

PLANNING COMMISSION
RESOLUTION NO. 2023-05

A RESOLUTION RECOMMENDING TO THE CITY COUNCIL AN AMENDMENT TO TITLE 10 (ZONING REGULATIONS) OF THE MODESTO MUNICIPAL CODE TO AMEND CHAPTER 4 (DEVELOPMENT STANDARDS) BY REPEALING SECTIONS 10-4.115 AND 10-4.116 AND ADDING A NEW ARTICLE 5 (ACCESSORY DWELLING UNITS). (CITY INITIATED)

WHEREAS, housing production in State of California has not kept pace with demand, resulting in the lack of housing and in particular lack of affordable housing; and

WHEREAS, changes to state laws that became effective on January 1, 2022 and January 1, 2023 are intended to encourage the development of accessory dwelling units in areas zoned for single-family and multi-family uses to contribute to the affordable housing supply in the city; and

WHEREAS, this code amendment will update the City of Modesto's Zoning Regulations to be consistent with State law regarding accessory dwelling units; and

WHEREAS, this code amendment is necessary at this time as the city undertakes an update of both the General Plan and the Housing Element; and

WHEREAS, a public hearing was held by the Planning Commission on February 6, 2023, in the Chambers, 1010 Tenth Street, Modesto, California, in accordance with, at which hearing evidence both oral and documentary was received and considered; and

WHEREAS, the proposed code amendment that addresses regulations for accessory dwelling units is Statutorily Exempt from CEQA pursuant to Section 15282 (h) of the State CEQA Guidelines that exempts the adoption of an ordinance regarding second units in a single-family or multi-family residential zone by a city or county to implement the provisions of Sections 65852.1 and 65852.2 of the Government Code; and

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission that it hereby finds and determines as follows:

1. The requested change will not be detrimental to the public health, safety, or welfare because providing more housing in compliance with building standards, especially affordable housing, will benefit the community.
2. The requested change will result in an orderly planned use of land because the amended regulations for accessory dwelling units will clarify where and how accessory dwelling units may be built.
3. The requested change is in accordance with the community's objectives as set forth in the General Plan and any applicable specific plans because the proposed code amendments allow for the development of more accessory dwelling units consistent with the goals of the Housing Element, a portion of the General Plan.

BE IT FURTHER RESOLVED by the Planning Commission that it recommends to the City Council that the amendment to Chapter 4 (Development Standards) by repealing Sections 10-4.115 and 10-4.116 and adding a new Article 5 (Accessory Dwelling Units) as shown in Exhibit A, be approved.

The foregoing resolution was introduced at the regular meeting of the Planning Commission held on February 6, 2023, by Commissioner Shanks, who moved its adoption, which motion was seconded by Commissioner Silva and carried by the following vote:

Ayes:	Pollard, Shanks, Silva, Vazquez
Noes:	None
Absent:	Birring
Recused:	None

BY ORDER OF THE PLANNING COMMISSION OF THE CITY OF MODESTO.

Signed Copy on File in CEDD
Planning

Jessica Hill, Secretary