

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL AMENDING TITLE 18, DIVISION I, ZONING CODE TO AMEND CHAPTER 18.04 "DEFINITIONS", AMEND CHAPTER 18.14 - R-2 MEDIUM-DENSITY RESIDENTIAL DISTRICT, SECTION 18.14.040-CONDITIONAL USES, AMEND CHAPTER 18.16 - R-3 MEDIUM-DENSITY RESIDENTIAL DISTRICT, SECTION 18.16.040-CONDITIONAL USES, AMEND CHAPTER 18.17 - R-4 HIGH-DENSITY RESIDENTIAL DISTRICT, SECTION 18.17.040-CONDITIONAL USES, AMEND CHAPTER 18.19- PUBLIC FACILITIES DISTRICT, SECTION 18.19.030-CONDITIONAL USES, AMEND CHAPTER 18.20-CN NEIGHBORHOOD COMMERCIAL DISTRICT, SECTION 18.20.030-CONDITIONAL USES, AMEND CHAPTER 18.22-CG GENERAL COMMERCIAL DISTRICT, SECTION 18.22.030-CONDITIONAL USES, AMEND CHAPTER 18.24 CC-R CENTRAL COMMERCIAL/RESIDENTIAL DISTRICT, SECTION 18.24.070-CONDITIONAL USES, AMEND CHAPTER 18.25 - CL-R LIGHT COMMERCIAL/RESIDENTIAL DISTRICT, SECTION 18.25.030-CONDITIONAL USES, OF THE MORGAN HILL MUNICIPAL CODE.

WHEREAS, this proposed Ordinance (Zoning Amendment ZA-16-03) was considered by the Planning Commission of the City of Morgan Hill at its regular meetings of April 12 and April 26, 2016, at which time the Planning Commission recommended approval of ZA-16-03: Residential Care Facilities; and

WHEREAS, this proposed Ordinance (Zoning Amendment ZA-16-03) was considered by the City Council of the City of Morgan Hill at its regular meeting of May 18, 2016; and

WHEREAS, testimony received at duly-noticed public hearings on the proposed Ordinance (Zoning Amendment ZA-16-03), along with exhibits and other materials submitted as a part of public hearing, have been considered in the review process; and

WHEREAS, adoption of this proposed Ordinance (Zoning Amendment ZA-16-03) does not constitute a project under the provisions of the California Environmental Quality Act of 1970 as described below.

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

SECTION 1. The City Council hereby finds that the amendment established by this ordinance as herein described is compatible with the goals, objectives, and policies of the General Plan of the City of Morgan Hill. The City Council further finds that the proposed amendment is required in order to serve the public health, convenience and general welfare as provided by Section 18.62.070 of the Morgan Hill Municipal Code. The proposed amendment is consistent with the General Plan as follows:

Policy 1a. Ensure that City decisions regarding planning are reached in a comprehensive, coordinated manner.

The amendments are comprehensive in nature and will be consistent with State licensing requirements.

Policy 2d. Plan for the needs of all socioeconomic segments of the community, encouraging self-sufficiency in jobs and housing within the city.

The amendments provide clarity where residential care facilities may be located within the City and what permitting requirements will be necessary. Residential care facilities will be available for all socioeconomic segments of the community.

Policy 7m. Allow residential uses in commercial zones and residential and commercial uses within a structure in a commercial zone (e.g., downstairs commercial and upstairs residential), subject to meeting performance standards.

The amendments provide for Residential care facilities in commercial zones, with a Conditional Use Permit, provided state licensing is obtained. The State requires certain standards be met to obtain licensing.

SECTION 2. Projects approved pursuant hereto are exempt from the California Environmental Quality Act (CEQA) under Section 15061(b)(3) of Guidelines for CEQA. The proposed text amendments to the Morgan Hill Municipal Code are covered by the general rule that CEQA applies to projects that 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 are changes only to definitions of certain uses. Adoption of this amendment does not create changes in the physical environment and are therefore exempt pursuant to the exemption described above.

SECTION 3. The City Council hereby amends Title 18, Division I, Zoning Code to amend Chapter 18.04 "Definitions", amend Chapter 18.14 - R-2 Medium-Density Residential District, Section 18.14.040-Conditional Uses, amend Chapter 18.16 - R-3 Medium-Density Residential District, Section 18.16.040-Conditional Uses, amend Chapter 18.17 - R-4 High-Density Residential District, Section 18.17.040-Conditional Uses, amend Chapter 18.19- Public Facilities District, Section 18.19.030-Conditional Uses, amend Chapter 18.20-CN Neighborhood Commercial District, Section 18.20.030-Conditional Uses, amend Chapter 18.22-CG General Commercial District, Section 18.22.030-Conditional Uses, amend Chapter 18.24 CC-R Central Commercial/Residential District, Section 18.24.070-Conditional Uses, amend Chapter 18.25 - CL-R Light Commercial/Residential

District, Section 18.25.030-Conditional Uses, of the Morgan Hill Municipal Code, as outlined in the attached Exhibit "A".

SECTION 4. Severability. If any part of this Ordinance is held to be invalid or inapplicable to any situation by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or the applicability of this Ordinance to other situations.

SECTION 5. Effective Date; Publication. This Ordinance shall take effect thirty (30) days after the date of its adoption. The City Clerk is hereby directed to publish this ordinance pursuant to §36933 of the Government Code.

The foregoing ordinance was introduced at a meeting of the City Council held on the 18th day of May, 2016 and was finally adopted at a meeting of the City Council held on the ___ day of ___, 2016 and said ordinance was duly passed and adopted in accordance with law by the following vote:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSTAIN: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

ATTEST:

APPROVED:

IRMA TORREZ, City Clerk

STEVE TATE, Mayor

CERTIFICATION

I, IRMA TORREZ, 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 its regular meeting held on the _____ day of _____, 2014.

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

DATE:

IRMA TORREZ, City Clerk

Exhibit "A"

Chapter 18.04- DEFINITIONS

18.04.112 - Congregate care for the elderly/assisted living facility.

~~"Congregate Care for the elderly/assisted living facility" (see Residential Care Facility) is a facility for long term residence exclusively by persons fifty five years of age or older or persons under fifty five with compatible needs, and which shall include within the same single structure, without limitation, individual sleeping quarters with no more than half kitchens, common dining facility which provides a sit down dining service at two distinct times per day, recreational features such as a lounge or recreation room, special safety and convenience 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.~~

~~(Ord. 1899 N.S. § 1 (part), 2008)~~

18.04.382.75 – Residential care facility, large.

~~"Residential care facility, large" is any facility on a single lot of record, licensed by the state, public or private, for profit or non profit, which regularly provides seven or more persons with twenty four hour per day care, individual sleeping quarters with no more than half kitchens, food, lodging, training, education, supervision, habilitation, rehabilitation, and treatment they need, but which for any reason cannot be furnished in the person's own home. Residential facilities include but are not limited to: state institutions under the control of the state, foster homes, halfway houses, residential treatment centers, maternity shelters, group homes, residential programs, or schools for handicapped children. This definition does not include congregate care for the elderly.~~

~~(Ord. 1899 N.S. § 1 (part))~~

18.04.382.75- Residential care facility.

"Residential care facility" is a state licensed facility 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:

1. Assistance in dressing, grooming, bathing and other personal hygiene;
2. Assistance with taking medication and central storing and distribution of medications;
3. Arrangement of and assistance with medical and dental care;
4. Maintenance of house rules for the protection of residents;
5. Supervision of resident schedules and activities;
6. Maintenance and supervision of resident monies or property;
7. Monitoring food intake and special diets.

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.

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 (RDSCS).

18.04.393 - Senior citizen housing, independent/active.

"Independent/active senior citizen housing" means a dwelling unit (owned or rented) which is designed for, and limited to occupancy by persons who are of fifty-five years of age or older. This type of senior housing may or may not provide services to residents, but services are not at the levels and the form which define residential care facilities ~~congregate care for the elderly/assisted living facilities~~.

Chapter 18.14 - R-2 MEDIUM-DENSITY RESIDENTIAL DISTRICT

18.14.040 - Conditional uses.

The following uses may be conditionally allowed in the R-2 district, subject to issuance of a conditional use permit, in accordance with [Chapter 18.54](#) of this title:

- J. Residential care facilities, ~~large; and~~
- ~~K. Congregate care for the elderly/assisted living facility.~~

Chapter 18.16 - R-3 MEDIUM-DENSITY RESIDENTIAL DISTRICT

18.16.040 - Conditional uses.

The following uses may be conditionally allowed in the R-3 district, subject to issuance of a conditional use permit in accordance with [Chapter 18.54](#) of this title:

- H. Residential care facilities, ~~large; and~~
- ~~I. Congregate care for the elderly/assisted living facility.~~

Chapter 18.17 - R-4 HIGH-DENSITY RESIDENTIAL DISTRICT

18.17.040 - Conditional uses.

The following uses may be conditionally allowed in the R-4 district, subject to issuance of a conditional use permit in accordance with [Chapter 18.54](#) of this title:

H. Residential care facilities, ~~large;~~ and

~~I. Congregate care for the elderly/assisted living facility.~~

Chapter 18.19 - PUBLIC FACILITIES DISTRICT

18.19.030 - Conditional uses.

The following uses may be conditionally allowed in the PF public facilities district, subject to issuance of a conditional use permit in accordance with [Chapter 18.54](#) of this title:

O. Residential care facilities, ~~large;~~ and

~~P. Congregate care for the elderly/assisted living facility; and~~

P Q. Any other use which the planning commission finds to be of similar nature to the permitted or conditional uses specified in this chapter for the PF zoning district.

Chapter 18.20 - CN NEIGHBORHOOD COMMERCIAL DISTRICT

18.20.030 - Conditional uses.

The following uses may be conditionally allowed in the CN neighborhood commercial district, subject to issuance of a conditional use permit in accordance with [Chapter 18.54](#) of this title:

L. Residential care facilities, ~~large;~~ and

~~M. Congregate care for the elderly/assisted living facility; and~~

M N. Any other use which the planning commission finds to be of a similar nature to the permitted or conditional uses specified in this chapter for the CN zoning district.

Chapter 18.22 - CG GENERAL COMMERCIAL DISTRICT

18.22.030 - Conditional uses.

The following uses may be conditionally allowed in the CG general commercial district, subject to issuance of a conditional use permit in accordance with [Chapter 18.54](#):

N. Residential care facilities ~~Congregate care for the elderly/assisted living facility;~~ and

Chapter 18.24 - CC-R CENTRAL COMMERCIAL/RESIDENTIAL DISTRICT*

18.24.070 - Conditional uses.

The following uses may be conditionally allowed, subject to issuance of a conditional use permit in accordance with [Chapter 18.54](#) of this title and finding of consistency with the downtown plan, if located therein:

G. Residential care facilities, ~~large~~;

H. ~~Congregate care for the elderly/assisted living facility;~~

Chapter 18.25 - CL-R LIGHT COMMERCIAL/RESIDENTIAL DISTRICT

18.25.030 - Conditional uses.

The following uses may be conditionally allowed in the CL-R district, subject to issuance of a conditional use permit in accordance with [Chapter 18.54](#) of this title:

P. Residential care facilities, ~~large~~;

Q. ~~Congregate care for the elderly/assisted living facility;~~