

AGENDA

City of Plymouth

PLANNING COMMISSION

REGULAR MEETING
THURSDAY, JUNE 20, 2024
6:30 P.M.



9426 Main Street, Plymouth, California

Thomas Mikkelsen, Chair

Michael Sullivan, Vice Chair

Melvin Cossairt, Commissioner

William Klapproth, Commissioner

PLEASE NOTE: The Planning Commission may take up any agenda item at any time, regardless of the order listed. Action may be taken on any item on the agenda. Members of the public who wish to speak may be subject to a three (3) minute maximum time limit when addressing the Commission, and/or the Commission may require speaker identification sheets be submitted to the Planning Commission Secretary prior to being called upon by the Chairman to provide public comment.



**CITY OF PLYMOUTH
PLANNING COMMISSION
REGULAR MEETING AGENDA
THURSDAY, JUNE 20, 2024 at 6:30 PM**

Plymouth City Hall - 9426 Main Street Plymouth, California

Members of the public not attending in person may submit written public comment prior to the meeting by emailing your comment to the Planning Commission Secretary at dknight@CityofPlymouth.org before 3:30 PM on the day of the meeting. Emailed public comments will be distributed to the Commission and made part of the official record.

Thomas Mikkelsen, Chair

Michael Sullivan, Vice-Chair

Melvin Cossairt, Commissioner

William Klapproth, Commissioner

This meeting will be recorded. Council Chambers are wheelchair accessible. Special accommodations may be requested by contacting the Commission Secretary 72 hours in advance of the meeting.

Please silence all cell phones or similar devices.

1. CALL TO ORDER / ROLL CALL:

- Roll Call
- Flag Salute

2. APPROVAL OF PLANNING COMMISSION REGULAR MEETING AGENDA FOR JUNE 20, 2024

3. PUBLIC COMMENT:

Under provisions of the California Code, citizens wishing to address the Commission for any matter not on the agenda may do so at this time by completing and submitting a Speaker Submittal Form to the Planning Commission Secretary or following the instructions noted on this agenda. Speakers will be called by the Chair at the point on the agenda when the item will be heard. Speakers should keep comments to three minutes or less and state their name and community of residence. Under provisions of the California Government Code, the Commission is prohibited from materially discussing or taking action on any item not on the agenda unless it can be demonstrated to be of an emergency nature or an urgent need to take immediate action arose after the posting of the agenda.

4. PRESENTATIONS/APPOINTMENTS:

4.1 RECEIVE PRESENTATION ON LIST OF CURRENT PLANNING APPLICATIONS

RECOMMENDATION: Informal Presentation Only

5. CONSENT CALENDAR ITEMS:

All matters listed under the Consent Calendar are to be considered routine and will be enacted

by one motion. If discussion is required, that particular item will be removed from the consent calendar and will be considered separately.

5.1 APPROVAL OF THE PLANNING COMMISSION REGULAR MEETING MINUTES OF MAY 16, 2024

6. PUBLIC HEARINGS:

6.1 ADOPT A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PLYMOUTH RECOMMENDING CITY COUNCIL APPROVAL OF AMENDMENTS TO THE MUNICIPAL CODE TO TABLE 19.56.030-1, USE MATRIX FOR AGRICULTURAL AND RESIDENTIAL ZONING DISTRICTS, SECTION 19.98.020, GENERAL DEFINITIONS, AND TO ADD CHAPTER 7.52, HEN COOP, RESIDENTIAL TO TITLE 7, ANIMALS

RECOMMENDATION: Hold Public Hearing, receive public testimony, review, discuss, and Adopt Resolution 2024-01.

7. UNFINISHED BUSINESS: NONE

8. NEW BUSINESS:

8.1 DISCUSSION OF UPCOMING MUNICIPAL CODE AMENDMENTS

RECOMMENDATION: Discuss and possibly provide direction to staff

8.2 DISCUSSION REGARDING SENATE BILL 9 (TWO UNIT DEVELOPMENTS AND LOT SPLITS)

RECOMMENDATION: Discuss and possibly provide direction to staff

9. REPORTS:

- Commission
- Chairperson
- Planning Director
- City Staff

10. ADJOURNMENT

The next regularly scheduled Planning Commission Meeting date is July 18, 2024, since Thursday, July 4th is a holiday. The meeting will begin at 6:30 PM.

ADDITIONAL INFORMATION

Public documents related to items on the open session portion of this agenda, which are distributed to the Planning Commission less than 72 hours prior to the meeting, shall be available for public

inspection at the Planning Commission Secretary's office located at Plymouth City Hall and at the time of the meeting.

NOTICE:

In compliance with the Americans with Disabilities Act, if you need a disability-related modification or accommodation, including auxiliary aids or services, to participate in this meeting, please contact the Planning Commission Secretary at (209) 245-6941 Ext. 254 at least 48 hours prior to the meeting.

CERTIFICATION OF POSTING OF AGENDA

I, Dana Knight, Planning Commission Secretary for the City of Plymouth, declare that the foregoing agenda for the June 20, 2024 Regular Meeting of the Plymouth Planning Commission was posted and available for review on June 17, 2024 at the City Hall of the City of Plymouth, 9426 Main Street, Plymouth, California, 95669. The agenda is also available on the city website at www.cityofplymouth.org.

Signed June 17, 2024 at Plymouth, California

//s//

Dana Knight
Planning Commission Secretary

4.1



PLANNING COMMISSION AGENDA ITEM NO. 4.1
06/20/2024

SUBJECT: Current Planning Applications

DEPARTMENT: Planning Department

STAFF: Erica Fraser, AICP, Consulting Planner

TITLE

List of Current Planning Applications

BACKGROUND

During a previous Planning Commission meeting, the Commission asked for a list of all of the current planning applications under review. The attached document lists all projects currently under review in the City. This list does not include City led projects such as the Housing Element and Municipal Code Amendments or temporary use applications.

ATTACHMENT(S)

1. List of Current Planning Applications (as of June 12, 2024)

Residential and Commercial Planning Projects Under Review (as of 6/12/2024)

Application No.	Project Name	Project Location	Project Description	Status
2019-08	49er Village/Greilich Ranch	008-060-044	New single family residential development with 234 homes and an expansion of the existing 49er Village RV Park to allow an additional 214 recreational vehicles on-site.	Environmental Review is underway. Project is incomplete.
2022-09	Arco	010-062-001 and -002	New gas station with car wash and convenience store.	The Mitigated Negative Declaration (MND) for the project was circulated for a 30 day review. Comments were received and modifications to the MND and project are currently underway to address those comments.
2023-01	Veterans Park Phase II	18358 Empire Street	Minor Design Review	With City Manager and City Attorney.
2023-02	Hotel	010-150-025	88 Room Hotel on a portion of a 17.47 acre parcel	Project plans were recently submitted and are being reviewed by Staff.
2024-02	Taste Improvements	18673 Mineral Street	New trash enclosure	A Notice of Incompleteness was sent to the Applicant.

5.1



CITY OF PLYMOUTH
PLANNING COMMISSION
REGULAR MEETING DRAFT MINUTES
THURSDAY, MAY 16, 2024 at 6:30 PM

Plymouth City Hall - 9426 Main Street Plymouth, California

Thomas Mikkelsen, Chair

Michael Sullivan, Vice-Chair

Melvin Cossairt, Commissioner

William Klapproth, Commissioner

1. ROLL CALL:

Planning Commissioners Present: Thomas Mikkelsen, Michael Sullivan, Mel Cossairt, William Klapproth

Planning Commissioners Absent: None

Staff/Advisory Present: City Manager, Margaret S. Roberts; Senior Planner, Erica Fraser; Planning Commission Secretary, Dana Knight

2. APPROVAL OF PLANNING COMMISSION REGULAR MEETING AGENDA FOR MAY 16, 2024

Gary Diesen resigned from the Planning Commission on May 9, 2024. His name was left on the agenda in error.

Motion to approve the Regular Meeting Agenda as amended for May 16, 2024 by Vice Chair Sullivan, second by Commissioner Klapproth. Motion passed by roll call vote with 4 Yes votes by Cossairt, Klapproth, Sullivan and Mikkelsen; with 0 No votes, 0 Abstain votes, with no Commissioners absent.

3. PUBLIC COMMENT: NONE

4. PRESENTATIONS/APPOINTMENTS:

4.1 RECEIVE PRESENTATION REGARDING THE PROCESS FOR CEQA FROM DOCUMENT PREPARATION TO PUBLIC HEARING

RECOMMENDATION: Informational Presentation Only

No Public Comment

Senior Planner Fraser gave a presentation and answered questions regarding the process for CEQA from document preparation to a public hearing.

4.2 RECEIVE PRESENTATION REGARDING THE PROCESS FOR UPDATING THE GENERAL PLAN

RECOMMENDATION: Informational Presentation Only

No Public Comment

Senior Planner Fraser gave a presentation and answered questions regarding the process for updating the General Plan.

5. CONSENT CALENDAR ITEMS:

All matters listed under the Consent Calendar are to be considered routine and will be enacted by one motion. If discussion is required, that particular item will be removed from the consent calendar and will be considered separately.

5.1 APPROVAL OF THE PLANNING COMMISSION REGULAR MEETING MINUTES OF MARCH 7, 2024

No Public Comment

Secretary Knight commented that a few corrections are needed in the Minutes. Those corrections are as follows: Removal of City Manager Roberts’ name from the Staff Present section, since she was not in attendance. The consensus of the Commission for Item 8.1 has been corrected, as well as the wishes of the Commission for Item 8.2.

Motion to approve the Consent Calendar with the changes noted above by Vice Chair Sullivan, second by Commissioner Klapproth. Motion passed by roll call vote with 4 Yes votes by Cossairt, Klapproth, Sullivan and Mikkelsen; with 0 No votes, 0 Abstain votes, with no Commissioners absent.

6. PUBLIC HEARINGS: NONE

7. UNFINISHED BUSINESS:

7.1 DISCUSS CHAPTER 17.52, HEN COOP, RESIDENTIAL AND RELATED MINOR MODIFICATIONS TO THE ZONING ORDINANCE

RECOMMENDATION: Hold a discussion, take public comment, and provide direction on the proposed amendments regarding an amendment to Zoning Ordinance 17.52.

No Public Comment

It was decided that with the comments from tonight’s meeting, the Draft Ordinance will be revised and presented at the next Planning Commission Meeting during a Public Hearing. We will get public input to amend Title 7 of the Municipal Code to add Chapter 7.52 to allow the keeping of non-commercial hens for private use on properties zoned for single-family uses. After the public hearing, the Planning Commission will make a recommendation to the City Council for adoption of the amendment to Title 7.

8. NEW BUSINESS: NONE

9. REPORTS:

- Commission - None
- Chairperson - None
- Planning Director

Senior Planner Fraser let the Commission know that she will provide a list of ongoing projects at the next meeting.

- City Staff

City Manager Roberts reminded the Commission about the Flea Market on Saturday, May 18th. Vice Chair Sullivan commented that the pancake breakfast is always good.

10. ADJOURNMENT: 7:28PM

Respectfully submitted,

//s//

Dana Knight
Planning Commission Secretary

6.1



PLANNING COMMISSION AGENDA ITEM NO. 6.1

06/20/2024

SUBJECT: Municipal Code Amendments Related to Hens

DEPARTMENT: Planning Department

STAFF: Erica Fraser, AICP, Consulting Planner

TITLE

Chapter 17.52, Hen Coop, Residential and Related Minor Modifications to the Zoning Ordinance – Review of a draft of Chapter 17.52 Hen Coop, Residential and other minor modifications to the Zoning Ordinance to allow hens in single family residential zoning districts.

BACKGROUND

On March 5, 2020, the Planning Commission discussed potential regulations for the keeping of poultry in all single family residential zoning districts. During the meeting, the Planning Commission directed staff to bring the matter back to the Planning Commission for additional discussion at a later date.

At the August 5, 2021 Planning Commission meeting, the Planning Commission directed staff to draft a revision to the Municipal Code to allow for the keeping of poultry for single family zoning districts.

Based on discussion during the two meetings, Staff drafted regulations for poultry that were reviewed by the Planning Commission on May 16, 2024. The Planning Commission requested one minor change to the Draft Ordinance. No public comments on the proposed amendments were received.

DISCUSSION

In order to allow residents to keep hens in the Rural Residential and Standard Residential Zoning Districts, modifications must be made to Chapter 19.56, Residential and Agricultural Districts and Section 19.98.020, General Definitions. The proposed modifications are discussed in detail below.



PLANNING COMMISSION AGENDA ITEM NO. 6.1

06/20/2024

Chapter 7.52, Hen Coop, Residential

To include regulations for the care and keeping of hens, a new Chapter is proposed to be added to Title 7, Chickens. The proposed Chapter is discussed in detail below.

7.52.010, Definitions

Definitions used for this Chapter can be found in this section.

7.52.020, General Requirements

General requirements for this use can be found in this section. These general requirements include:

- Roosters are prohibited.
- Hens only are allowed.
- Hens shall not be kept for commercial purposes and may not be slaughtered.
- Hens shall not make continuous or excessive noise causing unreasonable disturbance to residents of adjacent properties.

Based on recommendations made by the Planning Commission during the May 16 meeting, 7.52.020.D was modified to read:

“Hens shall be confined to a coop or structure from sunset to sunrise. Hens may roam free within a fully fenced area within the rear yard at all other times.”

7.52.030, Limitations of Number of Hens

The number of hens allowed varies based on lot size. The allowed number of hens are proposed to be regulated as follows:

- Lots less than 4,000 sq. ft. – keeping of hens is not permitted.
- Lots 4,000 – 12,000 sq. ft. – allowed to have up to 6 hens.
- Lots over 12,000 sq. ft. – allowed to have up to 12 hens.

7.52.040, Chicken Coop Requirements

This section includes requirements regarding the location and design of chicken coops. All chicken coops are required to be located outside of the front yard setback



PLANNING COMMISSION AGENDA ITEM NO. 6.1

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area, set back five (5) feet from the side and rear property lines, and maintain a minimum separation of 25 feet from any habitable structures on adjoining parcels.

7.52.050, Care of Animals(s) Required

This section outlines the requirements owners must follow regarding the care of the hens.

Section 7.52.060, Enforcement

Enforcement of the rules and regulations of this Chapter shall be the responsibility of the Code Enforcement Officer or his or her designees.

Chapter 19.56, Residential and Agricultural Districts

The keeping of hens must be included in Table 19.56.030-1, Use Matrix for Agricultural and Residential Zoning Districts. This Section of the Municipal Code is proposed to be modified to include Hen Coop, Residential, as a permitted use type in the Agriculture, Rural Residential and Standard Residential Zoning Districts.

Section 19.98.020, General Definitions

This section is proposed to be amended to include the following definition under "Animal Keeping."

"Hen Coop, Residential. Hens in residential zoning districts for the production of eggs for personal consumption (non-commercial use). The number of hens is restricted to a maximum of six (6) hens for lots which are 4,000 square feet – 12, 000 square feet in size and twelve (12) hens for lots which are 12,000 square feet and above in size. Please see Chapter 17.52 for additional requirements."

DATE OF NOTICE

As required by State Law, a notice was published ten (10) days prior to hearing.

ENVIRONMENTAL DETERMINATION

The proposed Municipal Code amendments are exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines because



PLANNING COMMISSION AGENDA ITEM NO. 6.1

06/20/2024

the proposed amendments will not result in any direct physical change to the City and therefore the proposed amendments are not a project under CEQA and are exempt from further review (CEQA Guidelines, Section 15378). Future development of a site will be subject to the requirements of CEQA. Any future projects for development of a site within the City are required to be reviewed under CEQA.

FISCAL IMPACT

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ATTACHMENT(S)

1. Resolution recommending City Council approval of amendments to the Municipal Code to allow the residential keeping of hens.

CITY OF PLYMOUTH

RESOLUTION NO. 2024-01

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PLYMOUTH RECOMMENDING CITY COUNCIL APPROVAL OF AMENDMENTS TO THE MUNICIPAL CODE TO TABLE 19.56.030-1, USE MATRIX FOR AGRICULTURAL AND RESIDENTIAL ZONING DISTRICTS, SECTION 19.98.020, GENERAL DEFINITIONS, AND TO ADD CHAPTER 7.52, HEN COOP, RESIDENTIAL TO TITLE 7, ANIMALS

WHEREAS, on March 5, 2020, August 5, 2021, and May 16, 2024, the Planning Commission discussed potential modifications to the Municipal Code to allow the keeping of hens on residential properties; and

WHEREAS, the City desires to amend the Municipal Code to include Chapter 7.52, Hen Coop, Residential to Title 7, Animals, and amend Table 19.56.030-1 of Chapter 19.56, Residential and Agricultural Districts and Chapter 19.98.020 of Title 19, Zoning; and

WHEREAS, on June 20, 2024, the City of Plymouth Planning Commission conducted a public hearing, and discussed and reviewed proposed amendments to Title 7, Animals, and Title 19, Zoning, of the Municipal Code; and

WHEREAS, the Planning Commission is the appropriate authority to hear and make recommendations on this proposed ordinance; and

WHEREAS, a Staff Report was submitted to the Planning Commission of the City of Plymouth recommending approval of amendments to the Municipal Code to allow the residential keeping of hens; and

WHEREAS, the Planning Commission of the City of Plymouth has conducted a properly noticed public hearing pursuant to Government Code Section 65090 and has duly considered all written and verbal testimony presented during the hearing; and

WHEREAS, after closing the Public Hearing, the Planning Commission determined that the proposed Municipal Code amendments are exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines because the proposed amendments will not result in any direct physical change to the City and any future development projects will be subject to the requirements of CEQA and therefore the proposed amendments are not a project under CEQA and are exempt from further review (CEQA Guidelines, Section 15378; and

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF PLYMOUTH does hereby recommend that the City Council approve an amendment to Title 7, Animals, to add Chapter 7.52, Hen Coop, Residential (Exhibit A) and to amend Table 19.56.030-1 and Chapter 19.98.020 of Title 19, Zoning (Exhibit B) of the Municipal Code based on the following findings:

- A. The Planning Commission finds that these amendments should be adopted by the City Council in the form of an ordinance to allow the keeping of hens on single family properties for personal use.

- B. The proposed modifications to allow for the keeping of hens for use by residents is consistent with the single family land use designations in that hens may only be kept for personal use.
- C. The amendments includes regulations regarding the care and keeping of hens to ensure there are no negative impacts on surrounding properties consistent with the goals and policies of the General Plan.

PASSED AND ADOPTED by the Planning Commission of the City of Plymouth on the 20th day of June 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Thomas Mikkelsen, Chairman

ATTEST:

Victoria McHenry, Deputy City Clerk

Exhibit A

Modify Table 19.56.030-1 of Chapter 19.56, Residential and Agricultural Districts as follows:

Under category Agricultural Resources and Open Space add the use type “Hen Coop, Residential” and allow this use in as a permitted use in the Agriculture, Rural Residential and Standard Residential Zoning Districts as shown below:

	A	RR	S	VR
Agricultural Resources and Open Space				
Hen Coop, Residential	P	P	P	NP

Modify Section 19.98.020, General Definitions to include the following:

“Hen Coop, Residential. Hens in residential zoning districts for the production of eggs for personal consumption (non-commercial use). The number of hens is restricted to a maximum of six (6) hens for lots which are 4,000 square feet – 12, 000 square feet in size and twelve (12) hens for lots which are 12,000 square feet and above in size. Please see Chapter 17.52 for additional requirements.”

Exhibit B

Title 7 Animals

7.52 Hen Coop, Residential

7.52.010 Definitions

“Coop” shall mean the structure or building in which the hens are kept at night.

“Hen” means a female chicken.

“Hen Coop, Residential” is a land use category which means hens in residential zoning districts for the production of eggs for personal consumption.

“Personal Consumption” means the consumptions of eggs by the members of the household or the gift of produced eggs to friends and family.

“Rooster” means a male chicken.

7.52.020 General Requirements

- A.** No roosters are permitted to be kept on the property.
- B.** Hens shall be kept for egg production only. No hens shall be slaughtered on the premises.
- C.** Hens shall not be kept for commercial purposes.
- D.** Hens shall be confined to a coop or structure from sunset to sunrise. Hens may roam free within a fully fenced area within the rear yard at all other times.
- E.** Hens shall not make continuous or excessive noise causing unreasonable disturbance to residents of adjacent properties.

7.52.030 Limitation on Number of Hens

- A.** Hens may be kept on properties in the Agriculture (A), Rural Residential (RR), and Standard Residential (SR) Zoning District subject to the following:
 - 1. Up to six (6) hens may be kept on properties which are 4,000 square feet – 12,000 square feet in size.
 - 2. Up to twelve (12) hens may be kept on properties which are 12,000 square feet and above in size.

3. Properties which are less than 4,000 square feet in size may not have hens.

7.52.040 Hen Coop Requirements

A. All hen coops must conform to the following location requirements:

1. No hen coop shall be located within the required front yard setback established for the zoning district in which it is located.
2. All hen coops shall be set back a minimum, of five (5) feet from the side and rear property lines.
3. All hen coops shall maintain a minimum separation of 25 feet from any habitable structure(s) on the adjoining parcel(s).

B. Hen Coop Design

1. Hens shall be housed in a coop or structure constructed out of durable materials with four walls, a roof, and with adequate ventilation.
2. Include nesting boxes in each coop or structure.
3. Coops or structures shall be adequately sized or preened overcrowding and have ample space for movement.

7.52.050 Care of Hen(s) Required

The owner of any hen shall comply with the following:

- A.** Hens shall be housed in a coop or structure constructed out of durable materials with four walls, a roof, and with adequate ventilation.
- B.** Provide nesting boxes in each coop.
- C.** Provide hens with adequate food and water.
- D.** Store feed properly to prevent spoilage and access by other animals and rodents.
- E.** Keep the coop or building in which the hen(s) are kept in a clean and sanitary condition.
- F.** Provide adequate shelter and protection for hens(s) from the weather and elements.

7.52.060 Enforcement

- A.** Enforcement of this Chapter shall be carried out by the Code Enforcement Officer or his or her designees.
- B.** Any violation of this Chapter shall be a public nuisance and subject to the penalties and enforcement as provided in Title 20: Code Enforcement.

8.1



PLANNING COMMISSION AGENDA ITEM NO. 8.1
06/20/2024

SUBJECT: Municipal Code Amendments

DEPARTMENT: Planning Department

STAFF: Erica Fraser, AICP, Consulting Planner

TITLE

Upcoming Municipal Code Amendments

BACKGROUND

Both the Planning Commission and Staff have identified several potential amendments to the City of Plymouth's Municipal Code. The list of planned amendments has grown over the past year and Staff is requesting help from the Planning Commission in prioritizing these amendments.

ANALYSIS

The following list itemizes the upcoming Municipal Code amendments, listed in order for review and adoption as proposed by Staff:

1. Hen Ordinance (under review during tonight's meeting)
2. Accessory Dwelling Units
3. Short Term Rental Ordinance (minor modifications requested by Staff for clarity and enforcement purposes)
4. Housing Element Required Amendments (several are listed in the Draft Housing Element, most of the amendments are to ensure the Municipal Code complies with State Law)
5. Density Bonus Ordinance (amendments to comply with State Law)



PLANNING COMMISSION AGENDA ITEM NO. 8.1
06/20/2024

6. Chapter 19.18, Design Review and Zoning Clearance (minor amendment requested by Staff to clarify projects that require Minor or Major Design Review)
7. Home Occupations
8. Sidewalk Vending

Staff is requesting direction from the Planning Commission on the following:

1. Is the order proposed by Staff acceptable or are there any proposed modifications?
2. Are there any other Chapters of the Zoning Ordinance the Planning Commission would like to review during a Study Session?
3. Are there any other known or proposed amendments the Planning Commission would like to be added to the amendment list?

8.2



PLANNING COMMISSION AGENDA ITEM NO. 8.2
06/20/2024

SUBJECT: Senate Bill 9 – Two-Unit Developments and Urban Lot Splits Discussion

DEPARTMENT: Planning Department

STAFF: Erica Fraser, AICP, Consulting Planner

TITLE

Discussion of Senate Bill 9, Two-Unit Developments and Urban Lot Splits

BACKGROUND

Senate Bill (SB) 9 took effect on January 1, 2022. The purpose of SB 9 is to increase density in single family neighborhoods (the most expensive type of housing to own or rent) and to increase housing units in the State and to create more inclusive neighborhoods.

SB 9 applies to all single-family residential zoned properties with several key exceptions:

- Environmentally sensitive areas (i.e. farmland, wetlands, protected habitats, or easements);
- Environmental hazard areas (such as a fault zone) if mitigations are not possible;
- Historic properties and districts;
- Properties where the Ellis Act was used to evict tenants at any time in the last 15 years; and
- Additionally, demolition is generally not permitted for units rented in the last 3 years, rent-controlled units, or units restricted to people of low or moderate incomes.

SB 9 requires ministerial approval of the following:



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- Two-unit Housing Development – Two homes on an eligible single-family residential parcel (whether the proposal adds up to two new housing units or adds one new unit to one existing unit).
- Urban Lot Split - A one-time subdivision of an existing single-family residential parcel into two parcels. This would allow up to four units (unless a jurisdiction decides to allow additional units).

Two-Unit Housing Development

Under the provisions of SB 9, a person can request to construct a maximum of two primary dwellings units (attached or detached) on a single family residential parcel. The following requirements apply to all two-unit housing developments under SB 9:

- The City must review and process an application for a SB 9 development ministerially without any discretionary/subjective review;
- Development of a two-unit residential development and an Urban Lot Split is not subject to the California Environmental Quality Act;
- Minimum four foot interior side and rear yard setbacks;
- Front yard and street side setbacks shall be the same as the regulations for the zoning district in which it is located unless it precludes the construction of two 800 square foot units on the subject property;
- If the existing dwelling unit is demolished to make way for a new two-unit residential development, the City cannot impose any setback requirements that are above what was existing on the site prior to the dwelling being torn down;
- The residential dwellings may be attached as long as they meet building code safety standards;
- All uses are restricted to residential uses only;
- Provide a minimum of one off street parking space per unit unless the subject property is located within ½ mile, walking distance, to a major transit stop and then no parking spaces are required;



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06/20/2024

- The City may restrict the short term rental of dwelling units created by SB 9 to a term of greater than 30 days;
- The City must allow an ADU or JADU to be constructed per primary dwelling unit if the lot was not previously split under SB 9;
- The design of the unit must comply with any objective design standards or design guidelines the City has adopted for the Zoning District in which the property is located.

Urban Lot Splits

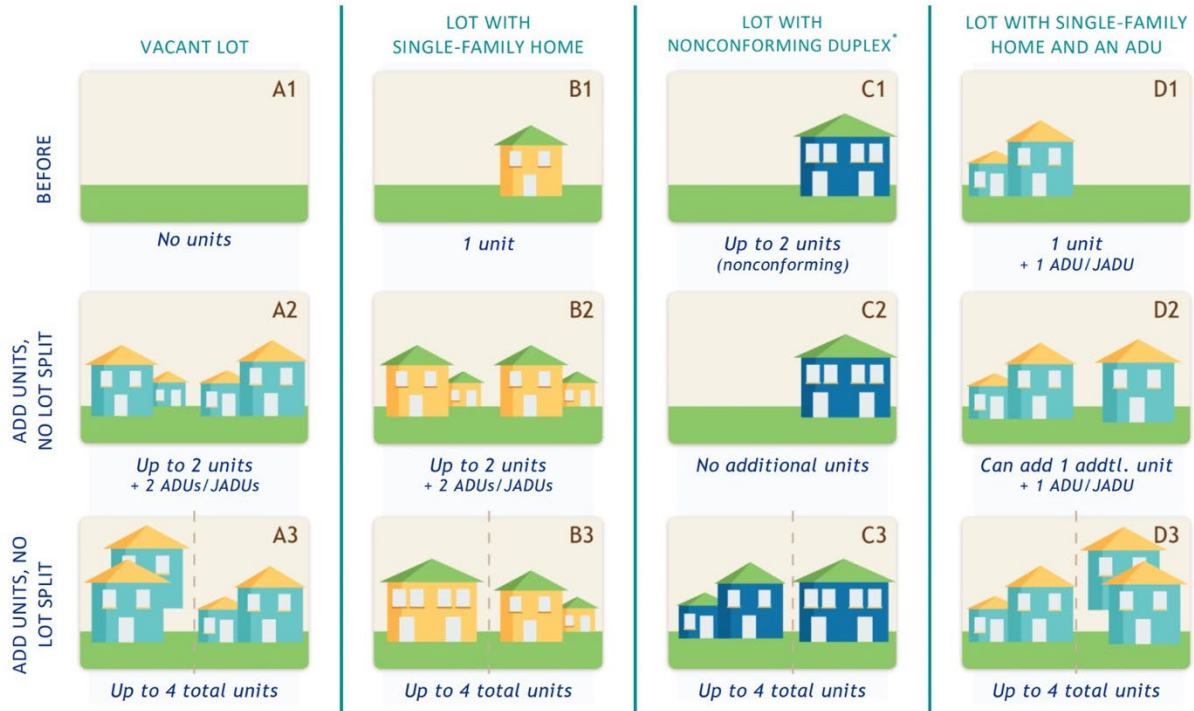
Under the provisions of SB 9, a person may choose to divide an existing residential parcel into two new parcels (otherwise known as an Urban Lot Split). This split may be conducted one time only and the two lots created by the lot split cannot be split later into additional lots. All Urban Lots Splits are required to comply with the following:

- Each new lot must be a minimum of 1,200 square feet in size;
- The Urban Lot Split must result in lots of approximately equal size provided that one parcel shall not be smaller than 40 percent of the size of the original parcel;
- The property owner must intend to occupy one of the units as their principle residence for a minimum of three years;
- A maximum of two dwelling units are allowed on each lot;
- The same development standards for a two-unit development (as stated above) shall also apply for the construction of dwelling units on the new parcel.

The following graphic prepared by the Association of Bay Area Governments illustrates potential scenarios that could occur on a single-family property under SB 9.



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*Legally constructed but not currently permitted. Check your local ordinance for nonconforming use policies.

USING SB 9 WITHOUT A LOT SPLIT:

- Without a lot split, SB 9 does not limit the number of ADUs or JADUs (B2, D2) - but other laws might.
- SB 9 *could be interpreted* to allow 2 new units beyond an existing unit (up to 3 units/lot, plus any allowed ADUs/JADUs).

USING SB 9 WITH A LOT SPLIT:

- SB 9 does not require jurisdictions to approve more than 4 units total, including any ADUs/JADUs.



SINGLE-UNIT DEVELOPMENTS

SB 9 can be used to develop single units - but projects must comply with all SB 9 requirements.

Review Process

Under SB 9, the City must review and process applications for SB 9 two-unit housing developments and urban lot splits ministerially without any discretionary/subjective review or CEQA. The City may only deny an SB 9 proposal if the Director of Development Services finds that it would have a "specific, adverse impact [as defined by the law], upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact." Any denials must be based on objective, identified public health and safety standards, policies, or conditions that existed when the application was submitted.

City of Plymouth Regulations



PLANNING COMMISSION AGENDA ITEM NO. 8.2
06/20/2024

In the City of Plymouth, a permit is not required for a new single-family residence (unless it is within the Downtown Historic Overlay or Scenic Overlay Districts). A permit is required for a lot split.

Staff is not proposing any amendments to the Municipal Code for these types of developments and recommends that state law be followed should an application be received. However, should the Planning Commission determine that a permit from the Planning Department should be required, Section 19.18.050, Minor Design Review, could be amended to require Staff level review of the construction of additional homes on a property under SB 9 in addition to the required permit for a lot split.