

ZONING AMENDMENT ZA-16-03: RESIDENTIAL CARE FACILITIES

Licensing of Residential Care Facilities

Three State Agencies are responsible for licensing and overseeing community-based residential facilities:

1. The California Department of Social Services;
2. California Department of Public Health; and,
3. The Department of Health Care Services.

Community and Residential care facilities must have a valid license to operate. This is determined **by the State and not by the City.**

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Morgan Hill Zoning Requirements (Current)

- Residential Care Facilities serving six or fewer residents (small facilities) are considered a residential property and are treated the same as a single-family home.
- Large Residential Care Facilities (those with seven or more residents) are subject to local land use regulations. As currently written, the Municipal Code requires a **Conditional Use Permit**.

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Morgan Hill Zoning Requirements (Proposed)

- Align the City's definitions with State Licensing where applicable.
- Consider licensed residential care facilities to be a non-residential use and therefore not subject to RDCS.
- Non-licensed residential facilities are very similar to residential development and thus subject to the RDCS
- Consistent approach for all affordable housing (in relation to RDCS)
- Applies to all future projects (e.g., which have not obtained Use Permits)
- Projects will either be considered residential (subject to RDCS) or, if licensed, commercial

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Recommendation

1. Open/close Public Hearing
2. Waive First/Second Reading; and,
3. Introduce Ordinance