PLANNING COMMISSION
RESOLUTION NO. 2025-29

A RESOLUTION RECOMMENDING TO THE CITY COUNCIL ADOPTION OF AN ORDINANCE UPDATING TITLE 10 (ZONING REGULATIONS) OF THE MODESTO MUNICIPAL CODE TO AMEND CHAPTER 2 (DEFINITIONS), ARTICLE 1 (DEFINITIONS); CHAPTER 3 (LAND USE REGULATIONS), ARTICLE 1 (PERMITTED AND CONDITIONAL LAND USES); CHAPTER 3, ARTICLE 2 (SPECIFIC LAND USE REGULATIONS); CHAPTER 4 (DEVELOPMENT STANDARDS), ARTICLE 1 (RESIDENTIAL ZONES); AND CHAPTER 4, ARTICLE 5 (ACCESSORY DWELLING UNITS) (CITY INITIATED)

WHEREAS, on December 5, 2023, the City Council adopted Resolution 2023-532, adopting the Modesto 2023-2031 Housing Element (hereinafter "the Housing Element"); and

WHEREAS, on April 10, 2024, the California Department of Housing and Community Development found the Housing Element in substantial compliance with State Housing Element Law per Gov. Code § 65580 et seq; and

WHEREAS, the Housing Element includes Program A-3, General Plan and Zoning Densities, which requires the City to revise the densities of the residential zones in the zoning code and align them with the General Plan; and

WHEREAS, the City is concurrently proposing an Amendment to the General Plan (GPA-24-999) that aligns with the proposed residential density herein as required by the adopted Housing Element; and

WHEREAS, the Housing Element also includes Program A-11, Facilitate Missing Middle/Middle Income Housing, which requires the City to amend the zoning code to allow to allow duplexes to be approved ministerially on all lots in the Low Density Residential (R-1) zone with a single-family residential use; and

WHEREAS, an Initial Study has been prepared as required by CEQA, which concluded that an Environmental Impact Report should be prepared; and

WHEREAS, a Programmatic Environmental Impact Report for the Modesto Urban Area General Plan was prepared, which concluded that the City Council would need to adopt a statement of overriding considerations as well as written findings in accordance with State CEQA Guidelines Section 15091 and 15093; and

WHEREAS, a 45-day public review period for the proposed draft Environmental Impact Report began on February 28, 2025, and concluded on April 15, 2025; and

WHEREAS, the City received two (2) public comment letters on the draft Environmental Impact Report and has made changes to the document as a result, addressing their contents and providing responses thereto within the Final EIR; and

WHEREAS, a public hearing was held by the Planning Commission on May 5, 2025, in Chambers, 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered; and

WHEREAS, the Planning Commission recommended in Resolution 2025-xx that the City Council certify the Environmental Impact Report in accordance with State CEQA Guidelines Section 15090 and adopt a Statement of Overriding Considerations as well as written findings in accordance with State CEQA Guidelines Section 15091 and 15093.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Commission of the City of Modesto that it hereby recommends that the City Council approve an Ordinance amending the Modesto Municipal Code as described in **Exhibit "A"**, attached hereto and incorporated herein by reference, and to find as follows:

1. The proposed changes will not be detrimental to the public health, safety, or welfare. The residential density changes will benefit the community by allowing higher density development, which the Housing Element promotes and encourages. The changes to allow duplexes ministerially in R-1 zones allow for additional options for landowners to provide housing, and also allow for additional

units in areas that would otherwise be considered built out. These changes benefit the public welfare by providing the opportunity for additional housing units to be built, and additional housing development and codification of duplexes will discourage substandard housing and ensure that housing is built compliant with Building and Fire Codes.

2. The proposed changes will result in an orderly planned use of land. The residential density changes provide consistency between the zoning ordinance and the General Plan, which makes preparing and reviewing plans for compliance with the regulations more reliable and allows for orderly development. The duplex changes build on the existing Code's allowance for duplexes on corner lots in the R-1 zone, extending the permission to all lots, providing consistency throughout the zone.

3. The proposed changes are in accordance with the community's objectives as set forth in the General Plan and any applicable specific plans. These changes implement the requirements of the Housing Element, which is a component of the General Plan.

BE IT FURTHER RESOLVED by the Planning Commission of the City of Modesto that it hereby recommends the City Council adopt the proposed amendment to the Urban Area General Plan as described in **Exhibit "A",** attached hereto and incorporated herein by reference.

The foregoing resolution was introduced at the regular meeting of the Planning Commission held on the 5th day of May 2025, by Commissioner Goriel, who moved its adoption, which motion being duly seconded by Commissioner Russell, was upon roll call carried and the resolution adopted by the following vote:

Ayes: Arroyo, Black, Goriel, Grewal, Russell, Shanks
Noes: None
Absent: Hauselmann
Recused: None

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

Signed copy on file in CEDD

Jessica Hill, Secretary

EXHIBIT "A"

AMENDMENTS TO MODESTO MUNICIPAL CODE