

PLANNING COMMISSION
RESOLUTION NO. 2023-24

A RESOLUTION RECOMMENDING TO THE CITY COUNCIL AN AMENDMENT TO TITLE 10 (ZONING REGULATIONS) OF THE MODESTO MUNICIPAL CODE TO AMEND CHAPTER 7 (OTHER ZONES) BY ADDING A NEW ARTICLE 6 (MIXED USE PEDESTRIAN ORIENTED – MU-P); AND BY ADDING A NEW ARTICLE 7 (MIXED USE HIGHWAY ORIENTED – MU-H). (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, this code amendment is necessary as the City is in the process of updating both the General Plan and the 6th Cycle Housing Element; and

WHEREAS, the Housing Element must be adopted by December 31, 2023; and

WHEREAS, this zoning code amendment is intended to implement the actions proposed in the Draft Housing Element (submitted to the State Department of Housing and Community Development on July 31, 2023) to accommodate the City's Regional Housing Needs Allocation (RHNA) by providing sufficient, appropriately zoned land during the eight year planning period for the 6th Cycle Housing element.

WHEREAS, a public hearing was held by the Planning Commission on October 2, 2023, in the Chambers, 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered; and

WHEREAS, the City has caused to be prepared an Initial Study, Environmental Assessment No. EA/C&ED 2023-19, which concluded that the proposed zoning code amendments are within the scope of the General Plan Master Environmental Impact Report (SCH No. 2014042081) and that pursuant to Section 21157.1(b) of the CEQA Guidelines, no new environmental review is required.

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 the creation of the Mixed Use zones will provide a means to allow for the addition of multi-family land uses in areas currently developed (or under-developed) with commercial uses.
2. The requested changes will result in an orderly planned use of land because the proposed Mixed Use-Highway Oriented (MU-H) and Mixed Use – Pedestrian Oriented (MU-P) zones will allow for the inclusion of multi-family land uses in existing commercial corridors (i.e., areas with proximity to services and transit) while providing regulations to protect the privacy of single family residentially zoned land; and follow the goals of the Housing Plan to incorporate additional density through mixed-use development.

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 will provide a means for the City to zone additional sites to allow for the development of multiple-family residential uses in addition to the allowed commercial uses consistent with the State's required Regional Housing Needs Allocation.

BE IT FURTHER RESOLVED by the Planning Commission that it recommends to the City Council that the amendments to Chapter 7 (Other Zones) of Title 10 (Zoning Regulations) of the Modesto Municipal Code, by adding a new article, Article 6 (Mixed Use Pedestrian Oriented – MU-P); and, a new article, Article 7 (Mixed Use Highway Oriented – MU-H) as shown in Exhibit A and Exhibit B, be approved.

The foregoing resolution was introduced at the regular meeting of the Planning Commission held on October 16, 2023, by Commissioner Vohra, who moved its adoption, which motion was seconded by Shanks and carried by the following vote:

Ayes:	Birring, Russell, Shanks, Silva, Vohra
Noes:	None
Absent:	Vazquez
Recused:	None

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

Signed copy of file in CEDD

Jessica Hill, Secretary