a building that is located primarily underground. Basements are excluded from the floor area calculation because they contribute to the perceived bulk and mass of a home less than an above-ground story. Basements can, however, be used as habitable space.

In the Draft Zoning Code, FAR applies primarily to non-residential uses, which rarely include attics or basements. Homes in Morgan Hill also rarely include basements, though many do have attics. For these reasons, staff would not be opposed to removing the attic and solid roof areas from the floor area calculation, and the basement from the floor area exclusion. However, the Planning Commission should note that this change could allow for larger Accessory Dwelling Units than would be allowed without these changes.

2. Applicability of Alternative Standards for RAL and RAM Zoning Districts (18.40.020)

Chapter 18.40 (Alternative Standards for Medium Density Residential Development) in the Draft Zoning Code carries forward existing Chapter 18.29. The existing Zoning Code is ambiguous on exactly when these standards apply and whether these standards are mandatory or optional. Existing Section 18.14.060 in the R-2 district chapter states: “For development standards for single-family detached and attached housing units on small lots less than seven thousand square feet, see Chapter 18.29 of the

Public Review Draft Zoning Code –

Planning Commission Workshop #2 Discussion Topics

Morgan Hill Municipal Code.” The R-3 district doesn’t reference Chapter 18.29. Existing Section 18.29.020 states that “The provisions of this chapter are intended for use in the R2 and R3 zoning districts. they are principally intended for single-family homes, townhomes, patio homes, courtyard homes, duets, and similar single-family detached and attached housing types.”

Because existing Chapter 18.29 was recently adopted and highly detailed, staff did not make substantive changes to this chapter for the Zoning Code Update. However, staff understands that further study and revisions to this chapter may be needed to best promote small lot residential development in Morgan Hill. Due to the complexity of this issue, staff recommends addressing this through a process outside of the Zoning Code Update. For this reason, staff recommends treating these standards in the Zoning Code as an available alternative, not a mandatory requirement. An applicant will have the option to use these standards to accommodate a small lot project, but could also use the development standards in Chapter 18.18 of the updated Code. Staff believe this approach maintains the original intent of the Alternative Standards for Medium Density Residential Development chapter, which was to remove regulatory barriers preventing applicants from proposing successful small lot residential projects.

3. Allowed land uses and permit requirements in non-residential zoning districts (Tables 18.22-1, 18.24-1, 18.26-1,18.28-1)

The Planning Commission requested reviewing allowed land uses and permit requirements in non-residential zoning districts as found in Tables 18.22-1, 18.24-1, 18.26-1,18.28-1. Commissioner Downey noted a number of possible revisions in his comments included in the attached comments summary table. Specific allowed uses to review include the following:

Mixed Use Districts (Table 18.22-1)

- Bars in restaurants
- Wine tasting

Commercial Districts (Table 18.24-1)

- Uses in general in CH zone
- Vehicle sales and service
- Cultural Institutions and Community Assembly
- Medical Offices and Clinics Schools had Public and Private Schools
- Warehousing and Distribution, Large and Small
- Light Fleet-Based Services
- Transportation Terminals

Industrial Districts (Table 18.26-1)

- Vehicle repair

Open Space, Public, and Recreation Districts

- Small home day care

Public Review Draft Zoning Code – Planning Commission Workshop #2 Discussion Topics

- residential uses in OS district
- Instructional services
- Assorted uses in SRL district

4. Changes to Development Standards

The updated Zoning Code generally carries forward from the existing Zoning Code the development standards (e.g., height, setbacks) that apply in each zoning district. In some cases, staff has revised existing development standards to increase clarity, eliminate undesirable standards, and better reflect the goals of the zoning districts. Attached are development standard tables from the updated Zoning Code with notes identifying changes to existing standards. If desired by the Planning Commission, staff can provide additional information at Workshop 2 explaining the reasons for these changes.

5. Parking: required parking spaces, on-site parking alternatives, bicycle parking (18.72.030, 18.72.050, 18.72.080)

Table 18.72-2 identifies minimum required on-site parking for allowed land uses. Changes to existing parking requirements are shown in the table as underlined text. Changes were made primarily to create a standard for a use that previously had no standard, or to modify an existing standard so that it is based on a fixed physical condition (floor area) rather than a variable operational characteristic (number of employees). The Planning Commission requested reviewing these standards to ensure that they are providing an appropriate amount of on-site parking to meet the parking demand of the use it serves.

Section 18.72.050 identifies instances in which the City may reduce the amount of on-site parking required for a use. Reductions may be allowed through in-lieu payments downtown, off-site parking arrangements, parking shared and consolidated between uses, valet parking, demonstrated lower demand, adoption of transportation demand management (TDM) plans, and proximity to the Morgan Hill Caltrain Station or Transit Center. All of these allowed reductions are new except for consolidated parking and in-lieu payments Downtown.

The General Plan contains a number of policies related to on-site parking requirements and potential reductions, including the following:

Policy CNF-14.10 Adequate Downtown Parking. Require adequate parking for all businesses within the downtown.

Policy CNF-14.11 Downtown Parking Sharing. Consider allowing Downtown land uses with night and weekend peak parking demands to share parking spaces with uses that have daytime and weekday peak parking demands.

Policy HE-4d: Parking Flexibility in the Downtown. Consider reducing parking minimum standards for smaller housing units in the Downtown Area, and allow flexibility for developers to purchase parking in other areas of the Downtown instead of providing it on site.

Public Review Draft Zoning Code – Planning Commission Workshop #2 Discussion Topics

GOAL TR-5 Adequate off-street parking.

Policy TR5-1 Adequate Parking Supply. Ensure that all developments provide adequate and convenient parking (also see Policy CD-13f). In the Downtown, implement the Parking Resources Supply and Management Strategy in order to monitor and ensure provision of a public parking supply adequate to serve non-residential uses, with no on-site requirement for non-residential development. Continue to identify and implement policies and pricing strategies that encourage alternatives to single-occupant vehicle use.

Action TR-5C Shared Parking. Amend the City’s parking requirements to allow shared parking among multiple users.

The Planning Commission should note that all available reductions to minimum on-site parking requirements, with the exception of In-Lieu payments downtown and consolidated shopping center parking, require Planning Commission approval. The Planning Commission is not required to allow the parking reductions; instead, the Commission *may* grant the reduction through the approval of a conditional use permit. Findings required to grant a conditional use permit would allow the Commission to deny a requested reduction if the Planning Commission determines that the reduced parking would result in an adverse impact on neighboring properties. For this reason, staff recommends that the Planning Commission retain on-site parking alternatives contained in Section 18.72.050 of the Zoning Code Update.

New bicycle parking standards are in Section 18.72.080, which require a certain number of short-term and long-term bicycle parking spaces for multi-family and non-residential uses. The section also establishes standards for the design and location of this parking. These bicycle parking standards are typical for community similar to Morgan Hill

6. Expiration of Permits after use is discontinued (18.104.210.A.2)

Section 18.104.210.A.2 in the updated Zoning Code states that “a permit shall expire and become void if the permitted land use is abandoned or discontinued for one year or longer.” The existing Zoning Code does not contain a similar statement, implying that conditional use permits and other approvals remain in effect permanently on a property even if the land use for which the permit was granted is abandoned or discontinued.

Staff recommends retaining the new permit expiration language in Section 18.104.210.A.2. Over time, the conditions on a site and within the vicinity of the site can change. If a use is discontinued for a year (or 10 or 20 years), the City would want to revisit whether that use remains appropriate at the time the use is reestablished. A one-year period is typical for requiring a new permit after a use is abandoned or discontinued. The Planning Commission could also consider an alternative time period, such as six months or two years.

Public Review Draft Zoning Code – Planning Commission Workshop #2 Discussion Topics

7. City of Morgan Hill Economic Blueprint

The Planning Commission has requested information on how the Zoning Code Update advances the goals of the City of Morgan Hill Economic Blueprint, completed early in 2017 and available [here](#). The Blueprint has 4 specific strategies that are related to Zoning changes, shown below using the numbering from the Blueprint). Italics text below each strategy describes how the Zoning Code advances the strategy.

4. Update Zoning Code and parking requirements to modernize Zoning Code and allow for new hybrid of developments that are considered “Class A Industrial” or “Flex Space”.

The Zoning Code modernizes permitted uses allowed in the commercial and industrial zoning districts. Required on-site parking standards are updated with new flexibility in meeting on-site parking standards (see parking discussion above).

6. Allow greater intensification (FAR) and taller buildings to increase value of employment lands.

Maximum intensity (FAR) for employment lands are set by the General Plan. Other development standards, such as height, are carried forward from the existing Zoning Code except where indicated in the attached tables. The Planning Commission may consider increased allowed height in certain locations that would not impact nearby residential uses.

7. Complete the Monterey Corridor Flex-Zoning Update and optimize development opportunity.

The Monterey Corridor Study is underway.

8. Streamline permitting process by allowing administrative approvals as part of Zoning Code Update.

The updated Zoning Code includes a new Administrative Use Permit to allow the Community Development Director to approve use permits without the need for a Planning Commission hearing. The Planning Commission may wish to identify uses in non-residential zoning district that currently require a CUP that could be approved with an AUP, or uses that could be allowed by right subject to new development or operational standards.

The City’s Economic Development team is completing their review of the Draft Zoning Code to see if/where there are additional opportunities for change/innovation to further the above strategies and will share any recommendations they have in advance of a follow-up workshop discussion or discussion at a regular Planning Commission meeting, depending on the scope of the recommendations.

Public Review Draft Zoning Code

Development Standards w/ Notes Identifying Proposed Changes

TABLE 18.16-2: RESIDENTIAL ESTATE (RE) DISTRICT DEVELOPMENT STANDARDS

	Residential Estate Subzones			Additional Standards
	RE-10	RE-100,000	RE-1	
Site Requirements				
Lot Area, Minimum	10 acres	100,000 sq. ft.	1 acre 1.	
Lot Width, Minimum	200 ft.	150 ft.	100 ft.	18.16.030.F
Lot Depth, Minimum	200 ft.	150 ft.	100 ft.	
Building Coverage, Maximum	15%	25%	30%	
Structure Requirements				
Setbacks, Minimum				18.56.030, 050 & 060
Front	50 ft.	50 ft.	25 ft.	18.16.030.C & G
Rear	50 ft.	25 ft.	25 ft.	
Interior Side	50 ft.	25 ft.	20 ft.	
Street Side	25 ft. 2.	15 ft. 2.	15 ft. 2.	
Height, Maximum	30 ft. 3.			18.56.020

- 1.** Changed from current 40,000 sq. ft. to be consistent with General Plan density 1 du/ac
- 2.** Simplified from current 15 feet or ½ the required front, whichever is greater
- 3.** Simplified from current 2 ½ stories, or 30 feet

TABLE 18.16-3: RESIDENTIAL DETACHED LOW AND MEDIUM DENSITY DISTRICT DEVELOPMENT STANDARDS

	RDL-20,000	RDL-12,000	RDM-9,000	RDM-7,000	Additional Standards
Site Requirements					
Lot Area, Minimum					
Single-Family Lot or Corner Duplex	20,000 sq. ft.	12,000 sq. ft.	9,000 sq. ft.	7,000 sq. ft.; 7,500 sq. ft. for corner lots	
Corner Duet Lot [1]			4,200 sq. ft.	3,500 sq. ft.	
Lot Width, Minimum					18.16.030.F
Single-Family Lot	100 ft.	75 ft.	70 ft.	60 ft.	
Corner Duet Lot			40 ft.	40 ft.	
Lot Depth, Minimum	100 ft.	100 ft.	85 ft.	85 ft.	
Building Coverage, Maximum	40%	40%	50%	50%	
Structure Requirements					
Setbacks, Minimum					18.56.030, 050 & 060
Front	25 ft.	25 ft.	<u>First Story:</u> 20 ft. <u>Upper Stories:</u> 25 ft. 1.	<u>First Story:</u> 20 ft. <u>Upper Stories:</u> 25 ft. 1.	18.16.030.C, E & G
Rear	25 ft.	25 ft.	<u>First Story:</u> 20 ft. <u>Upper Stories:</u> 25 ft.	<u>First Story:</u> 20 ft. <u>Upper Stories:</u> 25 ft.	
Interior Side	15 ft.	<u>First Story:</u> 10 ft. <u>Upper Stories:</u> 15 ft. 2.	<u>First Story:</u> 5 ft. <u>Upper Stories:</u> 12.5 ft. 2.	<u>First Story:</u> 5 ft. <u>Upper Stories:</u> 12.5 ft. 2.	18.16.030.D
Street Side	15 ft. 3.	15 ft. 3.	15 ft. 3.	15 ft. 3.	
Height, Maximum	30 ft. 4.	30 ft. 4.	30 ft. 4.	30 ft. 4.	18.56.020

Notes:

[1] The combined lot area of two adjacent duet lots may be no less than the minimum lot area required for single-family detached dwellings.

- 1.** Simplified from current 25 feet 1st story and 30 feet 2nd story, measured from face of curb
- 2.** Simplified from current
- 3.** Simplified from current 15 feet or ½ the required front, whichever is greater
- 4.** Simplified from current 2 ½ stories, or 30 feet

TABLE 18.16-4: RESIDENTIAL DETACHED HIGH DENSITY DISTRICT DEVELOPMENT STANDARDS

	RDH-4,500	Additional Standards
Site Requirements		
Lot Area, Minimum		
Single-family detached lots	4,500 sq. ft.	
Corner single-family detached lots	5,000 sq. ft.	
Duet lots	3,500 sq. ft.	
Lot Width, Minimum		18.16.030.F
Lots less than 5,000 sq. ft.	40 ft.	
Lots 5,000 sq. ft. or greater	50 ft.	
Lot Depth, Minimum	85 ft.	
Floor Area Ratio, Maximum	52%	
Structure Requirements		
Setbacks, Minimum		18.56.030, 050 & 060
Front	<u>First story:</u> 15 ft. <u>Upper stories:</u> 20 ft. 1.	18.16.030.C & G
Rear	15 ft. 2.	
Interior Side	<u>First story:</u> 10% of lot width <u>Upper stories:</u> 15% of lot width	
Street Side	15 ft. 3.	
Height, Maximum	35 ft.	18.56.020

- 1.** Added upper story setback.
- 2.** Removed 2nd story rear setback requirement; more important to have at front.
- 3.** Increased from current 9 ft.

TABLE 18.18-2: RESIDENTIAL ATTACHED LOW DENSITY DEVELOPMENT STANDARDS

	Residential Attached Low Density Subzones		Additional Standards
	RAL-3,500	RAL-3,000	
Site Requirements			
Lot Area, Minimum			
Duplex lots	7,000 sq. ft.	6,000 sq. ft.	
Duplex corner lots	7,500 sq. ft. 1.	6,500 sq. ft. 1.	
Duet lots	3,500 sq. ft.	3,000 sq. ft.	
Duet corner lots	3,750 sq. ft. 1.	3,250 sq. ft. 1.	
Multi-family and other uses	3,500 sq. ft.	3,000 sq. ft.	
Lot Width, Minimum			18.18.030.D
Duplex lots	70 ft.	70 ft.	
Duplex corner lots	80 ft. 2.	80 ft. 2.	
Duet and single-family attached lots	30 ft. 3.	30 ft. 3.	
Duet and single-family attached corner lots	40 ft.	40 ft.	
Other uses	50 ft. or as determined through the Conditional Use Permit 4.		
Lot Depth, Minimum	85 ft.	85 ft.	
Building Coverage, Maximum	50%	50%	
Site Area per Dwelling Unit, minimum	3,500 sq. ft.	3,000 sq. ft.	
Structure Requirements			
Setbacks, Minimum			18.56.030, 050 & 060
Front	20 ft.	20 ft.	18.18.030.E
Rear	15 ft., 20 ft. for two-story, located adjacent to a single-family district	15 ft., 20 ft. for two-story, located adjacent to a single-family district	
Interior Side	5 ft.	5 ft.	
Street Side	15 ft. 5.	15 ft. 5.	
Height, Maximum	30 ft. 6.	30 ft. 6.	18.56.020

- 1.** Increased minimum lot size for corner lots
- 2.** Increased width for corner lots
- 3.** Provided minimum dimension for interior lots
- 4.** Provided for those non-residential uses that may be allowed with a CUP
- 5.** Simplified from current 15 feet or ½ the required front, whichever is greater
- 6.** Simplified from current 2 ½ stories, or 30 feet

TABLE 18.18-3: RESIDENTIAL ATTACHED MEDIUM DENSITY AND HIGH DENSITY DEVELOPMENT STANDARDS

	RAM	RAH	Additional Standards
Site Requirements			
Lot Area, Minimum	6,000 sq. ft.; 4,500 sq. ft. for corner lots	6,000 sq. ft.; 6,500 sq. ft. for corner lots	
Lot Width, Minimum	60 ft.	40 ft.	18.18.030.D
Lot Depth, Minimum	85 ft.	75 ft.	
Building Coverage, Maximum	60%	60%	
Site Area per Dwelling Unit, Minimum	2,000 sq. ft.	1,100 sq. ft.	
Structure Requirements			
Setbacks, Minimum			18.56.030, 050 & 060
Front	15	15	18.18.030.E
Rear	20	15	
Interior Side	5	5	
Street Side	15 1.	15 1.	
Height, Maximum	40 ft. 2.	3 stories or 40 ft., whichever is less; min. 10 ft. for roof element on 3 story structure	18.56.020

1. Simplified from 15 feet or ½ the required front, whichever is greater

2. Simplified from current 3 stories, or 40 feet

TABLE 18.22-2: DEVELOPMENT STANDARDS IN MIXED USE ZONING DISTRICTS

	MU-D	MU-N	MU-F	Additional Standards
Site Requirements				
Lot Area, Minimum	3,500 sq. ft.	6,000 sq. ft.	6,000 sq. ft.	
Lot Width, Minimum	40 ft.	60 ft. 1.	60 ft.	
Lot Depth, Minimum	80 ft.	100 ft.	100 ft.	
Floor Area Ratio, Maximum	2.0 [1]	1.0 2.	0.5 2.	
Residential Density	None	26 du/acre 3.	26 du/acre 3.	
Building Coverage, Maximum	None	75%	50%	
Structure Requirements				
Setbacks	See Table 18.22-3			18.56.030, 050 & 060
Height, Maximum	3 stories and 45 ft. [2]	35 ft. [3] 4.	35 ft. [3]	18.56.020

- 1.** Simplified from current 50 ft. or 60 ft. for 2 or more dwellings
- 2.** Current no FAR
- 3.** Current no density
- 4.** Simplified from current 3 stories or 35 ft. with minimum 10 ft. devoted to roof element on a 3-story structure

TABLE 18.22-3: SETBACK STANDARDS IN MIXED USE ZONING DISTRICTS

	MU-D		MU-N 1.		MU-F	
Setback	Res.	Non-Res. [1]	Res.	Non-Res. [1]	Res. 2.	Non-Res. [1]
Front	<u>Min:</u> 6 ft. [2] <u>Max:</u> 15 ft.	<u>Min:</u> 0 ft. <u>Max:</u> 10 ft.	<u>Min:</u> 6 ft. [2] <u>Max:</u> 15 ft.	<u>Min:</u> 0 ft. [3] <u>Max:</u> 10 ft. 3.	<u>Min:</u> 15 ft. [2] <u>Max:</u> None	<u>Min:</u> 10 ft. [4] 4. <u>Max:</u> None
Rear, Min.	0 ft.	10 ft.	0 ft.	10 ft. 5.	20 ft.	10 ft. 6.
Interior Side, Min.	5 ft.	0 ft.	5 ft.	0 ft.	5 ft.	0 ft.
Street Side, Min.	6 ft.	0 ft.	6 ft.	0 ft.	10 ft.	10 ft. [4] 7.

Notes:

- [1] Includes mixed use buildings with residential uses above ground floor commercial.
 [2] Residential porches and similar entry features may project 5 ft. into the front setback. See Figure 18.22-1.
 [3] Building wall must be setback a minimum of 10 feet from the edge of curb. See Figure 18.22-2.
 [4] Outdoor seating, courtyards, and other publicly-accessible spaces may project 5 feet into the front setback.

1. Current no difference between residential and non-residential

2. Standalone residential is all TBD

3. New

4. Current 15 ft.

5. Current 0 ft.

6. Current 20 ft.

7. Current 15 ft.

TABLE 18.24-2: DEVELOPMENT STANDARDS IN THE COMMERCIAL ZONING DISTRICTS

	CN	CG	CH	CS	Additional Standards
Site Requirements					
Lot Area, Minimum	10,000 sq. ft. 1.	10,000 sq. ft.	20,000 sq. ft.	10,000 sq. ft.	
Lot Width, Minimum	100 ft.	100 ft.	70 ft.	100 ft.	
Lot Depth, Minimum	100 ft.	100 ft.	125 ft.	100 ft.	
Building Coverage, Maximum	50%	50%	40%	50%	
Structure Requirements					
Setbacks, Minimum					18.56.030, 050 & 060
Front	25 ft. 2.	25 ft.	40 ft.	25 ft.	
Rear	20 ft. 2.	20 ft.	20 ft.	20 ft.	
Interior Side	0 ft. 2.	0 ft.	0 ft.	0 ft.	
Street Side	15 ft. 3.	15 ft. 3.	20 ft. 3.	25 ft. 3.	
Height, Maximum	2 ½ stories and 30 ft.	3 stories and 35 ft.	3 stories and 35 ft.	3 stories and 35 ft.	18.56.020

1. Current 20,000 sq. ft.

2. Current 40 ft.

3. Simplified from current 15 ft. or ½ the required front setback, whichever is greater.

TABLE 18.26-2: INDUSTRIAL ZONING DISTRICT DEVELOPMENT STANDARDS

	CI	IO	IC	IL	IG	Additional Standards
Site Requirements						
Lot Area, Minimum	20,000 sq. ft.	40,000 sq. ft.	5 acres 1.	20,000 sq. ft.	20,000 sq. ft.	
Lot Width, Minimum	100 ft.	100 ft.	300 ft.	100 ft.	150 ft.	
Lot Depth, Minimum	100 ft.	100 ft.	300 ft.	100 ft.	100 ft.	
Floor Area Ratio, Maximum	0.5/0.6 [1]	0.6 2.	0.5 2.	0.6 2.	0.6 2.	
Building Coverage, Maximum	60%	40%	40%	50%	60%	
Structure Requirements						
Setbacks, Minimum						Chapter 18.56
Front	30 ft.	40 ft.	50 ft.	30 ft.	30 ft.	
Rear	20 ft.	20 ft.	20 ft. 3.	20 ft.	20 ft.	
Interior Side	10 ft.	10 ft.	25 ft. 3.	10 ft.	15 ft.	
Street Side 4.	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	
Height, Maximum	30 ft./50 ft. [2]	35 ft. 5.	50 ft. 5.	50 ft.	50 ft.	18.56

Notes:

[1] An FAR of 0.6 is allowed for industrial uses. An FAR of 0.5 is allowed for non-industrial land uses.

[2] A height of 50 feet is allowed for industrial uses. A height of 30 feet is allowed for non-industrial land uses.

- 1.** Current 20 ac
- 2.** Current no FAR
- 3.** Current 50 ft.
- 4.** Current no standard
- 5.** Current 3 stories or 35 ft.

TABLE 18.28-1: PUBLIC, OPEN SPACE, AND RECREATION DEVELOPMENT STANDARDS

	OS	PF	SRL-A	SRL-B	Additional Standards
Site Requirements					
Lot Area, Minimum	5 acres	None	1 acre	1 acre	
Lot Width, Minimum	100 feet		100 ft.	100 ft.	
Lot Depth, Minimum	None		150 ft.	150 ft.	
Impervious Coverage, Maximum	10% [1]	As required by review authority 1.	None	None	
Building Coverage, Maximum	5% [2]		30%	50%	
Structure Requirements					
Setbacks, Minimum					18.56.030, 050 & 060
Front	50 ft.	As required by review authority 3.	30 ft.	20 ft.	
Rear	50 ft.		50 ft.	15 ft.	
Interior Side	50 ft.		20 ft.	15 ft.	
Street Side	25 ft. 2.		30 ft.	200 ft.	
Height, Maximum	2 stories or 25 ft.		35 ft.	35 ft.	18.56.020

1. Current 50% max coverage

2. Simplified from current 15 ft. or ½ front, whichever is greater.

3. Current equal to the front, side, rear required in most restrictive abutting district, provided not less than 20 feet adjoining a street and interior not less than 10 feet; 3 stories or 35 ft.

PUBLIC REVIEW DRAFT ZONING CODE UPDATE COMMENTS

Updated September 14, 2017

ID	Page	Section	Source	Topic	Comment/Question	Staff Response
1	4-3	18.04.080	PC Workshop 1 Comment	Transitional Provisions, PD Zones	The applicability of previously adopted PD standards is unclear	Add language explaining how standards in previously adopted PD zones remain in effect where they apply
2	4-4	18.04.080.C	PC Workshop 1 Comment	Transitional provisions; Nonconformities	The applicability of new code to existing parcels, uses, and structures is unclear	Revise 18.04.080.C to explain what “not retroactive” means and clarify how updated code applies to legal nonconformities created from a change in code requirements.
3	8-1	18.08.030.I	PC Workshop 1 Comment	Interpretation, Role of Director	The word “is” should be listed as a mandatory term. Review code to consider instances where discretionary terms “may and “should” are used. Be clear that except in these cases requirements are mandatory.	Add “is” to examples of mandatory terms. Staff will review appropriate use of “may,” “should” and other discretionary terms in Zoning Code as they apply to the Director’s authority to interpret and administer the Zoning Code.
4	12-3	18.12.050.A.2	PC Workshop 1 Comment	Floor Area Measurement	Attic areas with a height of more than 7 feet and open areas with a solid roof possibly should not be included in floor area calculation	Discuss at Workshop 2.
5	12-4	18.12.060.B.1	PC Workshop 1 Comment	Number Stories Measurement	Clarify when basements and cellars are included in number of stories of a building	Revise Figure 18.12-3 label to say: “If distance from finished surface of the floor above to the average level of adjoining grade is six feet or less, the basement or cellar is not included in number of stories.”
6	12-5	18.12.070.A	PC Workshop 1 Comment	Lot Area Measurement	Clarify when easements are excluded from lot area measurement	Clarify lot area calculation excludes: 1) all public easements; and 2) All private easements except for private streets in excess of 15 percent of the lot area. Add examples of public and private easements.
7	14-3	18.14.020.C	PC Workshop 1 Comment	Zoning Districts	Verify voter approved zoning for Cochrane Plaza is not overlooked	We will retain the following note on the Zoning Map: “The Planned Development zoning district on the southwest corner of Cochrane Road and Highway 101 was established by voter initiative. The location or requirements in this designation cannot be modified without voter approval.”
8	16-2	Table 18.16-1	PC Workshop 1 Comment	Mushroom Farms	Prohibit mushroom farms in the RE zone	Add note to Table 18.16-1 prohibiting mushroom farms in the RE zone
9	16-2	Table 18.16-1	PC Workshop 1 Comment	Table note	Table notes are numbered incorrectly	Staff will correct error
10	18-3	18.18.030.B	PC Workshop 1 Comment	Alternative Standards for RAL and RAM Zoning Districts	Treating these standards as optional rather than mandatory needs discussion	Discuss at Workshop 2.
11	22-1	18.22.010.B.2	PC Workshop 1 Comment	MU-N Purpose Statement	We may not want to limit the MU-N only to areas in close proximity to Downtown, as stated in the purpose statement	Revise MU-N purpose statement to say “in close proximity to Downtown and other activity centers.” Revise MU-F purpose statement to say “typically along the Monterey Road Corridor”
12	22-5	18.22.030	PC Workshop 1 Comment	Residential and Mixed Use in the MU-F Zone	Concern that we are not adequately addressing mixed use on Monterey Corridor as part of the Zoning Ordinance Update	Discuss with City Council at joint study session
13	30-2	18.30.020.B	PC Workshop 1 Comment	Ground Floor Overlay Applicability	Confirm Ground Floor Overlay Applicability language is correct	Discuss at Workshop 2. Revise to be consistent with DTSP

ID	Page	Section	Source	Topic	Comment/Question	Staff Response
14	30-2	Table 18.30-1	PC Workshop 1 Comment	Ground Floor Overlay Allowed Uses	Confirm Table 18.3-1 consistency with Downtown Specific Plan	Replace list of allowed uses in GF overlay zone with reference to Figure 8 in Downtown Specific Plan.
15	72-2	Table 18.72-2	PC Workshop 1 Comment	Required On-Site Parking	Ensure minimum on-site parking is sufficient to accommodate parking demand	Discuss at Workshop 2
16	72-8	18.72.050	PC Workshop 1 Comment	On-Site Parking Alternatives	Ensure reductions in on-site parking are desirable and will not impact neighboring properties	Discuss at Workshop 2
17	72-12	18.72.060.G	PC Workshop 1 Comment	Parking Lighting	Consider lighting requirement for structured parking	California Building Code Section 1008.2 requires Illumination of 1 foot - candle in all buildings when occupied this would also include parking structures. Add new provisions to 18.72.060.G: "Parking structures shall provide indoor lighting as required by the California Building Code."
18	88-6	18.88.050	PC Workshop 1 Comment	Temporary Political Signs	Identify political signs in the ROW as a prohibit sign.	Add reference the City's rules that apply to temporary political signs
19	88-6	18.88.050.B.6	PC Workshop 1 Comment	Signs projecting over private roadway	City does not issue encroachment permits for encroachments into private roadways	Delete reference to "private vehicular roadways" in 18.88.050.B.6
20	92-13	18.92.100	PC Workshop 1 Comment	Marijuana	City's marijuana regulations may change due to legalization	Amend 18.92.090 if needed after Council updates Municipal Code Chapter 9.16 (Marijuana)
21	100-1	Table 18.100-1	PC Workshop 1 Comment	Review Authority	Add chapter reference to table	Staff will make change
22	104-10	18.104.210	PC Workshop 1 Comment	Permit Expiration	Concern with permits expiring if use is discontinued for one year or longer	Discuss at Workshop 2
23	108-8	18.108.040.J.7	PC Workshop 1 Comment	Design Permit Findings	Remove reference to non-existent Residential Design Criteria	Revise Finding 7 to state: "For new residential development, the project complies with commitments made through the Residential Development Control System (RDCS)"
24	112-1	18.112.030.A	PC Workshop 1 Comment	Appeals, Eligibility to File	Clarify if Planning Commissioners, staff, and Council members can appeal decisions	Add reference to Municipal Code Chapter 1.20, clarify that PC, CC, and staff may appeal decisions as affected residents, add section on Commission and Council calling up decisions for review.
25	14-3	18.14.020.C.2	Staff	Conditional Zoning	Identify conditional zoning as a legacy zone	Add conditional zoning to list of legacy zones.
26	16-3	18.16.030.B	Staff	Residential Design Criteria	Chapter 18.36 (Residential Design Criteria) doesn't exist	Remove reference to Chapter 18.36 wherever it appears
27	22-3	Table 18.22-1	Staff	Allowed uses in MU-D	Allowed uses in MU-D do not precisely align with uses allowed by Downtown Specific Plan.	Discuss at Workshop 2, Replace list of allowed uses for MU-D zone with reference to Figure 8 in Downtown Specific Plan. The list of allowed uses in DTSP are unique and it is difficult to align them with new land uses in Zoning Code
28	4-2	18.04.060.C	Commissioner Downey	Applicability, Public Projects	Says "The Zoning Code does not apply to public projects of the City of Morgan Hill" What control do we have over public projects relative to our Zoning and constructions requirements?	The Zoning Code applies to all governmental agencies other than the City itself to the extent allowed by State law. For City projects (e.g., new community center) the City may choose to following the Zoning Code or not.
29	4-4	18.04.080.C	Commissioner Downey	Transitional provisions; Nonconformities	We discussed this at our first meeting, but would be good to ensure this is understood by the reader in the Zoning code. How is this practically applied. If a property is Zone X in the old, and Y in the new, which applies, both, they can choose? What about the zoning regulations detail, like set backs, etc.?	Revise 18.04.080.C to explain what "not retroactive" means and clarify how updated code applies to legal nonconformities created from a change in code requirements.

ID	Page	Section	Source	Topic	Comment/Question	Staff Response
30	4-4	18.04.090	Commissioner Downey	Severability	Don't understand this statement..."The City council hereby declares..."	If any portion of the Zoning Code is found by a court to be invalid, this doesn't affect the validity of the remainder of the code. This is a legal statement with a particular meaning that should remain as written.
31	8-1	18.08.030.B	Commissioner Downey	Minimum Requirements	Says "When the Zoning Code provides for discretion on the part of a City official or body, that discretion may be exercised to impose more stringent requirements as necessary.." Does that imply that the council can not decide to apply less stringent requirements that what the code requires?	Correct. The Council cannot apply less stringent requirements. The Code allows for deviation from standards through the Variance and Minor Exception process. No change needed.
32	8-3	18.08.040.B.3	Commissioner Downey	Unlisted Uses	Does the Community Development Director have full discretion here? Any consultation or notification required? Just curious	Yes, the Director has full discretion. Decisions of the Director may be appealed. The Director may choose to bring important interpretations to the Planning Commission for input. No change needed.
33	12-3	18.12.050.A.2.d	Commissioner Downey	Floor Area Measurement	Suggest removing or changing the criteria for attics. Many home styles have high attics but are not designed or built to be used.	Discuss at Workshop 2
34	12-3	18.12.050A.3.b	Commissioner Downey	Floor Area Measurement	Suggest we discuss whether a basement should be included. We included undeveloped attic space but not basements. Does not seem correct	Discuss at Workshop 2
35	14-1	Table 18.14-1	Commissioner Downey	Zoning Districts, RDH-4,500	RDH 4500 - is this Zoning District new. And does this district address the planned or suggested smaller home, smaller lot initiative that Comm McKay has been leading?	RDH 4500 is an existing zoning district (name changed). Small lot home standards from McKay's initiative are options that apply in the RAL and RAM zones. These alternative standards will be discussed at Workshop 2.
36	14-2	Table 18.14-1	Commissioner Downey	Residential Attached High (RAH) Zone	RAH should not be applicable to Downtown only, should be available to apply in any section of the City	RAH is most directly related to the Residential Downtown General Plan Land Use designation, so no change to 18.14-1 needed. 18.18.010.B.3 modify to read, "The purpose of the RAH zoning district is to provide locations for high density attached housing types <u>typically</u> within and adjacent to Downtown Morgan Hill."
37	14-2	Table 18.14-1	Commissioner Downey	Agricultural Zone	Last section does not address Agricultural, should it?	Although the General Plan includes an "Agriculture" Land Use designation, this designation has not been applied to any properties. Any application of the Agriculture General Plan designation to properties in the future would likely be reserved for sites that are intended to remain unincorporated County and subject to the County's Zoning Ordinance. Therefore, a City Agriculture Zoning District would not be required.
38	14-3	18.14.020.C	Commissioner Downey	Legacy Zones	Similar to page 4-4 above, suggest this needs better explaining how it will be applied for older properties with older zoning.	Elaborate what is meant by "remains the zoning in effect for the property."
39	16-1	18.16.010	Commissioner Downey	Residential Detached Zoning District, District Names	Was the term "single family" removed intentionally and for a specific reason? When you read the description in "A-general" it refers to single family specifically, yet the term was removed from the title	Zoning district name "Residential Detached" was used to match terminology in the General Plan. No change needed.
40	16-2	Table 18.16-1	Commissioner Downey	Residential care small	Suggest changing Residential Care facility small to a C (Conditional) and not P. They may not be appropriate for all residential areas. Should be reviewed. Are Residential Care facilities not a commercial business?	State law requires the City to regulate small residential care facilities the same as a single-family home. The City has no discretion on this. No change needed.
41	16-2	Table 18.16-1	Commissioner Downey	Cultural Institutions, Definitions	What are all the possible "cultural institutions", assume churches, what are other examples?	Page 12-4 defines cultural institutions as "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,

ID	Page	Section	Source	Topic	Comment/Question	Staff Response
						botanical gardens, and other similar uses: Churches fall under the “community assembly” use. No change needed.
42	16-3	18.16.020.C	Commissioner Downey	RDCS reference	Section says that all development must comply with the RDCS , but certain uses in the table above are not covered by the RDCS. Like a Residential care facility. Should we edit this section?	The statement that “all residential development must comply with the RDCS” is correct. Listing in detail in the Zoning Code the RDCS applicability and exceptions is not necessary. No change needed.
43	16-3	18.16.030.C	Commissioner Downey	Garage setbacks	Garages and Carport setbacks. Is this a new addition to the code?	This is carried forward from existing code (Hidden in 18.50.240). No change needed.
44	22-1	18.22.010.A	Commissioner Downey	Mixed Use Zone Purpose Statement	Statement says "In the mixed use zoning districts development supports a welcoming, pedestrian friendly public realm with inviting residences and storefronts facing the sidewalk." The residences and storefronts must face the sidewalk, or just storefronts? And why, does it matter, Some designs may be more appropriate with side or interior residences or stores.	Revise sentence to say “In the mixed use zoning district the design of development supports a welcoming, pedestrian-friendly public realm.”
45	22-1	18.22.010.B.2	Commissioner Downey	Mixed Use Neighborhood Applicability	Don't agree that neighborhood mixed use should be limited to downtown. There are other areas along Monterey, Dunne, Cochrane and other locations that may be appropriate and benefit from MU-N	Revise MU-N purpose statement to say “in close proximity to Downtown and other activity centers.”
46	22-1	18.22.010.B.3	Commissioner Downey	Mixed Use Flex Applicability	Don't agree that Mixed Use Flex (MU-F) mixed use should be limited to downtown and Monterey corridor. There are other areas along Dunne, Cochrane and other locations that may be appropriate and benefit from MU-F	Revise MU-F purpose statement to say “ <u>typically</u> along the Monterey Road Corridor”
47	22-2	18.22.020 - NOTE	Commissioner Downey	Bars, Mixed Use Zones	Why eliminate a bar from a CUP for existing restaurants. Suggest all bars and alcohol related uses should be a CUP. Allow for notification and public input. Any bar would have potential noise and parking and late night activity concerns	Discuss at Workshop 2.
48	22-2	18.22.020 - NOTE	Commissioner Downey	Wine tasting, Mixed Use Zones	Section says allow wine tasting with a CUP, limited to tasting only, not sales?	Discuss at Workshop 2. Definition of Tasting Rooms includes on-site and off-site retail sales directly to the public.
49	22-5	18.22.030	Commissioner Downey	Residential Uses in MU-F Zone	Should have clear operating procedures for Monterey corridor until the full Monterey plan is in place. We should allow for development if the momentum and investment is there. Suggest everything be a CUP for now	Discuss at Joint City Council Study Session.
50	24-2	18.24.020	Commissioner Downey	Allowed Uses, CN Zone	CN Zoning District - Suggest Vehicle washing be moved or restricted to a non residential commercial zone. Causes noise and traffic challenges.	Discuss at Workshop 2. Does require a CUP and is subject to meeting performance standards, including noise. Noise and traffic analyses are typical requirements for these types of uses.
51	24-2	18.24.020	Commissioner Downey	Allowed Uses, CH Zone	CH Zoning District - This seems very light. Should we not allow car sales, vehicle service, and other typical freeway fronting businesses in this zone? We allow vehicle rentals, but not sales, strange?	Discuss at Workshop 2. Vehicle sales and leasing is a permitted use in CH.
52	24-2	18.24.020	Commissioner Downey	Allowed Uses, CS Zone	CS Zoning District - Add vehicle sales and service to this category	Discuss at Workshop 2. Vehicle sales and leasing and minor vehicle repair and maintenance are permitted uses in CS.
53	24-3	Table 18.24-1	Commissioner Downey	Allowed Uses, CH and CS Zone	Suggest adding C to Cultural Institutions and Community Assembly for CH and CS	Discuss at Workshop 2.

ID	Page	Section	Source	Topic	Comment/Question	Staff Response
54	24-3	Table 18.24-1	Commissioner Downey	Allowed Uses, CH Zone	Suggest adding C to Medical Offices and Clinics Schools had Public and Private Schools in CH	Discuss at Workshop 2.
55	24-4	Table 18.24-1	Commissioner Downey	Allowed Uses, CH and CS Zone	Suggest adding C to Warehousing and Distribution, Large and Small to CH and CS	Discuss at Workshop 2.
56	24-4	Table 18.24-1	Commissioner Downey	Allowed Uses, CH and CS Zone	Suggest adding C to Light Fleet-Based Services to CH and CS	Discuss at Workshop 2.
57	24-4	Table 18.24-1	Commissioner Downey	Allowed Uses, CH and CS Zone	Suggest adding C to Transportation Terminals Services to CH and CS	Discuss at Workshop 2.
58	26-2	18.26.020	Commissioner Downey	Vehicle Repair, Permit Required	Would suggest that vehicle repair always be a CUP unless the facility was originally built and zoned for vehicle repair services.	Discuss at Workshop 2.
59	26-5	18.26.020.D.2	Commissioner Downey		By Tasting rooms, does this imply retail sales also, suggest it should	Definition of Tasting Rooms on page 124-7 includes retail sales.
60	28-1	18.28.020	Commissioner Downey	Small home day care, OS Zone	Why would we allow day care in an Open Space zone? Please explain this logic?	Small home day care is day care for 8 or fewer children operated as an accessory use from someone's home. State law requires the City to regulate small home day care the same as a single-family home. If a single-family home is allowed by-right in the OS zone, small family home day care must be allowed by right as well. No change needed.
61	28-2	Table 18.28-1	Commissioner Downey	Residential Uses, OS Zone	Suggest we change SF Detached dwelling to a C and not a P. And explain why we allow residential development in Open space zoning?	One home per parcel is allowed by General Plan. Single-family homes on lots 5 acres or more are allowed by current zoning. Discuss at Workshop 2.
62	28-2	Table 18.28-1	Commissioner Downey	Allowed Uses, PF Zone	A day care facility is a commercial business, why allow this in a PF zone?	Discuss at Workshop 2. Day Care Centers could be associated with other Public Quasi-Public uses (churches, schools)
63	28-2	Table 18.28-1	Commissioner Downey	Allowed Uses, PF and OS Zones	Why allow Home Day Care, Small in an OS or PF zone, suggest these be restricted	See note above about State law. Discuss at Workshop 2.
64	28-2	Table 18.28-1	Commissioner Downey	Allowed Uses, PF and OS Zones	Why allow Instructional services (a commercial business) in an OS or PF zone, suggest these be restricted	Discuss at Workshop 2.
65	28-3	Table 18.28-2	Commissioner Downey	Allowed Uses, SRL Zones	Explain why any of these would be allowed in a Sport and Rec zone? Suggest they not be allowed Drive-through establishments Gas and service stations Hotel and motels Restaurants Day spas, barbershops, and hair salons Crop cultivation Farmer's market Sales of agricultural products grown on site Wineries	Discuss at Workshop 2. This is what City Council approved in August 2015. The SRL zoning districts are currently not applied to any properties in the City. Several sites in the SEQ were pre-zoned SRL A or B in anticipation of annexation.