

PLANNING COMMISSION
RESOLUTION NO. 2023-27

A RESOLUTION RECOMMENDING TO THE CITY COUNCIL AN AMENDMENT TO TITLE 10 (ZONING REGULATIONS) OF THE MODESTO MUNICIPAL CODE TO AMEND CHAPTER 2 (DEFINITIONS), ARTICLE 1 (DEFINITIONS) BY AMENDING SECTIONS 10-2.125, 10-2.133, AND 10-2.194 AND ADDING A NEW SECTION 10-2.149.10; AMEND CHAPTER 3 (LAND USE REGULATIONS), ARTICLE 2 (SPECIFIC LAND USE REGULATIONS) BY AMENDING SECTION 10-3.205 AND ADDING A NEW SECTION 10-3.208.10. (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, 2020, and January 1, 2023 required cities to identify zoning designations where emergency shelters and low barrier navigation centers may be allowed without a discretionary permit and subject only to specific objective standards to ensure an adequate supply of temporary housing in the city; and

WHEREAS, this code amendment will update the City of Modesto's Zoning Regulations to be consistent with State law regarding emergency shelters and low barrier navigation centers; and

WHEREAS, this code amendment is necessary 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 October 16, 2023, in the Chambers, 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered; and

WHEREAS, the proposed code amendment that addresses emergency shelters and low barrier navigation centers is not a project that would have a significant effect on the environment, therefore it is not subject to CEQA pursuant to Section 15061(b)(3) of the State CEQA Guidelines, the "commonsense exemption," which reasons that CEQA applies only to projects, which have the potential for causing a significant effect on the environment; 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 for the provision of emergency shelters to house homeless persons in compliance with building standards, will benefit the community.
2. The requested change will result in an orderly planned use of land because the amended regulations for emergency shelters and low barrier navigation centers will clarify where and how these temporary shelters may be built and operate.

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 for additional sites with appropriate zoning for the development of emergency shelters (sufficient to meet the community's need) and low barrier navigation centers 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 amendments to Title 10 (Zoning Regulations), Chapter 2 (Definitions), Article 1 (Definitions) by amending Sections 10-2.125, 10-2.133, and 10-2.194 and adding a new Section 10-2.149.10; and amending Chapter 3 (Land Use Regulations), Article 2 (Specific Land Use Regulations) by amending Section 10-3.205, and adding a new Section 10-3.208.10 as shown in Exhibit A, 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 Commissioner Birring 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 on file in CEDD

Jessica Hill, Secretary