

AGENDA

City of Plymouth

PLANNING COMMISSION

REGULAR MEETING
THURSDAY, AUGUST 15, 2024
6:30 P.M.



9426 Main Street, Plymouth, California

Thomas Mikkelsen, Chair

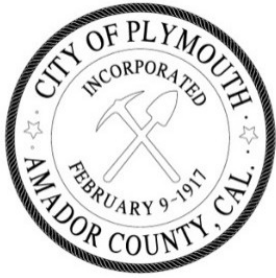
Michael Sullivan, Vice Chair

Melvin Cossairt, Commissioner

William Klaproth, Commissioner

Gail Shaw, 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, AUGUST 15, 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

Gail Shaw, 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 AUGUST 15, 2024

3. PUBLIC COMMENT:

Under provisions of the Government 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: NONE

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 JUNE 20, 2024

6. PUBLIC HEARINGS: NONE

7. UNFINISHED BUSINESS:

7.1 EDUCATIONAL ANIMAL HUSBANDRY FOLLOW-UP

RECOMMENDATION: Informational Only

8. NEW BUSINESS:

8.1 DISCUSSION OF THE HOUSING ACCOUNTABILITY ACT AND RECENT LAWS RELATED TO HOUSING IN THE STATE OF CALIFORNIA

RECOMMENDATION: Discuss and possibly provide direction to staff

8.2 DISCUSSION OF A PROPOSED AMENDMENT TO THE ZONING ORDINANCE TO INCLUDE A NEW ZONING DESIGNATION “MULTIFAMILY (MF) ZONING DISTRICT”, PROPOSED REZONING RELATED TO THE HOUSING ELEMENT, AND MINOR MODIFICATIONS TO CHAPTER 19.56, RESIDENTIAL AND AGRICULTURAL ZONING DISTRICTS, TO COMPLY WITH STATE LAW

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 September 5, 2024. 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 August 15, 2024 Regular Meeting of the Plymouth Planning Commission was posted and available for review on August 9, 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 August 9, 2024 at Plymouth, California

//s//

Dana Knight
Planning Commission Secretary

5.1



CITY OF PLYMOUTH
PLANNING COMMISSION
DRAFT REGULAR MEETING MINUTES
THURSDAY, JUNE 20, 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; Planning Director, Erica Fraser; Planning Commission Secretary, Dana Knight

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

Motion to approve the Regular Meeting Agenda for June 20, 2024 by Chair Mikkelsen, 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 ON LIST OF CURRENT PLANNING APPLICATIONS

RECOMMENDATION: Informal Presentation Only

No Public Comment

Planning Director Fraser gave a presentation and answered questions regarding the status of all applications that the Planning Department has currently.

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**

No Public Comment

Motion to approve the Consent Calendar by Commissioner Klapproth, second by Chair Mikkelsen. 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:

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.

Public Comment: Megan Moreno asked what will happen if the City Council passes the amendment to only allow six chickens on a 4,000 – 12,000 square foot lot, because she has twelve chickens currently on an 11,000 square foot lot? She stated that in 2016 a newsletter was sent in the Sewer/Water Bill that stated that you could have them on your property. After discussion, Planning Director Fraser let Ms. Moreno know that her property is zoned Standard Residential, which does not allow chickens. It was decided that as the chickens die off, Ms. Moreno would not get new ones to get the number of chickens to comply with the updated code.

Public Comment: Rosemarie Moreno Moody – Can 4H kids slaughter for their own use? Ordinance 7.60.010 specifies that there is no killing or butchering in residential areas, unless you have a business license to perform such an activity. Certain butchering is allowed per codes 7.60.030 & 7.60.040.

Can you give eggs to a neighbor. Yes, per Planning Director Fraser.

Per City Manager Roberts, Animal Husbandry was adopted by the City Council to allow some animals to be raised in the city limits before the fair. It has to be approved by the city manager. Staff will bring back a discussion of these regulations at the next meeting.

Motion by Commissioner Klapproth to accept Resolution 2024-01 regarding the Hen Ordinance including both Exhibit A & B as written. And come back at a future meeting to review the current ordinance around youth animal raising and look at the slaughter language within that, second by Vice Chair Sullivan. 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.

7. UNFINISHED BUSINESS: NONE

8. NEW BUSINESS:

8.1 DISCUSSION OF UPCOMING MUNICIPAL CODE AMENDMENTS

RECOMMENDATION: Discuss and possibly provide direction to staff

Planning Director Fraser gave an overview of Municipal Codes that need amending.

Public Comment: Rosemarie Moreno Moody asked for clarification on what is considered a short term rental and if there is a timeframe. Director Fraser explained the regulations.

The Commission decided unanimously to leave the process that the amendments come to the Planning Commission up to Director Fraser.

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

RECOMMENDATION: Discuss and possibly provide direction to staff

No Public Comment

Motion by Vice Chair Sullivan to direct staff to look into a permitting process at the Minor Design Review level on lot splits, 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.

9. REPORTS:

- Commission

Commissioner Klapproth thanked the community members that attended the meeting for voicing their opinions and giving good feedback. Chair Mikkelsen seconded that and thanked them as well.

- Chairperson - None
- Planning Director

Director Fraser will bring back the ordinance to discuss at the next meeting. It will be a big meeting that will include the Housing Accountability Act and all the bills that the state has that regulate what we can and can't do about housing and potentially some things that we will need to change to address that and the Housing Element.

- City Staff – None

10. ADJOURNMENT: 7:33PM

The next regularly scheduled Planning Commission Meeting date is Thursday, September 5, 2024. The meeting will begin at 6:30 PM.

Respectfully Submitted,

//s//

Dana Knight
Planning Commission Secretary

7.1



PLANNING COMMISSION AGENDA ITEM NO. 7.1

8/15/2024

SUBJECT: Educational Animal Husbandry Follow-up

DEPARTMENT: Planning Department

STAFF: Erica Fraser, Planning Director

TITLE

Educational Animal Husbandry follow-up

BACKGROUND

During a previous Planning Commission meeting, the subject of educational animal husbandry came up. On February 27, 2020, the City Council adopted a Resolution authorizing educational animal husbandry as a temporary use in the City.

In order to educate residents about the allowance for education animal husbandry, Staff has prepared a handout and application form and as posted these on our website. Additionally, Staff has created a Neighbor Notification Form to be used by Applicants notifying the adjacent property owners of their project. These forms are attached to this Staff Report.

ATTACHMENTS

1. Educational Animal Husbandry Handout
2. Educational Animal Husbandry Temporary Use Permit
3. Neighbor Notification Form



City of PLYMOUTH

Planning Department Educational Animal Husbandry

EDUCATIONAL ANIMAL HUSBANDRY

Animal husbandry is the field of agriculture that deals with breeding and taking care of farm animals. Animal husbandry is the breeding, raising, and managing of livestock. It involves many types of animals, including cattle, horses, birds, fish and bees. In the City of Plymouth, students (through twelfth grade) participating in FFA, 4-H, and school projects and under the direct supervision of a qualified adult advisor may keep animals on a temporary basis with approval of a Temporary Use Permit in all residential zoning districts.

TYPES OF ANIMALS

Cattle | Goat | Sheep | Poultry (i.e. chickens, turkeys, ducks, and geese) | Fish | Bee

REGULATIONS

The temporary keeping of animals is allowed pursuant to the following requirements:

- Prior to the keeping of any animal, the parent or guardian of the student and student shall apply for and receive approval of a Temporary Use Permit.
- All animal enclosures or corrals must be a minimum of 25 feet from all adjacent residential structures.
- Animals must always be confined and properly secured.
- The enclosure and shelters must be well-maintained, clean, and be constructed of suitable materials.
- Animals may not be kept in the front yard.
- Animals must be provided with adequate food, water, and ventilation.
- Feed must be stored properly to prevent spoilage and to prevent access to other animals and rodents.
- Educational animal project permits shall be issued for the period noted on the application form, during which time unscheduled monthly inspections may be conducted.
- Once the permit has expired, a new Temporary Use Permit shall be secured for future projects.
- In the event of a complaint, or if unsatisfactory conditions are identified through inspection, the 4-H, FFA or other accredited program representative shall cooperate with city staff to enforce the conditions of the educational animal project permit;
- Any violation of the permit requirements may result in the revocation of the educational animal project permit. The permittee shall be given written notification prior to consideration for revocation.

APPLICATION REQUIREMENTS

The following information shall be provided at time of application submittal:

- Complete Educational Animal Husbandry Temporary Use Permit application.
- Application Fee of \$50.00
- Site Plan: may use a Google image, clearly label all structures, property lines and where animals are kept. The distance between the housing/enclosure for the animals and the adjacent residential structures must be clearly labeled and must include the following information
 - a) Name, address, telephone number, and email address of applicant (and property owner, if different).
 - b) Assessor's Parcel Number and property address.
 - c) Drawn to scale (number of feet per inch).
 - d) Date prepared and date of revisions (if applicable).
 - e) Boundaries and dimensions of the subject property.
 - f) Location and dimensions of all existing structures and proposed structures, including all enclosures or corrals proposed for the animals. Label material type (e.g. wood, steel, etc.).

- g) Proposed setbacks for enclosures or corrals from existing on-site structures and structures on adjacent properties.
- Project Description: Detailing the animal husbandry project proposed, animal type, care of animal, animal quantity, project duration, etc.
- Completed Neighbor Notification Form. If unable to get signatures, please submit a letter attesting to the date sent to the neighbors and their addresses.

APPLICATION PROCESS

Upon receipt of an application and the required fee, the Planning Department will review your request for a Temporary Use Permit for completeness. If the application is incomplete, Staff will notify you of all items necessary for completeness within seven (7) days. If you are unable to get the adjacent properties to sign the neighbor notification form, the City will mail a letter to the property owners notifying them of the project and allowing them ten (10) days to comment on the request prior to approval. If the Temporary Use Permit is approved, Staff will email you a copy of the approval. The approval is valid for the period noted on the approval.



CITY OF PLYMOUTH

9426 Main Street
 Plymouth, CA 95669
 (209) 245-6941

For City Use Only	
Project No:	_____
Date submitted:	_____
Rec'd by:	_____
Fee:	_____

Educational Animal Husbandry Temporary Use Permit Application

Temporary Educational Animal Husbandry projects, including, but not limited to FFA, 4-H, and school projects, conducted by students through the twelfth grade and under the direct supervision of a qualified, responsible adult advisor or instructor, shall be required to apply for a Temporary Use Permit.

Project Location	
Project Address	
Assessor Parcel Number	
Total Lot Area	
Project Start Date	
Project End Date	
Proposed Type of Animals	
Proposed Number of Animals	

Student Information	
Student Name	
Parent(s)/Guardian(s) Names	
Email (of student and parent or guardian)	
Phone Number	
Mailing Address	
Name of School or Organization Associated with Project	
Name of Project Advisor	
Project Advisor Contact Information	

Property Owner Information and Acknowledgement				
Name				
Mailing Address				
City	State		ZIP	
Email			Phone	

I certify that I am/we are the record owner(s) or authorized agent, and that the information field is true and correct to the best of my knowledge. An authorized agent must submit a letter from the owner(s) indicating authority to sign the application on the owner's behalf.

Printed name of Property Owner(s)

Signature of Property Owner(s)

Printed name of Property Owner(s)

Signature of Property Owner(s)

If the subject property is owned by persons who have not signed as owners above, attach a separate sheet that references the application number and lists the printed names and signatures of all persons having an interest in the property.

Standard Conditions of Approval

The following Conditions of Approval shall be adhered to during the duration of the project's operations:

1. All animal enclosures or corrals must be at minimum 25 feet from all property lines.
2. Animals must always be confined and properly secured.
3. The enclosure must be well-maintained, clean, and constructed of suitable material.
4. Animals may not be kept in the front yard.
5. Animals must be provided with adequate food, water, and ventilation.
6. Feed must be stored properly to prevent spoilage and to prevent access to other animals and rodents.

Student and Parent/Guardian Acknowledgement

I certify that the information filed is true and correct to the best of my knowledge and I hereby acknowledge the above standard conditions of approval and any project specific conditions of approval added to my project.

Signature of Student

Date

Signature of Parent/Guardian

Date

Signature of Project Advisor

Date

Project Approval (Staff Only)

Date Received	
Date Deemed Complete	
Approval Date	
Approved By	
Expiration Date	
Project Specific Conditions	



City of PLYMOUTH

Planning Department Neighbor Notification Form

When completed, please return this form to the City of Plymouth Planning Division located at 9426 Main Street (P.O. Box 429) Plymouth, CA 95669

PROJECT INFORMATION (TO BE COMPLETED BY THE APPLICANT)

Name of Applicant	
Address of Proposed Project	
Project Description	

NEIGHBORING PROPERTY OWNER'S RESPONSE

I have reviewed the plans for the project described above and have noted my comments below (please check one or more boxes):

<input type="checkbox"/>	I have no objections to the proposed project.
<input type="checkbox"/>	I would like City Staff to call or email me to discuss my concerns.
<input type="checkbox"/>	I am opposed to this proposal in its current form because
<input type="checkbox"/>	I would like a copy of the approval emailed to me.

Date	
Name	
Mailing Address	
Email Address	
Phone Number	

Please return this form to the Planning Division within ten (10) days of receipt or to the project applicant.

8.1



PLANNING COMMISSION AGENDA ITEM NO. 8.1

8/15/2024

SUBJECT: Housing Accountability Act and Recent Housing Laws

DEPARTMENT: Planning Department

STAFF: Erica Fraser, Planning Director

TITLE

Discussion of the Housing Accountability Act and recent laws related to housing in the State of California.

BACKGROUND

In 1982 The State of California passed the Housing Accountability Act (HAA) to address opposition to growth within the state. Starting in 2017, the State began amending the HAA to address current conditions. The purpose of the HAA is to increase the availability of housing within the State by establishing a policy that local governments cannot deny, reduce the density of a project, or make a project infeasible that are consistent with objective local standards. The following is a discussion of some aspects of the HAA that are relevant to the Planning Commission.

Processing

The HAA applies to all residential housing projects and subdivisions (market rate and affordable) including mixed-use projects and projects on historic properties.

Planning Staff must process an application for a housing development in accordance with the Permit Streamlining Act and timelines established within the HAA.

The HAA requires written documentation of consistency with all standards (zoning ordinance, guidelines, general plan) within 30 days of completeness for housing developments which are less than 150 units and within 60 days for developments with more than 150 dwelling units. Should the Planning Department fail to do so, the project is deemed consistent with all requirements in accordance with the HAA.



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If the general plan and zoning ordinance do not match, the City must evaluate the project with the standards of the general plan and can use the standards of the zoning district that is similar to the general plan land use designation.

Review under the California Environmental Quality Act is required.

Objective Design Standards

The HAA requires cities to review projects against objective standards only. This includes zoning standards and design guidelines. Objective design standards or guidelines involve no personal judgment and are uniformly verifiable. The purpose of this requirement is to allow for easier interpretation of regulations by a project applicant. Cities used to rely on subjective design requirements in the past which were open for interpretation and could also be used to disapprove projects.

An example of a subjective design standard is "The second floor of a residence should be set back to break up the massing of the structure."

An example of an objective design standard is "the second floor shall be set back a minimum of five (5) feet from the first floor front wall of the house for at least 50 percent of the structure, unless the elevation plane is broken up through the use of a porch or similar architectural element which comprises a minimum of 50 percent of the length of the structure."

Staff is currently working on objective design standards for the City of Plymouth.

Denial of Projects

In accordance with the HAA, a City may only deny a residential project if it can make certain written findings based on a preponderance of evidence in the record.

A housing project can only be denied for the following reasons:

1. Does not comply with objective standards in the zoning ordinance; or
2. Does not comply with objective standards in the general plan and/or specific plan; or
3. Does not comply with objective design standards/guidelines (if adopted by the City); or
4. Would have a specific adverse impact on health and safety and there is no feasible method to satisfactorily mitigate or avoid the impact.



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When the project complies with all applicable objective general plan, zoning, and subdivision standards and criteria, the City can only deny a project for a specific adverse impact on health and safety. A specific, adverse impact means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed at the time the application was deemed complete.

The resolution for denial must include findings, based on the evidence in the record, that the housing project would have a specific, adverse impact on the health or safety unless the project is disapproved or approved with a condition of a lower density.

Additional protections are included in the HAA for affordable, farmworker housing, and emergency shelter projects.

Project Approvals

The HAA contains timelines that must be followed for bringing the project to hearings.

A City may impose conditions on a project; however, such conditions cannot directly or indirectly lower the density of a project. Conditions must also be evaluated to determine if they will make the project financially infeasible. Examples of conditions that make a project financially infeasible are the reduction of lot coverage, imposition of significant design or material modifications, or site modifications that are not based on objective requirements.

Recent Housing Legislation

In addition to the Housing Accountability Act, the State Legislature has passed several bills aimed at removing the barriers to and increasing the number of affordable dwelling units in the State. These bills are described in detail below:

- Senate Bill 9. This Bill was discussed during a previous study session and allows the construction of up to two primary dwelling units on a lot or allows an existing lot to be split to create up to four primary dwellings (or two per lot).
- Density Bonus. Density Bonus regulations have been amended several times by the legislature since its original adoption. The purpose of this bill is to encourage affordable housing by allowing incentives and concessions in



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exchange for affordable units. This law was previously discussed in detail during a previous study session.

- Senate Bill 10. SB 10 was passed by the legislature and amended Government Code 65913.5. This Bill allows a City to redesignate a property for residential development without performing review under the California Environmental Quality Act as long as the change would not allow more than 10 dwelling units to be constructed.
- Senate Bill 35. SB 35 was adopted in 2017 and seeks to streamline the approval of affordable projects. SB 35 only applies to projects which meet the required level of affordability, (minimum of 50 percent of the total units must be restricted to low or very low income), is located on an in-fill site, and complies with the existing general plan and zoning ordinance requirements. For projects that meet these requirements, review is streamlined and is reviewed and approved by Staff (no public hearings or review by the Planning Commission). All approvals are ministerial.
- Senate Bill 330. SB 330 (the Housing Crisis Act) was passed by the legislature in 2019 and applies to residential developments including transitional or supportive housing and mixed-use developments where at least 2/3 of the project's square footage is dedicated to residential uses. SB 330 allows a development to submit an application for SB 330 preliminary review to the City with minimal information (project plans are not required). This application submittal vests the applicant to the fees and regulations in effect at the time of application submittal while the rest of the items necessary for completeness are prepared and also limits the number of hearings concerning certain housing projects. Specific timelines for review and the submittal of a complete application are included within this bill.
- Assembly Bill 821. AB 821 states that if a development proposal is received that is consistent with the General Palan but not the zoning ordinance, the City must amend the zoning ordinance within 180 days so that it is consistent with the general plan or process the application in accordance with the general plan standards and not the zoning ordinance.

8.2



PLANNING COMMISSION AGENDA ITEM NO. 8.2

8/15/2024

SUBJECT: Proposed Zoning Ordinance Amendment to add a new multifamily zoning designation and related amendments

DEPARTMENT: Planning Department

STAFF: Erica Fraser, Planning Director

TITLE

Discussion of a proposed amendment to the Zoning Ordinance to include a new zoning designation "Multifamily (MF) Zoning District," proposed rezoning related to the Housing Element, and minor modifications to Chapter 19.56, Residential and Agricultural Zoning Districts, to comply with state law.

BACKGROUND

The City is currently in the process of preparing the 6th Cycle Housing Element. As part of the City's Housing Element, two opportunity sites for future residential development have been identified and will need to be rezoned to allow for residential uses. As such, Staff is proposing a modification to the Zoning Ordinance to include a new residential zoning designation to allow multifamily development.

Additionally, staff is recommending a few minor changes to Chapter 19.59, Residential and Agricultural Zoning Districts to comply with state law. The proposed modifications are discussed in detail below.

ANALYSIS

Residential Zoning in Plymouth

The City currently has three standard residential zoning districts:

1. Rural Residential (RR) which allows 0.60 to 2.28 dwelling units per acre.
2. Standard Residential (SR) which allows 4.0 to 4.8 dwelling units per acre.



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3. Village Residential allows mixed-use (residential and commercial) developments with 8.0 to 16.0 dwelling units per acre near the City's downtown.

Only two properties are zoned Village Residential. The Village Residential Zoning District is intended to "to reinforce the urban village character of downtown and to provide living opportunities within walking distance to downtown." However, only one property near the downtown area has this designation and the other parcel designated as Village Residential is located further south of the downtown.

High Density Residential Overlay District

Additionally, the City has an overlay zoning district which allows for higher density. The High Density Residential Overlay District (Chapter 19.66.050) was added in 2014 to meet the requirements of Program H-9 in the 2014 Housing Element. This overlay can be used to increase the density of a parcel within the Village Residential zoning district only. The use of this overlay would allow a parcel to increase in density from a maximum of 16 dwelling units per acre to 21 dwelling units per acre.

No land within the City has this overlay zoning district.

The overlay zoning district has specific requirements regarding minimum lot size and requires one parcel developments to be a minimum of 1.63 acres and developments which have more than one parcel must be a minimum of acre per parcel. The use of the overlay would require the project to comply with the requirements of the Village Residential zoning district and the Urban Residential General Plan Land Use Designation.

These requirements make it hard to allow for multifamily development within the City. Additionally, it also requires a property owner to rezone their property should they wish to develop their site (at their expense).

Since the amendment in 2014, no properties have applied for a rezone to the overlay zoning district. The City is in need of affordable housing and a variety of housing types to meet the needs of residents. Additionally, no affordable housing was constructed during the 5th Cycle Housing Element.

Therefore, Staff is proposing to repeal this Section of the Zoning Ordinance and add a new zoning designation, Multifamily (MF). This would allow the City to rezone two opportunity sites (more details to follow) and to provide a zoning district that could



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more easily be used by other applicants or property owners wishing to construct multifamily developments.

Affordable Housing and the Housing Element

The City is in need of affordable housing as well as a variety of housing types to meet the needs of its residents. For the 6th Cycle Housing Element, the City's Regional Housing Needs Share (RHNA) is as follows (this includes the carryover from the 5th Cycle):

- 27 very low income dwelling units
- 19 low income dwelling units
- 5 moderate income dwelling units

The above dwelling units are to be constructed within the 6th cycle. In order to meet our housing requirements the City will need to expand the availability of land for multi-family and is required to rezone adequate sites to accommodate the City's RHNA numbers.

Two sites have been identified in the City's Housing Element as opportunity sites. These properties are:

- APN 010-150-024 or 9621 Main Street (property owner is DAH Trust). This 1.45 acre site is currently zoned Suburban Commercial and has a general plan land use designation of Suburban Commercial.
- APN 010-111-007 or 9451 Pacific Street (property owner Peter Garabaldi). This 1.34 acre site is currently zoned Village Commercial and has a General Plan Land Use Designation of Urban Commercial.

In order to allow residential development on these sites, the sites will need to be rezoned to allow residential uses. In accordance with state law, the site must be rezoned within one year of the statutory deadline for adoption (which was September 15, 2021). As this deadline is past, the City must rezone these sites as soon as possible so that the housing element can be in compliance with state law. Additionally, the comment letter from HCD, dated May 8, 2023, identified that the Housing Element will remain out of compliance until the identified sites are rezoned.



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In order to achieve the City's RHNA numbers, the identified sites will need to be rezoned to allow for multifamily uses. The requirements of the High Density Overlay Zoning District are such that these properties could not be zoned with the overlay. As previously mentioned, the overlay district is restrictive and has not been used to upzone a property. Therefore, Staff is recommending that a new zoning designation be added to the Zoning Ordinance. This Zoning Designation would use the density allowance of the High Density Overlay Zoning District and could be used to rezone the two opportunity sites to ensure that multifamily housing could be constructed within the City.

Letters were sent to the property owners of both of these parcels informing them that the City plans to rezone their properties to multifamily and invited them to call or email if they had questions. A letter informing them of tonight's meeting was also mailed with a link to the Agenda and Staff Report. As of today, no comments have been received.

Chapter 19.56, Residential and Agricultural Districts

This chapter is proposed to be amended to include a new zoning designation. As shown in Attachment 1, a new Multifamily (MF) Zoning District is proposed. This designation would require a minimum of 16 dwelling unit per acre and a maximum of 21 units per acre (same as the existing overlay). Development standards and other requirements for this designation can be found in Attachment 1.

Text to be deleted is shown in red font with strikethrough. New text is in bold and underlined.

This zoning designation is consistent with the General Plan Land Use Designation of High Density Residential.

Properties Proposed to be Rezoned

Both APN 010-111-007 and 010-150-024 are proposed to be rezoned to Multifamily and would also require a General Plan Amendment to designate the parcels as High Density Residential so that the General Plan and Zoning are consistent. The rezoning and general plan amendment for these properties is required for the state to consider our Housing Element to be in substantial compliance with state law. Review under the California Environmental Quality Act (CEQA) for these two sites has been conducted in the Negative Declaration prepared for the Housing Element (this Negative Declaration has not been approved yet).



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Staff is aware of inconsistencies between the Zoning Ordinance and General Plan. APN 010-011-047 has been designated as High Density Residential in the General Plan and is zoned Standard Residential. With the last Housing Element, this property was designated for higher density to meet our RHNA numbers, however while the General Plan was amended, the property was never rezoned. Staff would like to rezone this property to Multifamily at the same time as the above two properties so that the General Plan and Zoning Ordinance are consistent, as required by law, and to allow the property to be developed without requiring the property owner to rezone their property. Review under CEQA will not be required because the site already allows a higher density to be constructed on the property (where the General Plan and Zoning Ordinance conflict, the General Plan takes precedence). Any development of the site in the future would require review under CEQA.

APN 010-178-008 is zoned Standard Residential and has a General Plan land use designation of Urban Commercial. These two designations conflict and as such, the site would need to be rezoned to a commercial use so that the general plan and zoning map are consistent. If the Planning Commission would like to rezone this parcel, that could be done at the same time as the above amendments.

Related Minor Modifications

The following minor modifications are also proposed to add the new Multifamily Zoning District:

- Add to Table 19.48.020-1 City of Plymouth Zoning Districts list.
- Add to Table 19.52.020-1 Relationship of General Plan to Zoning Districts list

Additional Modifications to the Zoning Ordinance

Minor modifications are proposed to Table 19.56.030-1, Use Matrix for Agricultural and Residential Zoning Districts to comply for state law as part of this update. Each of these changes are described in detail below and can be found in Attachment 1.

Mobile homes are currently noted as only being allowed with an AUP or CUP, however, state law requires a city to allow mobile and manufactured homes as a permitted use type. The matrix has been modified as required by the state.

The use type "Family Day Care" has been added to the use list. State law requires cities to allow family day care homes with up to 14 children as a permitted use. Family



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day care homes are those in which the property owner or occupant resides in the house and operates a small facility. This use type was not previously included.

Staff has also proposed to add "Child or Adult Day Care (More than 15)" to the use list. The current list only allows for facilities up to 14 people with an Administrative Conditional Use Permit. Larger facilities should be considered in the city to meet the need of residents and the growing demands for day cares and adult care. Staff is proposing to add this use and require approval of a Conditional Use Permit prior to operation.

A City must require similar permitting requirements for religious assemblies and other gatherings. Currently, the zoning ordinance is inconsistent with this requirement. Additionally, Staff is recommending that outdoor gathering and events in the Agriculture zoning district be allowed only with approval of an AUP. Large scale events can have parking and traffic control concerns that need to be addressed with conditional approval.

The categories "Dwellings, SF Second Unit Attached and Detached" are proposed to be removed. These two use types are not necessary because all accessory dwelling units will be regulated under a new chapter in the zoning ordinance.

The category "Solar Power Installation (Large)" and the accompanying note number 4 need to be removed. A City is prohibited from requiring a conditional use permit for the installation of solar panels (a solar farm is a different use type). No definition exists for this use type. All solar panels require a building permit.

General Plan Amendment

It appears that when the High Density Residential land use designation was added in 2014 that a description of the use was not included. Staff would like to amend this designation to ensure that there is a clear definition of this land use category and to ensure that anything built on a High Density designated space is used for multi-family purposes. The following amendments are proposed:

- On page 3-22, add the following category and description:

"High Density Residential is for attached dwellings including apartments, condominium, townhouses, triplexes, and fourplexes with a gross density of 16 to 21 units per acre. The purpose of this district is to allow for additional



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housing types throughout the City thereby meeting the needs of the City's residents."

- Add High Density Residential as an item to Table 3.2

NEXT STEPS

Based on feedback received from the Planning Commission at tonight's meeting, Staff will further amend and refine the proposed Zoning Ordinance amendments. The amendments will then be brought back before the Planning Commission. Rezoning of the proposed opportunity sites will be brought before the Planning Commission with the draft Housing Element and accompanying Negative Declaration.

ATTACHMENTS

1. Draft Chapter 19.56, Residential and Agricultural Districts

CHAPTER 19.56
RESIDENTIAL AND AGRICULTURAL DISTRICTS

§ 19.56.010. Purpose.

The purpose of this chapter is to establish residential use zoning districts in the City to provide for the housing needs of existing and future residents. This chapter describes allowed uses and development standards applicable to those districts in order to implement the City's General Plan residential land use categories.

§ 19.56.020. Characteristics of Residential Zoning Districts.

Each residential Zoning District is described below, identifying the characteristic uses, intensity, and level of development intended for that district.

- A. Agriculture (A). Intended for those areas within the Sphere of Influence (SOI) that are in the Williamson Act, beyond the 20 year growth area, and those for which there are not available and adequate facilities and services within the horizon of the currently adopted General Plan. There are residential development options to allow septic/well and septic/ rural water developments at very low densities, consistent with the intended agricultural character. Residential development would require clustering with 70 and 80% open space, respectively. These designations can establish long-term agriculture and vineyard investment protection.
- B. Rural Residential (RR). Designated for larger lot and fringe area development which allows gross average densities ranging from 0.60 to 2.28 dwelling units per acre. The lot size may be reduced from one acre to 21,780 square feet or 12,500 square feet with increases in open space from 10% to 20% and 25%, respectively. Both require development clustering to achieve allowable densities. Development may have well and septic systems and be part of a long-range planned annexation that addresses expanded City services. Isolated well and septic, surrounded by City-serviced property, is not allowed in new development.
- C. Standard Residential (SR). Allows for and encourages a full range and variety of single- family residential building forms, including detached and attached dwellings. Multiple- family developments can be permitted subject to open space requirements that preserve the character and overall density of the district. A variety of lot sizes and setbacks are allowed in order to create interesting vibrant and unique new developments. An average density of 4.4 homes (dwelling units, DUs) per acre and an average lot size of 6,000 square feet allows for densities and lot sizes to vary within a development in the district. Buffer yard requirements (setbacks) and design standards (height, lot coverage, bulk, rooflines) ensure adequate separation and buffering from other, less intensive uses within the neighborhood.
- D. Village Residential (VR). Allows for multifamily dwellings up to three stories immediately around the historic downtown. The purpose of this district is to reinforce the urban village character of downtown and to provide living opportunities within walking distance to downtown. This district can be used for planned development, redevelopment, or infill. In this district, while single-family detached dwellings currently exist, future development is oriented toward multifamily, higher-density developments with an average density range of 12 homes (dwelling units, or DUs) per acre on shared lots. Individual home lots are not encouraged so as to allow more people to be within walking distance of goods and services.
- E. **Multifamily Residential (MF). Allows for multifamily dwellings at a higher density. The purpose of this district is to encourage the constriction of multifamily dwelling units within the City to meet the housing needs of its residents. This designation requires a minimum density of 16 units per acre and a maximum of 21 dwelling units per acre. Single-family detached dwelling units are prohibited in this district.**

§ 19.56.030. Allowed Land Uses and Permit Requirements.

Table 19.56.030-1 identifies allowed uses and corresponding permit requirements for the residential Zoning Districts subject to compliance with all other provisions of this title. Descriptions/definitions of the land uses can be found in Chapter 19.98 (Glossary).

Use regulations in the table are shown using symbols as follows: "P," uses allowed by right; "AUP," uses that require an Administrative Use Permit; "CUP," uses that require approval of a Conditional Use Permit; and "N," uses that are not permitted.

TABLE 19.56.030-1 USE MATRIX FOR AGRICULTURAL AND RESIDENTIAL ZONING DISTRICTS					
Land Use Category	A	RR	SR	VR	MF
Artisan, Live Work	P	P	P	P	<u>P</u>
Boarding House	AUP	AUP	AUP	P	<u>P</u>
Convalescent Hospice Facility	AUP	AUP	P	P	<u>P</u>
Dwellings, SF Attached (Townhouses, Duplex, Four-Plex)	P ¹	P	P	P	<u>P</u>
Dwellings, SF Second Unit Attached	P	P	P	P	
Dwellings, SF Detached Second Unit	P	P	P	P	
Dwellings, Multifamily	P ¹	P ¹	AUP	P	<u>P</u>
Employee Housing	P	P	P	P	<u>P</u>
<u>Family Day Care – up to 14 Children in a home</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Group Home – 6 or Less Residents	P	P	P	P	<u>P</u>
Group Home – More Than 6 Residents	AUP	CUP	CUP	CUP	<u>CUP</u>
Home Occupations	P	P	P	P	<u>P</u>
Mobile/ <u>Manufactured</u> Homes	CUP <u>P</u>	AUP <u>P</u>	AUP P	NP	<u>P</u>
Supportive Housing	P	P	P	P	<u>P</u>
Transitional Housing	P	P	P	P	<u>P</u>
<u>Agricultural Resources & Open Space</u>					
Agricultural Tourism	AUP	AUP	N	N	<u>N</u>
Animal Husbandry, Commercial	P	N	N	N	<u>N</u>
Animals, Poultry	P	N	N	N	<u>N</u>
Animals, Livestock for Local Consumption	P	AUP	N	N	<u>N</u>

TABLE 19.56.030-1 USE MATRIX FOR AGRICULTURAL AND RESIDENTIAL ZONING DISTRICTS

Land Use Category	A	RR	SR	VR	MF
Crop Production, Commercial	P	CUP	N	N	<u>N</u>
Equestrian Hobby	P	AUP	N	N	<u>N</u>
Equestrian, Commercial	AUP	N	N	N	<u>N</u>
Hen Coop, Residential	P	P	P	P	<u>P</u>
Kennels, Hobby & Boarding	P	AUP	N	N	<u>N</u>
Public Assembly, Education & Recreation					
Private Schools ³	AUP	AUP	AUP	P	<u>P</u>
Recreational Vehicle Parks	CUP	CUP	N	N	<u>N</u>
Recreational Facility, Indoor/Outdoor	CUP	AUP	AUP	P	<u>N</u>
Religious Institution	CUP AUP	AUP	AUP	P	<u>N</u>
Outdoor Gatherings & Events	P AUP	AUP	AUP	AUP	<u>N</u>
Utility, Transportation, Industrial					
Wind Energy Conversion System	CUP	CUP	N	N	<u>N</u>
Ambulance Services	CUP	CUP	CUP	CUP	<u>N</u>
Solar Power Installation (Large)⁴	CUP	AUP	AUP	AUP	
Telecommunication Facilities	AUP	N	N	N	<u>N</u>
Parking Lots (Park & Ride, Touring)	AUP	AUP	N	N	<u>N</u>
Retail, Office & Services					
Bed and Breakfast ⁵	P	AUP	AUP	AUP	<u>N</u>
Child or Adult Day Care (Less than 15)	AUP	AUP	AUP	AUP	<u>AUP⁶</u>
<u>Child or Adult Day Care (More than 15)</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP⁶</u>
Emergency Response (Fire, Police)	CUP	CUP	CUP	CUP	
Medical or Nonmedical Marijuana Dispensaries	N	N	N	N	<u>N</u>
Medical or Nonmedical Marijuana Cultivation – Outdoor	N	N	N	N	<u>N</u>
Medical or Nonmedical Marijuana Cultivation – 6 Plants Inside Residence or Accessory Structure	Per Ch. 19.94	Per Ch. 19.94	Per Ch. 19.94	Per Ch. 19.94	<u>Per Ch. 19.94</u>
Commercial Marijuana Uses	N	N	N	N	<u>N</u>

TABLE 19.56.030-1 USE MATRIX FOR AGRICULTURAL AND RESIDENTIAL ZONING DISTRICTS

Land Use Category	A	RR	SR	VR	MF
Medical Care	AUP	AUP	AUP	AUP	<u>N</u>
ProceSSIONal Office – Less Than 1,000 sq ft ⁶²	AUP	AUP	AUP	AUP	<u>N</u>

Notes:

1. If part of a cluster development, preserving open space and natural resources, or providing affordable housing.
2. A small hen house for personal food production. No commercial production.
3. Accommodating fewer than 30 students on site at a time.
- ~~4. If installed on roof as part of building plan.~~
4. Five or less-room occupancy.
5. As an accessory use to a permitted use.

§ 19.56.040. Development Standards.

The following development standards are applicable to the Zoning Districts. These standards, along with other development standards (e.g., landscaping requirements, parking standards) in this title and Citywide Design Guidelines, are intended to assist property owners and project designers in understanding the City's minimum requirements and expectations for high quality development.

TABLE 19.56.040-1 RESIDENTIAL ZONE DEVELOPMENT STANDARDS					
Development Standards	A	RR	SR	VR	<u>MF</u>
Minimum Lot Area	40 acres	12,000 sq ft	2,000 sq ft	2,000 sq ft	<u>1,000 sq ft</u>
Average Lot Size	N/A unless clustered	1.0 ac	6,000 sq ft	4,000 sq ft	<u>2,500 sq ft</u>
Maximum Density (DUs per Acre) ¹	0.3du/ac	2.28 du/ac	4.8 du/ac	16.0 du/ac	<u>21 du/ac</u>
Minimum Density (Dus per Acre) ¹	2 du/40 ac	0.60 du/ac	4.0 du/ac	8 du/ac	<u>16 du/ac</u>
Setbacks (Minimum):					
Front yard	50 ft	20 ft/30 ft ²	14 ft/20 ft ³	5 ft	<u>10 ft</u>
Rear yard	50 ft	20 ft	15 ft	5 ft	<u>10 ft</u>
Side yard	25 ft	10 ft	5 ft	5 ft	<u>10 ft</u>
Maximum Lot Coverage	N/A	25%	50%	75%	<u>75%</u>
Open Space Requirement	80%	35%	25%	25%	<u>25%</u>
Height Primary Structure	35 ft	35 ft	35 ft	35 ft	<u>40 ft</u>
Height Accessory Structure	12 ft	12 ft	12 ft	12 ft	<u>12 ft</u>
Accessory Structures	See Chapter 19.78				
Parking	See Chapter 19.76				

Notes:

1. DUs—Dwelling units or housing units.
2. On rural residential lots, the front setback may be reduced to 20 feet for all active living quarters. Garages, rooms used for storage and other inactive portions of the house must remain behind the 30-foot setback.
3. On suburban residential lots, the front setback may be reduced to 14 feet for all active living quarters. Garages and other rooms used for storage and inactive portions of the house must remain behind the 20-foot setback.