

**PLANNING COMMISSION
RESOLUTION NO. 2024-11**

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), ARTICLE 1 (RESIDENTIAL ZONES) AND CHAPTER 4 (DEVELOPMENT STANDARDS), ARTICLE 5 (ACCESSORY DWELLING UNITS) (CITY INITIATED)

WHEREAS, housing production in the 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, 2024, and March 25, 2024, 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 proposed code amendment will update the City of Modesto's Zoning Regulations consistent with State law regarding accessory dwelling units; and

WHEREAS, a public hearing was held by the Planning Commission on July 15, 2024, in Chambers, 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, and staff was directed to modify the ordinance to reduce the maximum height of ADUs on lots developed with an existing or proposed Place of Worship to sixteen (16) feet, and clarify the maximum size of an attached ADU; and

WHEREAS, the regularly scheduled public hearing of the Planning Commission on August 5, 2024, was cancelled due to lack of a quorum, the item was continued to the next regularly scheduled meeting; and

WHEREAS, the proposed code amendment which makes corrections and clarifications to the regulations related to accessory dwelling units and junior 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 Government Code Section 66310 et. seq.; 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 amendments to Chapter 4 (Development Standards), Article 1 (Residential Zones) and 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 August 19, 2024, by Commissioner Russell who moved its adoption, which motion was seconded by Commissioner Black and carried by the following vote:

Ayes: Birring, Black, Grewal, Russell, Shanks

Noes: None

Absent: Silva, Vazquez

Recused: None

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

Signed copy on file in CEDD

Tristan Osborn, AICP, Secretary